MODESTO CITY COUNCIL
RESOLUTION NO. 2017-01

Print

RESOLUTION DESIGNATING COUNCILMEMBER MANI GREWAL TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-02

Print

RESOLUTION APPROVING THE CITY OF MODESTO SPONSORSHIP OF THE 2017 CINCO DE MAYO PARADE, INCLUDING THE WAIVER OF CITY PERMIT FEES, POLICE OVERTIME COSTS, AND VEHICLE FEE EXPENSES INCURRED BY THE CITY OF MODESTO POLICE DEPARTMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO THE SPONSORSHIP

WHEREAS, the annual Cinco de Mayo Parade on Crows Landing Road is a tradition for families living in the Crows Landing Road area as well as all residents of Modesto and Stanislaus County, and

WHEREAS, the Parade first started in 2003 through the efforts of local non-profit groups with approximately 20 entries and 3,000 spectators, and

WHEREAS, in 2010, the non-profit organization, South Modesto Businesses United, began managing the Cinco de Mayo Parade, expanding it to over 60 entries and 12,000+ spectators, and

WHEREAS, this event brings the community together to celebrate the history and culture of Mexico and also has a growing economic benefit to businesses located on Crows Landing Road, and

WHEREAS, there are additional economic benefits for all the businesses that provide goods and services for the parade itself; and

WHEREAS, staff is requesting City Council approval to sponsor the 2017 Cinco de Mayo Parade, and

WHEREAS, the sponsorship will include the waiver of City permit fees, Police Department overtime costs, and vehicle fee expenses to provide public safety coverage for this event, and

WHEREAS, Police Explorers and Police Volunteers will also be used, at no cost, to provide the necessary staffing needed for this event, and

WHEREAS, the total expense to the City of Modesto to sponsor the 2017 Cinco de Mayo Parade is approximately $7,792.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto sponsorship for the 2017 Cinco de Mayo Parade including the waiver of City permit fees, overtime costs, and vehicle fee expenses incurred by the City of Modesto Police Department, for a total cost of approximately $7,792.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-03

Print

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND CARUSO SHOPPING CENTER TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 311 W. HATCH ROAD (APN: 038-026-050), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE WILL SERVE LETTER AND EXECUTE THE AGREEMENT

WHEREAS, Caruso Shopping Center owns commercial property located at 311W. Hatch Road which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at 311 W. Hatch Road, is not connected to the City's sewer system and is requesting a sewer connection due to a failing septic system, and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002, and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No. 3612-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval, and

WHEREAS, the property located at 311 W. Hatch Road is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with failing septic system, and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system, and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City, as required, to receive sewer service outside the City limits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for sewer service for the property located at 311 W. Hatch Road (APN: 038-026-050) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter and execute the Outside Service Agreement for sewer service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-04

Print

RESOLUTION ACCEPTING THE SUBMITTAL REQUIREMENTS FOR THE PROCESSING OF LANDMARK PRESERVATION PROJECT APPLICATIONS

WHEREAS, the Landmark Preservation Commission responsibilities have been transferred to the Community and Economic Development Department, effective July 1, 2016, and

WHEREAS, the Community and Economic Development Department established a Process Improvement program for development processes which identified the need for increased clarity and specificity in submittal requirements for development approvals, and

WHEREAS, on February 27, 2007, the City Council, by Resolution No. 2007-154, formally established submittal requirements for several types of zoning and development applications, and

WHEREAS, submittal requirements for Landmark Preservation-related applications serve to ensure that important information is collected prior to processing the entitlement; to facilitate processing of the entitlement; and, to ensure a predictable and equitable approach to processing entitlements, and

WHEREAS, at its regular meeting of October 17, 2016, the Landmark Preservation Commission discussed proposed submittal requirements for applications to designate a local landmark, to remove a property from the Eligible Historic Properties list, and to alter, renovate, or demolish a landmark or building eligible for landmark status, and

WHEREAS, at its meeting of November 28, 2016, the Landmark Preservation Commission approved a resolution recommending City Council adopt the submittal requirements for Landmark Preservation-related applications, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 10, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed application submittal requirements, and

WHEREAS, after said public hearing the Council found and determined that adoption of application submittal requirements is consistent with public necessity, convenience and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed application submittal requirements as described in **Exhibit "A", attached** hereto and incorporated herein by reference, are required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed application submittal requirements as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CITY OF MODESTO
Community and Economic Development Department/Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642
Modesto, CA 95353
(209) 577-5267 (209) 491-5798 FAX

Landmark Designation Application Submittal Requirements

GENERAL REQUIREMENTS:

☐ 1. The first two pages of the Uniform Application must be typed or printed and filled in completely. Please recycle the remaining sheets.

If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

☐ 2. Three (3) copies of a narrative describing the character defining features of the building or object, including architectural style, interior spaces, secondary buildings, and mature landscaping, as appropriate.

☐ 3. Three (3) copies of any photos or similar documentation, including information from the City's historic resources survey and Modesto's Historic Resources Database. Photos should be recent and show all sides of the resource and include close-up photos of distinguishing characteristics.

☐ 4. Three (3) copies of a completed DPR 523a and/or DPR 523b, as applicable, prepared by a person who meets the Secretary of the Interior's Professional Qualification Standards (see http://www.modestogov.com/1152/Landmark-Preservation-Commission for detailed information).

☐ 5. Photographs of the site and surrounding properties to illustrate context.

☐ 6. Construction history and building condition, building plans, if available, any alterations to the building, and whether it is located on its original site and date moved, if applicable. This section will include potential threats to the property, including vandalism, zoning, or other factors that could damage the property.

☐ 7. Historic significance of the property, including any information to support a finding of significance under the criteria described in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code), including sources (books, documents, personal interviews).

☐ 8. All applicable filing fees (see adopted fee schedule).

FOR YOUR INFORMATION: Staff may deem additional information necessary to adequately review the application, complete environmental review for the project, or make recommendations to the Landmark Preservation Commission. Completion of the application does not presume approval nor staff support of the application. Such approval is discretionary with the Director, Planning Commission, and/or City Council. The Director, Planning Commission, or City Council may deny, modify, or conditionally approve the application.

About Landmarks and Historic Properties

Is my property a landmark?
For a property to be considered a landmark, it must be listed on Modesto's List of Historic Resources or be included in Modesto's Historic Resources Inventory and determined to meet the designation criteria for historic landmarks by the Landmark Preservation Commission. These properties are determined to be Eligible Historical Resources. Any area and neighborhood surveyed in accordance with the standards established by the California Office of Historic Preservation and determined to meet the designation criteria for historic district by the Landmark Preservation Commission is determined to be an Eligible Historic District. To find out if your property is on the list, please contact the Planning Division.

Can I have my property designated a landmark?
Any property or structure that meets the criteria in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code) can be designated a Modesto Landmark. The City has already conducted a Historic Resources Inventory and many of those properties are on the City's List of Eligible Historic Resources. Some research on many of these properties has already been conducted. If a property is not on the City's List of Eligible Historic Resources, it may still be designated if it meets the designation criteria, once the property is surveyed.

Can I have my neighborhood designated?
Any neighborhood that meets the criteria in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code) can be designated a Modesto Historic District Properties that contribute to the significance of the neighborhood are considered contributing structures and are treated just like a landmark. Newer structures and those that do not contribute to the significance of the neighborhood are considered non-contributing structures. These properties have more flexibility with alterations, but are not eligible for preservation incentives. In order for a neighborhood to be designated, a majority of the properties in the proposed district must be contributing structures.

What is the designation process?
Complete and submit an application with the material identified in the submittal requirements to the Planning Division for review. The Planning Division will research the property with assistance of the McHenry Museum and County Library, to determine the historic significance of the property. A staff report will be prepared and presented to the Landmark Preservation Commission. The Landmark Preservation Commission will hold a public hearing to consider the application and staff report and make a recommendation to City Council. The City Council will then hold a public hearing and decide whether to designate the property a Modesto Landmark.

Modesto's Municipal Code (Title 9, Chapter 10) includes these definitions of historic significance:

(a) Significance: The quality of the information, example, interest or meaning represented by the site for understanding and appreciating the past, development or culture.

(b) Historic Significance: Associated with activities, processes, events, trends or persons of importance to the community, state or nation.

(c) Architectural Significance: Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.

(d) Cultural Significance: A significant setting of manmade or natural features (including significant trees or other plant life located thereon), or a combination, possessing meaning primarily by long association or identification with the community and/or its citizens.

(e) Archaeological Significance: A setting possessing the potential to reveal information important to historic or prehistoric studies.

(f) Engineering Significance: A work demonstrating a technology, design or method characteristic of a historic period or activity.

(g) Modesto Landmark Preservation Site: An area, district, building, structure or object, which has been designated for preservation for reasons of its significance by the City Council.

CITY OF MODESTO
Community and Economic Development Department/Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642
Modesto, CA 95353
(209) 577-5267 (209) 491-5798 FAX

Removal from Eligible Historic Properties List Application Submittal Requirements

GENERAL REQUIREMENTS:

☐ 1. The first two page of the Uniform Application must be typed or printed and filled in completely. Please recycle the remaining sheets.

If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

☐ 2. Three (3) copies of any photos or similar documentation, including information from the City's historic resources survey and Modesto's Historic Resources Database. Photos should be recent and show all sides of the resource and include close-up photos of distinguishing characteristics.

☐ 3. Construction history and building condition, building plans, if available, any alterations to the building made since the most recent historic resources survey was conducted, and whether it is located on its original site and date moved, if applicable. This section will include potential threats to the property, including vandalism, zoning, or other factors that could or have damaged the property.

☐ 4. Historic significance of the property, including any information indicating how the building does NOT meet the criteria for designation described in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code), including sources (books, documents, personal interviews).

☐ 5. All applicable filing fees (see adopted fee schedule).

FOR YOUR INFORMATION: Staff may deem additional information necessary to adequately review the application, complete environmental review for the project, or make recommendations to the Landmark Preservation Commission. Completion of the application does not presume approval nor staff support of the application. Such approval is discretionary with the Director, Planning Commission, and/or City Council. The Director, Planning Commission, or City Council may deny, modify, or conditionally approve the application.

About Removal from the Eligible Historic Properties List

The City Council, following the recommendation of the Landmark Preservation Commission, has declared almost 60 properties as Modesto Landmarks and hundreds of sites as eligible properties on the Historic Resources Database. Unfortunately, many of the properties surveyed in the 1990s have lost their integrity.

The Landmark Preservation Commission intends to reevaluate the properties on the Historic Resources Database, but this may take many years.

In order to streamline the process of evaluating and removing properties from the Historic Resources Database, property owners may request that their properties be removed from the list of eligible properties on the Historic Resources Database. If it is determined that your property no longer meets the designation criteria of the Landmark Preservation Ordinance (Title 9, Chapter 10 of the Modesto Municipal Code), the Landmark Preservation Commission will consider whether to remove it from the list. City Council will consider the recommendation of the Landmark Preservation Commission and make a determination.

Complete and submit an application with the material identified in the submittal requirements to the Planning Division. The Landmark Preservation Commission will hold a public hearing to consider the request.

Please note that any evaluation will be good for five (5) years. A property will only be evaluated if the most recent survey is over five (5) years old and an evaluation has not been made within the last five (5) years.

EVALUATION CONSIDERATIONS

Integrity In addition to having significance, resources must have integrity for the period in which it is significant. The period of significance is the date or span of time within which significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by th survival of characteristics or historic fabric that existed during the resource's period of significance. Only after significance has been established should the issue of integrity be addressed. The following concerns should be considered when evaluating properties for integrity.

1. **Design** Any alterations to the property should not have adversely affected the character-defining features of the property. Alterations to a resource or changes in its use over time may have historical, cultural, or architectural significance.
2. **Setting** Changes in the immediate surroundings of the property (buildings, land use, topography, etc.) should not have adversely affected the character of the property.
3. **Materials and Workmanship** Any original materials should be retained, or if they have been removed or altered, the replacements have been made that are compatible with the original materials.
4. **Location** The relationship between the property and its location is an important part of integrity. The place where the property was built and where historic events occurred is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in a few cases, the relationship between a property and its historic associations is destroyed if the property is moved.
5. **Feeling** Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character.
6. **Association** Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle.

   Because feeling and association depend on individual perceptions, their retention alone is not sufficient to support eligibility.

Historical resources must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.

CITY OF MODESTO
Community and Economic Development Department/Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642
Modesto, CA 95353
(209) 577-5267 (209) 491-5798 FAX

Request to Alter, Renovate, or Demolish Landmark or Landmark-Eligible Building Submittal Requirements

GENERAL REQUIREMENTS:

☐ 1. The first two pages of the Uniform Application must be typed or printed and filled in completely. Please recycle the remaining sheets.

If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

☐ 2. Three (3) copies of a narrative describing the character defining features of the building or object, including architectural style, interior spaces, secondary buildings, and mature landscaping, as appropriate.

☐ 3. Three (3) copies of any photos or similar documentation, including information from the City's historic resources survey and Modesto's Historic Resources Database. Photos should be recent and show all sides of the resource and include close-up photos of distinguishing characteristics.

☐ 4. Three (3) copies of a completed DPR 523a and/or DPR 523b, as applicable, prepared by a person who meets the Secretary of the Interior's Professional Qualification Standards (see http://www.modestogov.com/1152/Landmark-Preservation-Commission for detailed information)..

☐ 5. Photographs of the site and surrounding properties to illustrate context.

☐ 6. Three (3) copies of building permit application and building plans folded to 8-1/2" x 11".

☐ 7. Completed Environmental Information Form

☐ 8. All applicable filing fees (see adopted fee schedule).

Please note that, pursuant to California Code of Regulations Section 15064.5, demolition or alteration of a designated or potential historic landmark may be considered a significant impact. Additional documentation may be required, with costs of preparation borne by the applicant.

FOR YOUR INFORMATION: Staff may deem additional information necessary to adequately review the application, complete environmental review for the project, or make recommendations to the Landmark Preservation Commission. Completion of the application does not presume approval nor staff support of the application. Such approval is discretionary with the Director, Planning Commission, and/or City Council. The Director, Planning Commission, or City Council may deny, modify, or conditionally approve the application.

About Landmarks and Historic Properties

Is my property a landmark?
For a property to be considered a landmark, it must be listed on Modesto's List of Historic Resources or be included in Modesto's Historic Resources Inventory and determined to meet the designation criteria for historic landmarks by the Landmark Preservation Commission. These properties are determined to be Eligible Historical Resources. Any area and neighborhood surveyed in accordance with the standards established by the California Office of Historic Preservation and determined to meet the designation criteria for historic district by the Landmark Preservation Commission is determined to be an Eligible Historic District. To find out if your property is on the list, please contact the Planning Division.

Can I have my property designated a landmark?
Any property or structure that meets the criteria in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code) can be designated a Modesto Landmark. The City has already conducted a Historic Resources Inventory and many of those properties are on the City's List of Eligible Historic Resources. Some research on many of these properties has already been conducted. If a property is not on the City's List of Eligible Historic Resources, it may still be designated if it meets the designation criteria, once the property is surveyed.

Can I have my neighborhood designated?
Any neighborhood that meets the criteria in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code) can be designated a Modesto Historic District Properties that contribute to the significance of the neighborhood are considered contributing structures and are treated just like a landmark. Newer structures and those that do not contribute to the significance of the neighborhood are considered non-contributing structures. These properties have more flexibility with alterations, but are not eligible for preservation incentives. In order for a neighborhood to be designated, a majority of the properties in the proposed district must be contributing structures.

What is the designation process?
Complete and submit an application with the material identified in the submittal requirements to the Planning Division for review. The Planning Division will research the property with assistance of the McHenry Museum and County Library, to determine the historic significance of the property. A staff report will be prepared and presented to the Landmark Preservation Commission. The Landmark Preservation Commission will hold a public hearing to consider applications for demolition and make a recommendation to City Council. The City Council will then hold a public hearing and decide whether to designate the property a Modesto Landmark. Applications to alter or renovate will only be considered by the Landmark Preservation Commission, which will determine whether the change is appropriate.

Modesto's Municipal Code (Title 9, Chapter 10) includes these definitions of historic significance:

(a) Significance: The quality of the information, example, interest or meaning represented by the site for understanding and appreciating the past, development or culture.

(b) Historic Significance: Associated with activities, processes, events, trends or persons of importance to the community, state or nation.

(c) Architectural Significance: Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.

(d) Cultural Significance: A significant setting of manmade or natural features (including significant trees or other plant life located thereon), or a combination, possessing meaning primarily by long association or identification with the community and/or its citizens.

(e) Archaeological Significance: A setting possessing the potential to reveal information important to historic or prehistoric studies.

(f) Engineering Significance: A work demonstrating a technology, design or method characteristic of a historic period or activity.

(g) Modesto Landmark Preservation Site: An area, district, building, structure or object, which has been designated for preservation for reasons of its significance by the City Council.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-05

Print

RESOLUTION APPROVING A PROPOSED AGREEMENT INCLUDING LANGUAGE CHANGES FOR A SUCCESSOR MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND MODESTO POLICE MANAGEMENT ASSOCIATION (MPMA) FOR A TERM OF JANUARY 1, 2017 TO SEPTEMBER 3, 2019; AND AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Police Management Association (MPMA) expired on December 31, 2016, and

WHEREAS, representatives of the CITY and the MPMA have met and conferred in good faith concerning wages, hours, terms and conditions of employment for employees in said bargaining unit, and

WHEREAS, the CITY and MPMA have reached agreement on language changes for a successor MOU which, upon execution, shall be **attached** hereto and made a part hereof, and

WHEREAS, the MOU provides as follows:

SECTION 1. TERM. The term of the MOU shall be from January 1, 2017 to September 3, 2019.

SECTION 4. SALARY. The City shall increase the salary schedule by two percent (2.0%) effective January 10, 2017; followed by an additional increase of two and one half percent (2.5%) effective June 27, 2017; and followed by an additional increase of three percent (3%) effective June 26, 2018. Effective August 20, 2019, the City shall increase base salary ranges for all classes by CPI-U Western Cities. In addition, the salary range for Police Lieutenant shall increase from range 617 to range 618. Salary

ranges shall increase in accordance with the schedules set forth in **Exhibits A through D attached** hereto.

For Sergeants with fifteen (15) years of service or more, they will receive a two percent (2.0%) increase for a total of 2.0% effective June 27, 2017. Sergeants with ten (10) years of service or more will receive a one percent (1.0%) increase for a total of one (1.0%) with successful completion of one supervisory collateral assignment effective June 27, 2017. For Lieutenants with twenty (20) years of service or more, they will receive a two percent (2.0%) increase for a total of 2.0% effective June 27, 2017. Lieutenants with fifteen (15) years of service or more will receive one percent (1.0%) increase for a total of 1.0% effective June 27, 2017. The maximum an officer can receive will be 3% after 20 years of service. Current members of MPMA are eligible for the longevity pay; new members are required to meet additional stipulations.

SECTION 5. SPECIAL COMPENSATION.

a) Additional 2.0% to Supervisory Post pay effective March 7, 2017.

b) 1% POST pay incentive from previous agreement to expire effective December 26, 2016

c) Collateral Assignment Pay of 1.0% effective June 27, 2017 to apply to SWAT, CIT and K9 units only, additional 0.5% for Collateral Assignments effective June 26, 2018 and additional 1% effective August 20, 2019 for a total incentive pay of 2.5%.

d) Employees will be eligible to remain in Specialty Assignments, up to four years, only with a satisfactory annual performance review in that assignment.

e) Employees will be eligible to remain in a Collateral Assignment, only with a satisfactory annual performance review.

f) Eliminate Special Pay for Lieutenants performing as Watch Commanders. In lieu, employees with a Bachelor's Degree will receive 2.5%. Employees currently in MPMA will be grandfathered in. This applies for newly hired Lieutenants.

g) Employees in multiple Special or Collateral Assignments will only be compensated up to a maximum of five percent (5%).

h) Bilingual Pay to change from 3 hours of CTO to 2.75% Incentive Pay

SECTION 11. RETIREMENT. Effective June 27, 2017, the City shall increase base salary by two and one half percent (2.5%) and the Association shall pick up three percent (3.0%) of the employee's PERS contribution. The additional three percent (3.0%) is on the employer side of the pension contribution as allowed under Public Employee Pension Reform Act (PEPRA).

SECTION 12. RETIREE HEALTH INSURANCE. To be addressed during Health Reopener.

SECTION 13. HEALTH, DENTAL, VISION INSURANCE. The City's contribution to health, dental and vision benefits shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by four (4) percent annually as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00

Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

There will be a reopener on this section to commence no later than January 31, 2017.

SECTION 19. HOLIDAYS. Holiday days off will be valued at ten (10) hours each.

SECTION 20. SICK LEAVE. Attendance policy to have parity with another City Association.

SECTION 22. WORK SCHEDULES. A three (3) day workweek shall consist of three (3) [consecutive duty] days for which the employee shall work twelve and one half (12.5) hours per day and shall be assigned pending department analysis. This schedule will allow for several maximum deployment days throughout the year to address a wide array of issues from gang activity, quality of life issues, and neighborhood specific crime issues and will be implemented at the discretion of the Police Chief.

CHANGES AND REMAINING PROVISIONS. Other changes and remaining provisions of the December 31, 2015 through December 31, 2016 MOU and Letter of Agreements through December 31, 2016 between the CITY and MPMA shall continue in the new MOU. The exact language of all provisions shall be set forth in the MOU between the CITY and MPMA.

WHEREAS, the Council considered this matter at its meeting of January 10, 2017,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the language changes for a successor Memorandum of Understanding between the City of Modesto and the Modesto Police Management

Association, which covers a term from January 1, 2017 through September 3, 2019, and upon execution of same, a copy of the MOU will be on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Old Base Rate	#####
Percentage Increase	2%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: January 10, 2017

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0601	31.06	32.62	34.25	35.96	37.76	2,484.72	2,609.60	2,740.00	2,876.80	3,020.80	5,401.78	5,673.27	5,956.76	6,254.16	6,567.22
0602	31.84	33.43	35.10	36.86	38.70	2,547.20	2,674.40	2,808.00	2,948.80	3,096.00	5,537.61	5,814.15	6,104.59	6,410.69	6,730.70
0603	32.64	34.27	35.98	37.78	39.67	2,611.20	2,741.60	2,878.40	3,022.40	3,173.60	5,676.75	5,960.24	6,257.64	6,570.70	6,899.41
0604	33.45	35.13	36.88	38.73	40.66	2,676.00	2,810.40	2,950.40	3,098.40	3,252.80	5,817.62	6,109.81	6,414.17	6,735.92	7,071.59
0605	34.29	36.00	37.80	39.69	41.68	2,743.20	2,880.00	3,024.00	3,175.20	3,334.40	5,963.72	6,261.12	6,574.18	6,902.88	7,248.99
0606	35.15	36.90	38.75	40.69	42.72	2,812.00	2,952.00	3,100.00	3,255.20	3,417.60	6,113.29	6,417.65	6,739.40	7,076.80	7,429.86
0607	36.03	37.83	39.72	41.70	43.79	2,882.40	3,026.40	3,177.60	3,336.00	3,503.20	6,266.34	6,579.39	6,908.10	7,252.46	7,615.96
0608	36.93	38.77	40.71	42.75	44.88	2,954.40	3,101.60	3,256.80	3,420.00	3,590.40	6,422.87	6,742.88	7,080.28	7,435.08	7,805.53
0609	37.85	39.74	41.73	43.81	46.00	3,028.00	3,179.20	3,338.40	3,504.80	3,680.00	6,582.87	6,911.58	7,257.68	7,619.44	8,000.32
0610	38.79	40.73	42.77	44.91	47.15	3,103.20	3,258.40	3,421.60	3,592.80	3,772.00	6,746.36	7,083.76	7,438.56	7,810.75	8,200.33
0611	39.76	41.75	43.84	46.03	48.33	3,180.80	3,340.00	3,507.20	3,682.40	3,866.40	6,915.06	7,261.16	7,624.65	8,005.54	8,405.55
0612	40.76	42.80	44.94	47.18	49.54	3,260.80	3,424.00	3,595.20	3,774.40	3,963.20	7,088.98	7,443.78	7,815.96	8,205.55	8,616.00
0613	41.78	43.87	46.06	48.36	50.78	3,342.40	3,509.60	3,684.80	3,868.80	4,062.40	7,266.38	7,629.87	8,010.76	8,410.77	8,831.66
0614	42.82	44.96	47.21	49.57	52.05	3,425.60	3,596.80	3,776.80	3,965.60	4,164.00	7,447.25	7,819.44	8,210.76	8,621.21	9,052.54
0615	43.89	46.09	48.39	50.81	53.35	3,511.20	3,687.20	3,871.20	4,064.80	4,268.00	7,633.35	8,015.97	8,415.99	8,836.88	9,278.63
0616	44.99	47.24	49.60	52.08	54.68	3,599.20	3,779.20	3,968.00	4,166.40	4,374.40	7,824.66	8,215.98	8,626.43	9,057.75	9,509.95
0617	46.11	48.42	50.84	53.38	56.05	3,688.80	3,873.60	4,067.20	4,270.40	4,484.00	8,019.45	8,421.21	8,842.09	9,283.85	9,748.22
0618	47.27	49.63	52.11	54.72	57.45	3,781.60	3,970.40	4,168.80	4,377.60	4,596.00	8,221.20	8,631.65	9,062.97	9,516.90	9,991.70
0619	48.45	50.87	53.41	56.08	58.89	3,876.00	4,069.60	4,272.80	4,486.40	4,711.20	8,426.42	8,847.31	9,289.07	9,753.43	10,242.15
0620	49.66	52.14	54.75	57.49	60.36	3,972.80	4,171.20	4,380.00	4,599.20	4,828.80	8,636.87	9,068.19	9,522.12	9,998.66	10,497.81
0621	50.90	53.45	56.12	58.92	61.87	4,072.00	4,276.00	4,489.60	4,713.60	4,949.60	8,852.53	9,296.02	9,760.39	10,247.37	10,760.43
0622	52.17	54.78	57.52	60.40	63.42	4,173.60	4,382.40	4,601.60	4,832.00	5,073.60	9,073.41	9,527.34	10,003.88	10,504.77	11,030.01
0623	53.48	56.15	58.96	61.91	65.00	4,278.40	4,492.00	4,716.80	4,952.80	5,200.00	9,301.24	9,765.61	10,254.32	10,767.39	11,304.80
0624	54.81	57.55	60.43	63.45	66.63	4,384.80	4,604.00	4,834.40	5,076.00	5,330.40	9,532.56	10,009.10	10,509.99	11,035.22	11,588.29
0625	56.18	58.99	61.94	65.04	68.29	4,494.40	4,719.20	4,955.20	5,203.20	5,463.20	9,770.83	10,259.54	10,772.60	11,311.76	11,877.00
0626	57.59	60.47	63.49	66.67	70.00	4,607.20	4,837.60	5,079.20	5,333.60	5,600.00	10,016.05	10,516.94	11,042.18	11,595.25	12,174.40
0627	59.03	61.98	65.08	68.33	71.75	4,722.40	4,958.40	5,206.40	5,466.40	5,740.00	10,266.50	10,779.56	11,318.71	11,883.95	12,478.76
0628	60.50	63.53	66.70	70.04	73.54	4,840.00	5,082.40	5,336.00	5,603.20	5,883.20	10,522.16	11,049.14	11,600.46	12,181.36	12,790.08
0629	62.02	65.12	68.37	71.79	75.38	4,961.60	5,209.60	5,469.60	5,743.20	6,030.40	10,786.52	11,325.67	11,890.91	12,485.72	13,110.09
0630	63.57	66.74	70.08	73.59	77.26	5,085.60	5,339.20	5,606.40	5,887.20	6,180.80	11,056.09	11,607.42	12,188.31	12,798.77	13,437.06
0631	65.16	68.41	71.83	75.42	79.20	5,212.80	5,472.80	5,746.40	6,033.60	6,336.00	11,332.63	11,897.87	12,492.67	13,117.05	13,774.46
0632	66.78	70.12	73.63	77.31	81.18	5,342.40	5,609.60	5,890.40	6,184.80	6,494.40	11,614.38	12,195.27	12,805.73	13,445.76	14,118.83
0633	68.45	71.88	75.47	79.24	83.20	5,476.00	5,750.40	6,037.60	6,339.20	6,656.00	11,904.82	12,501.37	13,125.74	13,781.42	14,470.14
0634	70.16	73.67	77.36	81.22	85.28	5,612.80	5,893.60	6,188.80	6,497.60	6,822.40	12,202.23	12,812.69	13,454.45	14,125.78	14,831.90
0635	71.92	75.51	79.29	83.25	87.42	5,753.60	6,040.80	6,343.20	6,660.00	6,993.60	12,508.33	13,132.70	13,790.12	14,478.84	15,204.09
0636	73.72	77.40	81.27	85.34	89.60	5,897.60	6,192.00	6,501.60	6,827.20	7,168.00	12,821.38	13,461.41	14,134.48	14,842.33	15,583.23
0637	75.56	79.34	83.30	87.47	91.84	6,044.80	6,347.20	6,664.00	6,997.60	7,347.20	13,141.40	13,798.81	14,487.54	15,212.78	15,972.81
0638	77.45	81.32	85.39	89.66	94.14	6,196.00	6,505.60	6,831.20	7,172.80	7,531.20	13,470.10	14,143.17	14,851.03	15,593.67	16,372.83
0639	79.38	83.35	87.52	91.90	96.49	6,350.40	6,668.00	7,001.60	7,352.00	7,719.20	13,805.77	14,496.23	15,221.48	15,983.25	16,781.54
0640	81.37	85.44	89.71	94.19	98.90	6,509.60	6,835.20	7,176.80	7,535.20	7,912.00	14,151.87	14,859.72	15,602.36	16,381.52	17,200.69

Old Base Rate	#####
Percentage Increase	2.5%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: June 27, 2017

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0601	31.84	33.44	35.11	36.86	38.71	2,546.92	2,675.20	2,808.80	2,948.80	3,096.80	5,537.00	5,815.88	6,106.33	6,410.69	6,732.44
0602	32.64	34.27	35.99	37.79	39.67	2,611.20	2,741.60	2,879.20	3,023.20	3,173.60	5,676.75	5,960.24	6,259.38	6,572.44	6,899.41
0603	33.46	35.13	36.89	38.73	40.67	2,676.80	2,810.40	2,951.20	3,098.40	3,253.60	5,819.36	6,109.81	6,415.91	6,735.92	7,073.33
0604	34.29	36.01	37.81	39.70	41.68	2,743.20	2,880.80	3,024.80	3,176.00	3,334.40	5,963.72	6,262.86	6,575.92	6,904.62	7,248.99
0605	35.15	36.91	38.75	40.69	42.72	2,812.00	2,952.80	3,100.00	3,255.20	3,417.60	6,113.29	6,419.39	6,739.40	7,076.80	7,429.86
0606	36.03	37.83	39.72	41.71	43.79	2,882.40	3,026.40	3,177.60	3,336.80	3,503.20	6,266.34	6,579.39	6,908.10	7,254.20	7,615.96
0607	36.93	38.78	40.71	42.75	44.89	2,954.40	3,102.40	3,256.80	3,420.00	3,591.20	6,422.87	6,744.62	7,080.28	7,435.08	7,807.27
0608	37.85	39.75	41.73	43.82	46.01	3,028.00	3,180.00	3,338.40	3,505.60	3,680.80	6,582.87	6,913.32	7,257.68	7,621.17	8,002.06
0609	38.80	40.74	42.78	44.91	47.16	3,104.00	3,259.20	3,422.40	3,592.80	3,772.80	6,748.10	7,085.50	7,440.30	7,810.75	8,202.07
0610	39.77	41.76	43.84	46.04	48.34	3,181.60	3,340.80	3,507.20	3,683.20	3,867.20	6,916.80	7,262.90	7,624.65	8,007.28	8,407.29
0611	40.76	42.80	44.94	47.19	49.55	3,260.80	3,424.00	3,595.20	3,775.20	3,964.00	7,088.98	7,443.78	7,815.96	8,207.28	8,617.74
0612	41.78	43.87	46.06	48.37	50.79	3,342.40	3,509.60	3,684.80	3,869.60	4,063.20	7,266.38	7,629.87	8,010.76	8,412.51	8,833.40
0613	42.83	44.97	47.22	49.58	52.05	3,426.40	3,597.60	3,777.60	3,966.40	4,164.00	7,448.99	7,821.18	8,212.50	8,622.95	9,052.54
0614	43.90	46.09	48.40	50.82	53.36	3,512.00	3,687.20	3,872.00	4,065.60	4,268.80	7,635.09	8,015.97	8,417.73	8,838.61	9,280.37
0615	44.99	47.24	49.61	52.09	54.69	3,599.20	3,779.20	3,968.80	4,167.20	4,375.20	7,824.66	8,215.98	8,628.17	9,059.49	9,511.68
0616	46.12	48.42	50.85	53.39	56.06	3,689.60	3,873.60	4,068.00	4,271.20	4,484.80	8,021.19	8,421.21	8,843.83	9,285.59	9,749.96
0617	47.27	49.63	52.12	54.72	57.46	3,781.60	3,970.40	4,169.60	4,377.60	4,596.80	8,221.20	8,631.65	9,064.71	9,516.90	9,993.44
0618	48.45	50.88	53.42	56.09	58.89	3,876.00	4,070.40	4,273.60	4,487.20	4,711.20	8,426.42	8,849.05	9,290.81	9,755.17	10,242.15
0619	49.66	52.15	54.75	57.49	60.37	3,972.80	4,172.00	4,380.00	4,599.20	4,829.60	8,636.87	9,069.93	9,522.12	9,998.66	10,499.55
0620	50.91	53.45	56.12	58.93	61.88	4,072.80	4,276.00	4,489.60	4,714.40	4,950.40	8,854.27	9,296.02	9,760.39	10,249.11	10,762.17
0621	52.18	54.79	57.53	60.40	63.42	4,174.40	4,383.20	4,602.40	4,832.00	5,073.60	9,075.15	9,529.08	10,005.62	10,504.77	11,030.01
0622	53.48	56.16	58.96	61.91	65.01	4,278.40	4,492.80	4,716.80	4,952.80	5,200.80	9,301.24	9,767.35	10,254.32	10,767.39	11,306.54
0623	54.82	57.56	60.44	63.46	66.63	4,385.60	4,604.80	4,835.20	5,076.80	5,330.40	9,534.29	10,010.84	10,511.72	11,036.96	11,588.29
0624	56.19	59.00	61.95	65.05	68.30	4,495.20	4,720.00	4,956.00	5,204.00	5,464.00	9,772.56	10,261.28	10,774.34	11,313.50	11,878.74
0625	57.59	60.47	63.50	66.67	70.01	4,607.20	4,837.60	5,080.00	5,333.60	5,600.80	10,016.05	10,516.94	11,043.92	11,595.25	12,176.14
0626	59.03	61.99	65.09	68.34	71.76	4,722.40	4,959.20	5,207.20	5,467.20	5,740.80	10,266.50	10,781.30	11,320.45	11,885.69	12,480.50
0627	60.51	63.54	66.71	70.05	73.55	4,840.80	5,083.20	5,336.80	5,604.00	5,884.00	10,523.90	11,050.88	11,602.20	12,183.10	12,791.62
0628	62.02	65.12	68.38	71.80	75.39	4,961.60	5,209.60	5,470.40	5,744.00	6,031.20	10,786.52	11,325.67	11,892.65	12,487.46	13,111.83
0629	63.57	66.75	70.09	73.59	77.27	5,085.60	5,340.00	5,607.20	5,887.20	6,181.60	11,056.09	11,609.16	12,190.05	12,798.77	13,438.80
0630	65.16	68.42	71.84	75.43	79.20	5,212.80	5,473.60	5,747.20	6,034.40	6,336.00	11,332.63	11,899.61	12,494.41	13,118.79	13,774.46
0631	66.79	70.13	73.64	77.32	81.18	5,343.20	5,610.40	5,891.20	6,185.60	6,494.40	11,616.12	12,197.01	12,807.47	13,447.49	14,118.83
0632	68.46	71.88	75.48	79.25	83.21	5,476.80	5,750.40	6,038.40	6,340.00	6,656.80	11,906.56	12,501.37	13,127.48	13,783.16	14,471.88
0633	70.17	73.68	77.36	81.23	85.29	5,613.60	5,894.40	6,188.80	6,498.40	6,823.20	12,203.97	12,814.43	13,454.45	14,127.52	14,833.64
0634	71.93	75.52	79.30	83.26	87.43	5,754.40	6,041.60	6,344.00	6,660.80	6,994.40	12,510.07	13,134.44	13,791.86	14,480.58	15,205.83
0635	73.72	77.41	81.28	85.34	89.61	5,897.60	6,192.80	6,502.40	6,827.20	7,168.80	12,821.38	13,463.15	14,136.22	14,842.33	15,584.97
0636	75.57	79.35	83.31	87.48	91.85	6,045.60	6,348.00	6,664.80	6,998.40	7,348.00	13,143.13	13,800.55	14,489.28	15,214.52	15,974.55
0637	77.46	81.33	85.40	89.67	94.15	6,196.80	6,506.40	6,832.00	7,173.60	7,532.00	13,471.84	14,144.91	14,852.77	15,595.41	16,374.57
0638	79.39	83.36	87.53	91.91	96.50	6,351.20	6,668.80	7,002.40	7,352.80	7,720.00	13,807.51	14,497.97	15,223.22	15,984.99	16,783.28
0639	81.38	85.45	89.72	94.20	98.91	6,510.40	6,836.00	7,177.60	7,536.00	7,912.80	14,153.61	14,861.46	15,604.10	16,383.26	17,202.43
0640	83.41	87.58	91.96	96.56	101.39	6,672.80	7,006.40	7,356.80	7,724.80	8,111.20	14,506.67	15,231.91	15,993.68	16,793.72	17,633.75

Old Base Rate	#####
Percentage Increase	3.0%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: June 26, 2018

MANAGEMENT POLICE - REPRESENTED (MPMA)

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
0601	32.80	34.44	36.17	37.98	39.87	2,623.62	2,755.20	2,893.60	3,038.40	3,189.60	5,703.74	5,989.80	6,290.69	6,605.48	6,934.19
0602	33.62	35.31	37.07	38.92	40.87	2,689.60	2,824.80	2,965.60	3,113.60	3,269.60	5,847.19	6,141.12	6,447.21	6,768.97	7,108.11
0603	34.47	36.19	38.00	39.90	41.89	2,757.60	2,895.20	3,040.00	3,192.00	3,351.20	5,995.02	6,294.16	6,608.96	6,939.41	7,285.51
0604	35.33	37.09	38.95	40.89	42.94	2,826.40	2,967.20	3,116.00	3,271.20	3,435.20	6,144.59	6,450.69	6,774.18	7,111.59	7,468.12
0605	36.21	38.02	39.92	41.92	44.01	2,896.80	3,041.60	3,193.60	3,353.60	3,520.80	6,297.64	6,612.44	6,942.89	7,290.73	7,654.22
0606	37.12	38.97	40.92	42.96	45.11	2,969.60	3,117.60	3,273.60	3,436.80	3,608.80	6,455.91	6,777.66	7,116.81	7,471.60	7,845.53
0607	38.04	39.94	41.94	44.04	46.24	3,043.20	3,195.20	3,355.20	3,523.20	3,699.20	6,615.92	6,946.36	7,294.20	7,659.44	8,042.06
0608	38.99	40.94	42.99	45.14	47.40	3,119.20	3,275.20	3,439.20	3,611.20	3,792.00	6,781.14	7,120.28	7,476.82	7,850.75	8,243.81
0609	39.97	41.97	44.06	46.27	48.58	3,197.60	3,357.60	3,524.80	3,701.60	3,886.40	6,951.58	7,299.42	7,662.92	8,047.28	8,449.03
0610	40.97	43.02	45.17	47.42	49.80	3,277.60	3,441.60	3,613.60	3,793.60	3,984.00	7,125.50	7,482.04	7,855.97	8,247.29	8,661.22
0611	41.99	44.09	46.30	48.61	51.04	3,359.20	3,527.20	3,704.00	3,888.80	4,083.20	7,302.90	7,668.13	8,052.50	8,454.25	8,876.88
0612	43.04	45.19	47.45	49.83	52.32	3,443.20	3,615.20	3,796.00	3,986.40	4,185.60	7,485.52	7,859.44	8,252.50	8,666.43	9,099.49
0613	44.12	46.32	48.64	51.07	53.62	3,529.60	3,705.60	3,891.20	4,085.60	4,289.60	7,673.35	8,055.97	8,459.47	8,882.09	9,325.59
0614	45.22	47.48	49.85	52.35	54.96	3,617.60	3,798.40	3,988.00	4,188.00	4,396.80	7,864.66	8,257.72	8,669.91	9,104.71	9,558.64
0615	46.35	48.67	51.10	53.66	56.34	3,708.00	3,893.60	4,088.00	4,292.80	4,507.20	8,061.19	8,464.69	8,887.31	9,332.55	9,798.65
0616	47.51	49.88	52.38	55.00	57.75	3,800.80	3,990.40	4,190.40	4,400.00	4,620.00	8,262.94	8,675.13	9,109.93	9,565.60	10,043.88
0617	48.70	51.13	53.69	56.37	59.19	3,896.00	4,090.40	4,295.20	4,509.60	4,735.20	8,469.90	8,892.53	9,337.76	9,803.87	10,294.32
0618	49.91	52.41	55.03	57.78	60.67	3,992.80	4,192.80	4,402.40	4,622.40	4,853.60	8,680.35	9,115.15	9,570.82	10,049.10	10,551.73
0619	51.16	53.72	56.41	59.23	62.19	4,092.80	4,297.60	4,512.80	4,738.40	4,975.20	8,897.75	9,342.98	9,810.83	10,301.28	10,816.08
0620	52.44	55.06	57.82	60.71	63.74	4,195.20	4,404.80	4,625.60	4,856.80	5,099.20	9,120.36	9,576.04	10,056.05	10,558.68	11,085.66
0621	53.75	56.44	59.26	62.22	65.33	4,300.00	4,515.20	4,740.80	4,977.60	5,226.40	9,348.20	9,816.04	10,306.50	10,821.30	11,362.19
0622	55.10	57.85	60.74	63.78	66.97	4,408.00	4,628.00	4,859.20	5,102.40	5,357.60	9,582.99	10,061.27	10,563.90	11,092.62	11,647.42
0623	56.47	59.30	62.26	65.37	68.64	4,517.60	4,744.00	4,980.80	5,229.60	5,491.20	9,821.26	10,313.46	10,828.26	11,369.15	11,937.87
0624	57.88	60.78	63.82	67.01	70.36	4,630.40	4,862.40	5,105.60	5,360.80	5,628.80	10,066.49	10,570.86	11,099.57	11,654.38	12,237.01
0625	59.33	62.30	65.41	68.68	72.12	4,746.40	4,984.00	5,232.80	5,494.40	5,769.60	10,318.67	10,835.22	11,376.11	11,944.83	12,543.11
0626	60.81	63.85	67.05	70.40	73.92	4,864.80	5,108.00	5,364.00	5,632.00	5,913.60	10,576.08	11,104.79	11,661.34	12,243.97	12,856.17
0627	62.33	65.45	68.72	72.16	75.77	4,986.40	5,236.00	5,497.60	5,772.80	6,061.60	10,840.43	11,383.06	11,951.78	12,550.07	13,177.92
0628	63.89	67.09	70.44	73.96	77.66	5,111.20	5,367.20	5,635.20	5,916.80	6,212.80	11,111.75	11,668.29	12,250.92	12,863.12	13,506.63
0629	65.49	68.76	72.20	75.81	79.60	5,239.20	5,500.80	5,776.00	6,064.80	6,368.00	11,390.02	11,958.74	12,557.02	13,184.88	13,844.03
0630	67.13	70.48	74.01	77.71	81.59	5,370.40	5,638.40	5,920.80	6,216.80	6,527.20	11,675.25	12,257.88	12,871.82	13,515.32	14,190.13
0631	68.81	72.25	75.86	79.65	83.63	5,504.80	5,780.00	6,068.80	6,372.00	6,690.40	11,967.44	12,565.72	13,193.57	13,852.73	14,544.93
0632	70.53	74.05	77.75	81.64	85.72	5,642.40	5,924.00	6,220.00	6,531.20	6,857.60	12,266.58	12,878.78	13,522.28	14,198.83	14,908.42
0633	72.29	75.90	79.70	83.68	87.87	5,783.20	6,072.00	6,376.00	6,694.40	7,029.60	12,572.68	13,200.53	13,861.42	14,553.63	15,282.35
0634	74.10	77.80	81.69	85.77	90.06	5,928.00	6,224.00	6,535.20	6,861.60	7,204.80	12,887.47	13,530.98	14,207.52	14,917.12	15,663.24
0635	75.95	79.74	83.73	87.92	92.31	6,076.00	6,379.20	6,698.40	7,033.60	7,384.80	13,209.22	13,868.38	14,562.32	15,291.05	16,054.56
0636	77.85	81.74	85.82	90.12	94.62	6,228.00	6,539.20	6,865.60	7,209.60	7,569.60	13,539.67	14,216.22	14,925.81	15,673.67	16,456.31
0637	79.79	83.78	87.97	92.37	96.99	6,383.20	6,702.40	7,037.60	7,389.60	7,759.20	13,877.08	14,571.02	15,299.74	16,064.99	16,868.50
0638	81.79	85.88	90.17	94.68	99.41	6,543.20	6,870.40	7,213.60	7,574.40	7,952.80	14,224.92	14,936.25	15,682.37	16,466.75	17,289.39
0639	83.83	88.02	92.42	97.04	101.90	6,706.40	7,041.60	7,393.60	7,763.20	8,152.00	14,579.71	15,308.44	16,073.69	16,877.20	17,722.45
0640	85.93	90.22	94.73	99.47	104.44	6,874.40	7,217.60	7,578.40	7,957.60	8,355.20	14,944.95	15,691.06	16,475.44	17,299.82	18,164.20

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Represented)
Effective **January 10, 2017**

RANGE	TITLE
601	
602	Police Corporal
603-609	
610	Police Sergeant
611-617	
618	**Police Lieutenant**
619-621	

RESCINDED
Print
APR - 9 2019
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2019-165

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-06

RESOLUTION GRANTING SALARY CHANGES TO NON-SWORN UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES INCLUDING CHARTER OFFICERS AND EXECUTIVES AND UNREPRESENTED SWORN POLICE EMPLOYEES, EFFECTIVE JANUARY 10, 2017, RESCINDING RESOLUTION NO. 2016-377, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, by Resolution No. 2016-377, which became effective on September 13, 2016, the City Council approved Class Range Tables and salary schedule changes for unrepresented Management and Confidential employees including Charter Officers and Executives, and

WHEREAS, the Council of the City of Modesto adopted an agreement with Modesto Police Management Association (MPMA) on January 10, 2017 which included salary increases,

WHEREAS, the Council of the City of Modesto desires to approve a two percent (2.0%) base salary increase for all Unrepresented Sworn Police Captains effective December 27, 2016; followed by an additional two and one half percent (2.5%) base salary increase for all Unrepresented Sworn Police employees effective June 27, 2017 and an additional three (3.0%) base salary increase for all Unrepresented Sworn Police employees effective June 26, 2018.

WHEREAS, the Council of the City of Modesto desires to amend the "City of Modesto Class Range Table Police Management Classes (Unrepresented) Effective February 9, 2016,", and

WHEREAS, the City desires to maintain competitive position with the labor market;

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

1. SALARY RANGES, RATES AND EFFECTIVE DATES. For Unrepresented Police Captains, the City shall increase the salary schedule by two percent (2.0%) effective January 10, 2017 and for all Unrepresented Police employees, inclusive of the Police Chief, the City shall increase the salary schedule by two and one half percent (2.5%) effective June 27, 2017; followed by an additional increase of three percent (3%) effective June 26, 2018. Effective August 20, 2019, the City shall increase base salary ranges for all classes by CPI-U Western Cities. The salary rates, salary ranges and salary steps as set forth in the following **exhibits** which are **attached** hereto and made a part hereof provide for amending the Police Captain from salary range 1624 to 1626 effective January 10, 2017. In addition, based on the results of the City's most recent labor market study, the salary range for each of the benchmark classes listed in **Exhibit X**, along with any related classes, shall increase in accordance with the schedule and is set forth in these **Exhibits.**

1. **Exhibit** "A" entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective July 12, 2016."

2. **Exhibit** "B" entitled "City Of Modesto Class Range Table, Unrepresented Management And Confidential Non-Sworn Classes, Effective March 7, 2017."

3. **Exhibit** "C" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Management/Confidential – Non-Sworn Unrepresented."

4. **Exhibit** "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 Management/Confidential – Non-Sworn Unrepresented."

5. **Exhibit** "E" entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 Management/Confidential – Non-Sworn Unrepresented."

6. **Exhibit** "F" entitled "City Of Modesto Class Range Table, Executive Management, Effective July 12, 2016" which includes Charter Officers.

7. **Exhibit** "G" entitled "City Of Modesto Class Range Table, Executive Management, Effective March 7, 2017" which includes Charter Officers.

8. **Exhibit** "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 - Executive Management."

9. **Exhibit** "I" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 - Executive Management."

10. **Exhibit** "J" entitled "City of Modesto Schedule Of Salary Ranges In City Service For FY 18/19, Effective June 26, 2018 – Executive Management."

11. **Exhibit** "K" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective July 12, 2016 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

12. **Exhibit** "L" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective December 27, 2016 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

13. **Exhibit** "M" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 17/18, Effective June 27, 2017 – Schedule X, Fire Management – 80 Hrs. – Battalion Chief and Schedule Y, Fire Management – 112 Hrs. – Battalion Chief.

14. **Exhibit** "N" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective July 12, 2016 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

15. **Exhibit** "P" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 16/17, Effective December 27, 2016 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

16. **Exhibit** "Q" entitled "City of Modesto Schedule Of Salary Ranges in City Service For FY 17/18, Effective June 27, 2017 – Schedule E Management/Confidential – Fire – 80 hours – Division Chief."

17. **Exhibit** "T" City of Modesto Schedule of Salary Ranges In City Service For FY 16/17, Effective July 12, 2016 – Unrepresented - Fire Chief

18. **Exhibit** "V" City of Modesto Schedule of Salary Ranges In City Service For FY 16/17, Effective December 27, 2016 – Unrepresented - Fire Chief

19. **Exhibit** "W" City of Modesto Schedule of Salary Ranges In City Service For FY 17/18, Effective June 27, 2017 – Unrepresented – Fire Chief

20. **Exhibit** "Y" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective July 12, 2016.

21. **Exhibit** "Z" entitled "City of Modesto Class Range Table, Sworn Fire Executive Management Classes, Effective July 12, 2016.

22. **Exhibit** "A-1" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective January 10, 2017.

23. **Exhibit** "A-2" City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective September 6, 2016 – Management/Confidential Police Captains – Unrepresented.

24. **Exhibit** "A-3" City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective January 10, 2017 – Management/Confidential Police Captains – Unrepresented.

25. **Exhibit** "A-4" City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 27, 2017 – Management/Confidential Police Captains – Unrepresented.

26. **Exhibit** "A-5" City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 28, 2018 – Management/Confidential Police Captains – Unrepresented.

27. **Exhibit** "A-6" City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 27, 2017 – Management/Confidential Police Chief – Unrepresented.

28. **Exhibit** "A-7" City of Modesto Schedule of Salary Ranges in City Service for FY 16/17, Effective June 28, 2018 – Management/Confidential Police Chief – Unrepresented.

2. CHARTER OFFICERS. The salaries for the positions of the Charter Officers shall be as follows effective December 2, 2014:

TITLE	HOURLY	BI-WEEKLY	MONTHLY
City Manager Jim Holgersson	102.65	8,212.00	17,861.11
City Attorney Contract	77.97	6,237.50	13,566.57
City Clerk Stephanie Lopez	52.60	4,208.00	9,152.40

Charter Officers shall be as follows effective the pay period that includes March 1, 2016:

TITLE	HOURLY	BI-WEEKLY	MONTHLY
City Manager Jim Holgersson	103.68	8,294.40	18,040.32
City Attorney Contract	78.75	6,299.88	13,702.24
City Clerk Stephanie Lopez	53.13	4,250.40	9,244.62

3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

8. REPEAL. Resolution No. 2016-377 is hereby rescinded effective January 10, 2017.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

UNREP Market Labor Adjusted Classes

Title	Union	% Adjusted upon Council	% Adjusted on March 7, 2017
FULLTIME REGULAR POSITIONS			
Office Supervisor - Unrepresented	UNREP	5.00%	5.00%
City Attorney	UNREP	2.50%	2.50%
City Auditor	UNREP	7.50%	7.50%
Deputy Director of Human Resources	UNREP	2.50%	
Director of Human Resources	UNREP	2.50%	2.50%
Risk Manager	UNREP	5.00%	5.00%
Executive Assistant (Unrep - Exempt)	UNREP	2.50%	
Executive Assistant (Unrep - Non Exempt)	UNREP	2.50%	
Executive Assistant to the City Council	UNREP	2.50%	
Executive Assistant to the City Manager	UNREP	2.50%	
Legal Services Administrator	UNREP	2.50%	

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **July 12, 2016**

RANGE	TITLE
2421	**Executive Assistant**
2424	**Office Supervisor - Personnel**
2425	Paralegal
2426	**Executive Assistant to the City Council** **Executive Assistant to the City Manager**
2428	**Legal Services Administrator**
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator
2441	**Risk Manager**
2444	Deputy City Attorney I Human Resources Manager
2448	Deputy City Attorney II
2450	Budget Manager
2452	Deputy City Attorney III Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Public Works – Operations Deputy Director of Recreation and Neighborhoods
2453	**Deputy Director of Human Resources**
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
UNREPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **March 7, 2017**

RANGE	TITLE
2421	Executive Assistant
2425	Paralegal
2426	Executive Assistant to the City Council Executive Assistant to the City Manager **Office Supervisor - Personnel**
2428	Legal Services Administrator
2431	Equal Opportunity Analyst/Paralegal
2434	Senior Auditor
2439	Employee Benefits Manager Employee Relations Coordinator
2443	**Risk Manager**
2444	Deputy City Attorney I Human Resources Manager
2448	Deputy City Attorney II
2450	Budget Manager
2452	Deputy City Attorney III Deputy Director of Community and Economic Development Deputy Director of Cultural and Enterprise Services Deputy Director of Finance Deputy Director of Public Works – Operations Deputy Director of Recreation and Neighborhoods
2453	Deputy Director of Human Resources
2455	Deputy Director of Utility Planning and Projects
2456	Senior Deputy City Attorney
2462	Assistant City Attorney

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.41	23.54	24.71	25.95	27.24	1,792.80	1,883.20	1,976.80	2,076.00	2,179.20	3,897.55	4,094.08	4,297.56	4,513.22	4,737.58
2420	22.98	24.12	25.33	26.60	27.93	1,838.40	1,929.60	2,026.40	2,128.00	2,234.40	3,996.68	4,194.95	4,405.39	4,626.27	4,857.59
2421	23.55	24.73	25.96	27.26	28.62	1,884.00	1,978.40	2,076.80	2,180.80	2,289.60	4,095.82	4,301.04	4,514.96	4,741.06	4,977.59
2422	24.14	25.34	26.61	27.94	29.34	1,931.20	2,027.20	2,128.80	2,235.20	2,347.20	4,198.43	4,407.13	4,628.01	4,859.32	5,102.81
2423	24.74	25.98	27.28	28.64	30.07	1,979.20	2,078.40	2,182.40	2,291.20	2,405.60	4,302.78	4,518.44	4,744.54	4,981.07	5,229.77
2424	25.36	26.63	27.96	29.36	30.82	2,028.80	2,130.40	2,236.80	2,348.80	2,465.60	4,410.61	4,631.49	4,862.80	5,106.29	5,360.21
2425	25.99	27.29	28.66	30.09	31.59	2,079.20	2,183.20	2,292.80	2,407.20	2,527.20	4,520.18	4,746.28	4,984.55	5,233.25	5,494.13
2426	26.64	27.98	29.37	30.84	32.38	2,131.20	2,238.40	2,349.60	2,467.20	2,590.40	4,633.23	4,866.28	5,108.03	5,363.69	5,631.53
2427	27.31	28.67	30.11	31.61	33.19	2,184.80	2,293.60	2,408.80	2,528.80	2,655.20	4,749.76	4,986.29	5,236.73	5,497.61	5,772.40
2428	27.99	29.39	30.86	32.40	34.02	2,239.20	2,351.20	2,468.80	2,592.00	2,721.60	4,868.02	5,111.51	5,367.17	5,635.01	5,916.76
2429	28.69	30.13	31.63	33.21	34.87	2,295.20	2,410.40	2,530.40	2,656.80	2,789.60	4,989.76	5,240.21	5,501.09	5,775.88	6,064.59
2430	29.41	30.88	32.42	34.04	35.75	2,352.80	2,470.40	2,593.60	2,723.20	2,860.00	5,114.99	5,370.65	5,638.49	5,920.24	6,217.64
2431	30.14	31.65	33.23	34.89	36.64	2,411.20	2,532.00	2,658.40	2,791.20	2,931.20	5,241.95	5,504.57	5,779.36	6,068.07	6,372.43
2432	30.90	32.44	34.06	35.77	37.55	2,472.00	2,595.20	2,724.80	2,861.60	3,004.00	5,374.13	5,641.96	5,923.72	6,221.12	6,530.70
2433	31.67	33.25	34.92	36.66	38.49	2,533.60	2,660.00	2,793.60	2,932.80	3,079.20	5,508.05	5,782.84	6,073.29	6,375.91	6,694.18
2434	32.46	34.08	35.79	37.58	39.46	2,596.80	2,726.40	2,863.20	3,006.40	3,156.80	5,645.44	5,927.19	6,224.60	6,535.91	6,862.88
2435	33.27	34.94	36.68	38.52	40.44	2,661.60	2,795.20	2,934.40	3,081.60	3,235.20	5,786.32	6,076.76	6,379.39	6,699.40	7,033.32
2436	34.10	35.81	37.60	39.48	41.45	2,728.00	2,864.80	3,008.00	3,158.40	3,316.00	5,930.67	6,228.08	6,539.39	6,866.36	7,208.98
2437	34.96	36.70	38.54	40.47	42.49	2,796.80	2,936.00	3,083.20	3,237.60	3,399.20	6,080.24	6,382.86	6,702.88	7,038.54	7,389.86
2438	35.83	37.62	39.50	41.48	43.55	2,866.40	3,009.60	3,160.00	3,318.40	3,484.00	6,231.55	6,542.87	6,869.84	7,214.20	7,574.22
2439	36.73	38.56	40.49	42.51	44.64	2,938.40	3,084.80	3,239.20	3,400.80	3,571.20	6,388.08	6,706.36	7,042.02	7,393.34	7,763.79
2440	37.64	39.53	41.50	43.58	45.76	3,011.20	3,162.40	3,320.00	3,486.40	3,660.80	6,546.35	6,875.06	7,217.68	7,579.43	7,958.58
2441	38.59	40.51	42.54	44.67	46.90	3,087.20	3,240.80	3,403.20	3,573.60	3,752.00	6,711.57	7,045.50	7,398.56	7,769.01	8,156.85
2442	39.55	41.53	43.60	45.78	48.07	3,164.00	3,322.40	3,488.00	3,662.40	3,845.60	6,878.54	7,222.90	7,582.91	7,962.06	8,360.33
2443	40.54	42.57	44.69	46.93	49.27	3,243.20	3,405.60	3,575.20	3,754.40	3,941.60	7,050.72	7,403.77	7,772.48	8,162.07	8,569.04
2444	41.55	43.63	45.81	48.10	50.51	3,324.00	3,490.40	3,664.80	3,848.00	4,040.80	7,226.38	7,588.13	7,967.28	8,365.55	8,784.70
2445	42.59	44.72	46.96	49.30	51.77	3,407.20	3,577.60	3,756.80	3,944.00	4,141.60	7,407.25	7,777.70	8,167.28	8,574.26	9,003.84
2446	43.66	45.84	48.13	50.54	53.06	3,492.80	3,667.20	3,850.40	4,043.20	4,244.80	7,593.35	7,972.49	8,370.77	8,789.92	9,228.20
2447	44.75	46.98	49.33	51.80	54.39	3,580.00	3,758.40	3,946.40	4,144.00	4,351.20	7,782.92	8,170.76	8,579.47	9,009.06	9,459.51
2448	45.86	48.16	50.57	53.09	55.75	3,668.80	3,852.80	4,045.60	4,247.20	4,460.00	7,975.97	8,375.99	8,795.13	9,233.41	9,696.04
2449	47.01	49.36	51.83	54.42	57.14	3,760.80	3,948.80	4,146.40	4,353.60	4,571.20	8,175.98	8,584.69	9,014.27	9,464.73	9,937.79
2450	48.19	50.60	53.13	55.78	58.57	3,855.20	4,048.00	4,250.40	4,462.40	4,685.60	8,381.20	8,800.35	9,240.37	9,701.26	10,186.49
2451	49.39	51.86	54.45	57.18	60.03	3,951.20	4,148.80	4,356.00	4,574.40	4,802.40	8,589.91	9,019.49	9,469.94	9,944.75	10,440.42
2452	50.63	53.16	55.81	58.60	61.53	4,050.40	4,252.80	4,464.80	4,688.00	4,922.40	8,805.57	9,245.59	9,706.48	10,191.71	10,701.30
2453	51.89	54.49	57.21	60.07	63.07	4,151.20	4,359.20	4,576.80	4,805.60	5,045.60	9,024.71	9,476.90	9,949.96	10,447.37	10,969.13
2454	53.19	55.85	58.64	61.57	64.65	4,255.20	4,468.00	4,691.20	4,925.60	5,172.00	9,250.80	9,713.43	10,198.67	10,708.25	11,243.93

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2455	54.52	57.24	60.11	63.11	66.27	4,361.60	4,579.20	4,808.80	5,048.80	5,301.60	9,482.12	9,955.18	10,454.33	10,976.09	11,525.68
2456	55.88	58.67	61.61	64.69	67.92	4,470.40	4,693.60	4,928.80	5,175.20	5,433.60	9,718.65	10,203.89	10,715.21	11,250.88	11,812.65
2457	57.28	60.14	63.15	66.31	69.62	4,582.40	4,811.20	5,052.00	5,304.80	5,569.60	9,962.14	10,459.55	10,983.05	11,532.64	12,108.31
2458	58.71	61.64	64.73	67.96	71.36	4,696.80	4,931.20	5,178.40	5,436.80	5,708.80	10,210.84	10,720.43	11,257.84	11,819.60	12,410.93
2459	60.18	63.19	66.34	69.66	73.14	4,814.40	5,055.20	5,307.20	5,572.80	5,851.20	10,466.51	10,990.00	11,537.85	12,115.27	12,720.51
2460	61.68	64.77	68.00	71.40	74.97	4,934.40	5,181.60	5,440.00	5,712.00	5,997.60	10,727.39	11,264.80	11,826.56	12,417.89	13,038.78
2461	63.22	66.38	69.70	73.19	76.85	5,057.60	5,310.40	5,576.00	5,855.20	6,148.00	10,995.22	11,544.81	12,122.22	12,729.20	13,365.75
2462	64.80	68.04	71.45	75.02	78.77	5,184.00	5,443.20	5,716.00	6,001.60	6,301.60	11,270.02	11,833.52	12,426.58	13,047.48	13,699.68

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	22.86	24.01	25.21	26.47	27.79	1,828.80	1,920.80	2,016.80	2,117.60	2,223.20	3,975.81	4,175.82	4,384.52	4,603.66	4,833.24
2420	23.44	24.61	25.84	27.13	28.49	1,875.20	1,968.80	2,067.20	2,170.40	2,279.20	4,076.68	4,280.17	4,494.09	4,718.45	4,954.98
2421	24.02	25.22	26.48	27.81	29.20	1,921.60	2,017.60	2,118.40	2,224.80	2,336.00	4,177.56	4,386.26	4,605.40	4,836.72	5,078.46
2422	24.62	25.85	27.15	28.50	29.93	1,969.60	2,068.00	2,172.00	2,280.00	2,394.40	4,281.91	4,495.83	4,721.93	4,956.72	5,205.43
2423	25.24	26.50	27.82	29.22	30.68	2,019.20	2,120.00	2,225.60	2,337.60	2,454.40	4,389.74	4,608.88	4,838.45	5,081.94	5,335.87
2424	25.87	27.16	28.52	29.95	31.44	2,069.60	2,172.80	2,281.60	2,396.00	2,515.20	4,499.31	4,723.67	4,960.20	5,208.90	5,468.04
2425	26.52	27.84	29.23	30.69	32.23	2,121.60	2,227.20	2,338.40	2,455.20	2,578.40	4,612.36	4,841.93	5,083.68	5,337.60	5,605.44
2426	27.18	28.54	29.96	31.46	33.03	2,174.40	2,283.20	2,396.80	2,516.80	2,642.40	4,727.15	4,963.68	5,210.64	5,471.52	5,744.58
2427	27.86	29.25	30.71	32.25	33.86	2,228.80	2,340.00	2,456.80	2,580.00	2,708.80	4,845.41	5,087.16	5,341.08	5,608.92	5,888.93
2428	28.55	29.98	31.48	33.05	34.71	2,284.00	2,398.40	2,518.40	2,644.00	2,776.80	4,965.42	5,214.12	5,475.00	5,748.06	6,036.76
2429	29.27	30.73	32.27	33.88	35.57	2,341.60	2,458.40	2,581.60	2,710.40	2,845.60	5,090.64	5,344.56	5,612.40	5,892.41	6,186.33
2430	30.00	31.50	33.07	34.73	36.46	2,400.00	2,520.00	2,645.60	2,778.40	2,916.80	5,217.60	5,478.48	5,751.53	6,040.24	6,341.12
2431	30.75	32.29	33.90	35.60	37.37	2,460.00	2,583.20	2,712.00	2,848.00	2,989.60	5,348.04	5,615.88	5,895.89	6,191.55	6,499.39
2432	31.52	33.09	34.75	36.48	38.31	2,521.60	2,647.20	2,780.00	2,918.40	3,064.80	5,481.96	5,755.01	6,043.72	6,344.60	6,662.88
2433	32.31	33.92	35.62	37.40	39.27	2,584.80	2,713.60	2,849.60	2,992.00	3,141.60	5,619.36	5,899.37	6,195.03	6,504.61	6,829.84
2434	33.11	34.77	36.51	38.33	40.25	2,648.80	2,781.60	2,920.80	3,066.40	3,220.00	5,758.49	6,047.20	6,349.82	6,666.35	7,000.28
2435	33.94	35.64	37.42	39.29	41.25	2,715.20	2,851.20	2,993.60	3,143.20	3,300.00	5,902.84	6,198.51	6,508.09	6,833.32	7,174.20
2436	34.79	36.53	38.35	40.27	42.29	2,783.20	2,922.40	3,068.00	3,221.60	3,383.20	6,050.68	6,353.30	6,669.83	7,003.76	7,355.08
2437	35.66	37.44	39.31	41.28	43.34	2,852.80	2,995.20	3,144.80	3,302.40	3,467.20	6,201.99	6,511.56	6,836.80	7,179.42	7,537.69
2438	36.55	38.38	40.30	42.31	44.43	2,924.00	3,070.40	3,224.00	3,384.80	3,554.40	6,356.78	6,675.05	7,008.98	7,358.56	7,727.27
2439	37.46	39.34	41.30	43.37	45.54	2,996.80	3,147.20	3,304.00	3,469.60	3,643.20	6,515.04	6,842.01	7,182.90	7,542.91	7,920.32
2440	38.40	40.32	42.34	44.45	46.67	3,072.00	3,225.60	3,387.20	3,556.00	3,733.60	6,678.53	7,012.45	7,363.77	7,730.74	8,116.85
2441	39.36	41.33	43.39	45.56	47.84	3,148.80	3,306.40	3,471.20	3,644.80	3,827.20	6,845.49	7,188.11	7,546.39	7,923.80	8,320.33
2442	40.34	42.36	44.48	46.70	49.04	3,227.20	3,388.80	3,558.40	3,736.00	3,923.20	7,015.93	7,367.25	7,735.96	8,122.06	8,529.04
2443	41.35	43.42	45.59	47.87	50.26	3,308.00	3,473.60	3,647.20	3,829.60	4,020.80	7,191.59	7,551.61	7,929.01	8,325.55	8,741.22
2444	42.39	44.51	46.73	49.07	51.52	3,391.20	3,560.80	3,738.40	3,925.60	4,121.60	7,372.47	7,741.18	8,127.28	8,534.25	8,960.36
2445	43.45	45.62	47.90	50.29	52.81	3,476.00	3,649.60	3,832.00	4,023.20	4,224.80	7,556.82	7,934.23	8,330.77	8,746.44	9,184.72
2446	44.53	46.76	49.10	51.55	54.13	3,562.40	3,740.80	3,928.00	4,124.00	4,330.40	7,744.66	8,132.50	8,539.47	8,965.58	9,414.29
2447	45.64	47.93	50.32	52.84	55.48	3,651.20	3,834.40	4,025.60	4,227.20	4,438.40	7,937.71	8,335.99	8,751.65	9,189.93	9,649.08
2448	46.79	49.12	51.58	54.16	56.87	3,743.20	3,929.60	4,126.40	4,332.80	4,549.60	8,137.72	8,542.95	8,970.79	9,419.51	9,890.83
2449	47.96	50.35	52.87	55.51	58.29	3,836.80	4,028.00	4,229.60	4,440.80	4,663.20	8,341.20	8,756.87	9,195.15	9,654.30	10,137.80
2450	49.15	51.61	54.19	56.90	59.75	3,932.00	4,128.80	4,335.20	4,552.00	4,780.00	8,548.17	8,976.01	9,424.72	9,896.05	10,391.72
2451	50.38	52.90	55.55	58.32	61.24	4,030.40	4,232.00	4,444.00	4,665.60	4,899.20	8,762.09	9,200.37	9,661.26	10,143.01	10,650.86
2452	51.64	54.22	56.94	59.78	62.77	4,131.20	4,337.60	4,555.20	4,782.40	5,021.60	8,981.23	9,429.94	9,903.00	10,396.94	10,916.96
2453	52.93	55.58	58.36	61.28	64.34	4,234.40	4,446.40	4,668.80	4,902.40	5,147.20	9,205.59	9,666.47	10,149.97	10,657.82	11,190.01
2454	54.26	56.97	59.82	62.81	65.95	4,340.80	4,557.60	4,785.60	5,024.80	5,276.00	9,436.90	9,908.22	10,403.89	10,923.92	11,470.02

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY				
	A	B	C	D	E
2455	55.61	58.39	61.31	64.38	67.60
2456	57.00	59.85	62.85	65.99	69.29
2457	58.43	61.35	64.42	67.64	71.02
2458	59.89	62.88	66.03	69.33	72.79
2459	61.39	64.45	67.68	71.06	74.61
2460	62.92	66.07	69.37	72.84	76.48
2461	64.49	67.72	71.10	74.66	78.39
2462	66.11	69.41	72.88	76.52	80.35

	BI-WEEKLY				
	A	B	C	D	E
2455	4,448.80	4,671.20	4,904.80	5,150.40	5,408.00
2456	4,560.00	4,788.00	5,028.00	5,279.20	5,543.20
2457	4,674.40	4,908.00	5,153.60	5,411.20	5,681.60
2458	4,791.20	5,030.40	5,282.40	5,546.40	5,823.20
2459	4,911.20	5,156.00	5,414.40	5,684.80	5,968.80
2460	5,033.60	5,285.60	5,549.60	5,827.20	6,118.40
2461	5,159.20	5,417.60	5,688.00	5,972.80	6,271.20
2462	5,288.80	5,552.80	5,830.40	6,121.60	6,428.00

	MONTHLY				
	A	B	C	D	E
2455	9,671.69	10,155.19	10,663.04	11,196.97	11,756.99
2456	9,913.44	10,409.11	10,930.87	11,476.98	12,050.92
2457	10,162.15	10,669.99	11,203.93	11,763.95	12,351.80
2458	10,416.07	10,936.09	11,483.94	12,057.87	12,659.64
2459	10,676.95	11,209.14	11,770.91	12,358.76	12,976.17
2460	10,943.05	11,490.89	12,064.83	12,668.33	13,301.40
2461	11,216.10	11,777.86	12,365.71	12,984.87	13,633.59
2462	11,497.85	12,071.79	12,675.29	13,308.36	13,974.47

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26 2018

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2419	23.32	24.49	25.72	27.00	28.35	1,865.60	1,959.20	2,057.60	2,160.00	2,268.00	4,055.81	4,259.30	4,473.22	4,695.84	4,930.63
2420	23.91	25.10	26.36	27.68	29.06	1,912.80	2,008.00	2,108.80	2,214.40	2,324.80	4,158.43	4,365.39	4,584.53	4,814.11	5,054.12
2421	24.51	25.73	27.02	28.37	29.79	1,960.80	2,058.40	2,161.60	2,269.60	2,383.20	4,262.78	4,474.96	4,699.32	4,934.11	5,181.08
2422	25.12	26.37	27.69	29.08	30.53	2,009.60	2,109.60	2,215.20	2,326.40	2,442.40	4,368.87	4,586.27	4,815.84	5,057.59	5,309.78
2423	25.75	27.03	28.38	29.80	31.29	2,060.00	2,162.40	2,270.40	2,384.00	2,503.20	4,478.44	4,701.06	4,935.85	5,182.82	5,441.96
2424	26.39	27.71	29.09	30.55	32.08	2,111.20	2,216.80	2,327.20	2,444.00	2,566.40	4,589.75	4,819.32	5,059.33	5,313.26	5,579.35
2425	27.05	28.40	29.82	31.31	32.88	2,164.00	2,272.00	2,385.60	2,504.80	2,630.40	4,704.54	4,939.33	5,186.29	5,445.44	5,718.49
2426	27.73	29.11	30.57	32.09	33.70	2,218.40	2,328.80	2,445.60	2,567.20	2,696.00	4,822.80	5,062.81	5,316.73	5,581.09	5,861.10
2427	28.42	29.84	31.33	32.90	34.54	2,273.60	2,387.20	2,506.40	2,632.00	2,763.20	4,942.81	5,189.77	5,448.91	5,721.97	6,007.20
2428	29.13	30.58	32.11	33.72	35.40	2,330.40	2,446.40	2,568.80	2,697.60	2,832.00	5,066.29	5,318.47	5,584.57	5,864.58	6,156.77
2429	29.86	31.35	32.92	34.56	36.29	2,388.80	2,508.00	2,633.60	2,764.80	2,903.20	5,193.25	5,452.39	5,725.45	6,010.68	6,311.56
2430	30.60	32.13	33.74	35.43	37.20	2,448.00	2,570.40	2,699.20	2,834.40	2,976.00	5,321.95	5,588.05	5,868.06	6,161.99	6,469.82
2431	31.37	32.94	34.58	36.31	38.13	2,509.60	2,635.20	2,766.40	2,904.80	3,050.40	5,455.87	5,728.92	6,014.15	6,315.04	6,631.57
2432	32.15	33.76	35.45	37.22	39.08	2,572.00	2,700.80	2,836.00	2,977.60	3,126.40	5,591.53	5,871.54	6,165.46	6,473.30	6,796.79
2433	32.96	34.60	36.33	38.15	40.06	2,636.80	2,768.00	2,906.40	3,052.00	3,204.80	5,732.40	6,017.63	6,318.51	6,635.05	6,967.24
2434	33.78	35.47	37.24	39.10	41.06	2,702.40	2,837.60	2,979.20	3,128.00	3,284.80	5,875.02	6,168.94	6,476.78	6,800.27	7,141.16
2435	34.62	36.35	38.17	40.08	42.08	2,769.60	2,908.00	3,053.60	3,206.40	3,366.40	6,021.11	6,321.99	6,638.53	6,970.71	7,318.55
2436	35.49	37.26	39.13	41.08	43.14	2,839.20	2,980.80	3,130.40	3,286.40	3,451.20	6,172.42	6,480.26	6,805.49	7,144.63	7,502.91
2437	36.38	38.19	40.10	42.11	44.21	2,910.40	3,055.20	3,208.00	3,368.80	3,536.80	6,327.21	6,642.00	6,974.19	7,323.77	7,689.00
2438	37.29	39.15	41.11	43.16	45.32	2,983.20	3,132.00	3,288.80	3,452.80	3,625.60	6,485.48	6,808.97	7,149.85	7,506.39	7,882.05
2439	38.22	40.13	42.13	44.24	46.45	3,057.60	3,210.40	3,370.40	3,539.20	3,716.00	6,647.22	6,979.41	7,327.25	7,694.22	8,078.58
2440	39.17	41.13	43.19	45.35	47.61	3,133.60	3,290.40	3,455.20	3,628.00	3,808.80	6,812.45	7,153.33	7,511.60	7,887.27	8,280.33
2441	40.15	42.16	44.27	46.48	48.80	3,212.00	3,372.80	3,541.60	3,718.40	3,904.00	6,982.89	7,332.47	7,699.44	8,083.80	8,487.30
2442	41.16	43.21	45.37	47.64	50.02	3,292.80	3,456.80	3,629.60	3,811.20	4,001.60	7,158.55	7,515.08	7,890.75	8,285.55	8,699.48
2443	42.18	44.29	46.51	48.83	51.27	3,374.40	3,543.20	3,720.80	3,906.40	4,101.60	7,335.95	7,702.92	8,089.02	8,492.51	8,916.88
2444	43.24	45.40	47.67	50.05	52.56	3,459.20	3,632.00	3,813.60	4,004.00	4,204.80	7,520.30	7,895.97	8,290.77	8,704.70	9,141.24
2445	44.32	46.54	48.86	51.30	53.87	3,545.60	3,723.20	3,908.80	4,104.00	4,309.60	7,708.13	8,094.24	8,497.73	8,922.10	9,369.07
2446	45.43	47.70	50.08	52.59	55.22	3,634.40	3,816.00	4,006.40	4,207.20	4,417.60	7,901.19	8,295.98	8,709.91	9,146.45	9,603.86
2447	46.56	48.89	51.34	53.90	56.60	3,724.80	3,911.20	4,107.20	4,312.00	4,528.00	8,097.72	8,502.95	8,929.05	9,374.29	9,843.87
2448	47.73	50.11	52.62	55.25	58.01	3,818.40	4,008.80	4,209.60	4,420.00	4,640.80	8,301.20	8,715.13	9,151.67	9,609.08	10,089.10
2449	48.92	51.37	53.93	56.63	59.46	3,913.60	4,109.60	4,314.40	4,530.40	4,756.80	8,508.17	8,934.27	9,379.51	9,849.09	10,341.28
2450	50.14	52.65	55.28	58.05	60.95	4,011.20	4,212.00	4,422.40	4,644.00	4,876.00	8,720.35	9,156.89	9,614.30	10,096.06	10,600.42
2451	51.40	53.97	56.66	59.50	62.47	4,112.00	4,317.60	4,532.80	4,760.00	4,997.60	8,939.49	9,386.46	9,854.31	10,348.24	10,864.78
2452	52.68	55.32	58.08	60.98	64.03	4,214.40	4,425.60	4,646.40	4,878.40	5,122.40	9,162.11	9,621.25	10,101.27	10,605.64	11,136.10
2453	54.00	56.70	59.53	62.51	65.63	4,320.00	4,536.00	4,762.40	5,000.80	5,250.40	9,391.68	9,861.26	10,353.46	10,871.74	11,414.37
2454	55.35	58.12	61.02	64.07	67.27	4,428.00	4,649.60	4,881.60	5,125.60	5,381.60	9,626.47	10,108.23	10,612.60	11,143.05	11,699.60

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26 2018

UNREPRESENTED MANAGEMENT/CONFIDENTIAL

	HOURLY					BI-WEEKLY					MONTHLY				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
2455	56.73	59.57	62.55	65.67	68.96	4,538.40	4,765.60	5,004.00	5,253.60	5,516.80	9,866.48	10,360.41	10,878.70	11,421.33	11,993.52
2456	58.15	61.06	64.11	67.31	70.68	4,652.00	4,884.80	5,128.80	5,384.80	5,654.40	10,113.45	10,619.56	11,150.01	11,706.56	12,292.67
2457	59.60	62.58	65.71	69.00	72.45	4,768.00	5,006.40	5,256.80	5,520.00	5,796.00	10,365.63	10,883.91	11,428.28	12,000.48	12,600.50
2458	61.09	64.15	67.36	70.72	74.26	4,887.20	5,132.00	5,388.80	5,657.60	5,940.80	10,624.77	11,156.97	11,715.25	12,299.62	12,915.30
2459	62.62	65.75	69.04	72.49	76.11	5,009.60	5,260.00	5,523.20	5,799.20	6,088.80	10,890.87	11,435.24	12,007.44	12,607.46	13,237.05
2460	64.19	67.40	70.76	74.30	78.02	5,135.20	5,392.00	5,660.80	5,944.00	6,241.60	11,163.92	11,722.21	12,306.58	12,922.26	13,569.24
2461	65.79	69.08	72.53	76.16	79.97	5,263.20	5,526.40	5,802.40	6,092.80	6,397.60	11,442.20	12,014.39	12,614.42	13,245.75	13,908.38
2462	67.44	70.81	74.35	78.06	81.97	5,395.20	5,664.80	5,948.00	6,244.80	6,557.60	11,729.16	12,315.28	12,930.95	13,576.20	14,256.22

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **July 12, 2016**

RANGE	TITLE
1414	City Clerk
1417	**City Auditor**
1421	**Director of Human Resources**
1422	Chief Information Officer Director of Finance Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	**City Attorney** Director of Utilities
1436	City Manager

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT
Effective **March 7, 2017**

RANGE	TITLE
1414	City Clerk
1420	**City Auditor**
1422	Chief Information Officer Director of Finance **Director of Human Resources** Director of Parks, Recreation and Neighborhoods Director of Public Works Director of Utility Planning and Projects
1425	Director of Administrative Services
1426	Director of Community and Economic Development
1427	Deputy City Manager
1429	Director of Utilities
1430	**City Attorney**
1436	City Manager

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		39.36	49.20	3,148.80	3,936.00	6,845.49	8,556.86
1406		40.35	50.43	3,228.00	4,034.40	7,017.67	8,770.79
1407		41.36	51.70	3,308.80	4,136.00	7,193.33	8,991.66
1408		42.39	52.99	3,391.20	4,239.20	7,372.47	9,216.02
1409		43.45	54.31	3,476.00	4,344.80	7,556.82	9,445.60
1410		44.54	55.67	3,563.20	4,453.60	7,746.40	9,682.13
1411		45.65	57.06	3,652.00	4,564.80	7,939.45	9,923.88
1412		46.79	58.49	3,743.20	4,679.20	8,137.72	10,172.58
1413		47.96	59.95	3,836.80	4,796.00	8,341.20	10,426.50
1414	City Clerk	49.16	61.45	3,932.80	4,916.00	8,549.91	10,687.38
1415		50.39	62.99	4,031.20	5,039.20	8,763.83	10,955.22
1416		51.65	64.56	4,132.00	5,164.80	8,982.97	11,228.28
1417	City Auditor	52.94	66.17	4,235.20	5,293.60	9,207.32	11,508.29
1418		54.26	67.83	4,340.80	5,426.40	9,436.90	11,796.99
1419		55.62	69.52	4,449.60	5,561.60	9,673.43	12,090.92
1420		57.01	71.26	4,560.80	5,700.80	9,915.18	12,393.54
1421	Director of Human Resources	58.44	73.04	4,675.20	5,843.20	10,163.88	12,703.12
1422	Chief Information Officer	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Finance	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Parks, Recreation & Neighborhoods	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Public Works	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
	Director of Utility Planning and Projects	59.90	74.87	4,792.00	5,989.60	10,417.81	13,021.39
23		61.39	76.74	4,911.20	6,139.20	10,676.95	13,346.62
24		62.93	78.66	5,034.40	6,292.80	10,944.79	13,680.55
1425	Director of Administrative Services	64.50	80.62	5,160.00	6,449.60	11,217.84	14,021.43
1426	Director of Community and Economic Development	66.11	82.64	5,288.80	6,611.20	11,497.85	14,372.75
1427	Deputy City Manager	67.77	84.71	5,421.60	6,776.80	11,786.56	14,732.76
1428		69.46	86.82	5,556.80	6,945.60	12,080.48	15,099.73
1429	City Attorney	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
	Director of Utilities	71.20	88.99	5,696.00	7,119.20	12,383.10	15,477.14
1430		72.98	91.22	5,838.40	7,297.60	12,692.68	15,864.98
1431		74.80	93.50	5,984.00	7,480.00	13,009.22	16,261.52
1432		76.67	95.84	6,133.60	7,667.20	13,334.45	16,668.49
1433		78.59	98.23	6,287.20	7,858.40	13,668.37	17,084.16
1434		80.55	100.69	6,444.00	8,055.20	14,009.26	17,512.00
1435		82.57	103.21	6,605.60	8,256.80	14,360.57	17,950.28
1436	City Manager	84.63	105.79	6,770.40	8,463.20	14,718.85	18,399.00
1437		86.74	108.43	6,939.20	8,674.40	15,085.82	18,858.15
1438		88.91	111.14	7,112.80	8,891.20	15,463.23	19,329.47
1439		91.14	113.92	7,291.20	9,113.60	15,851.07	19,812.97
1440		93.41	116.77	7,472.80	9,341.60	16,245.87	20,308.64
1441		95.75	119.69	7,660.00	9,575.20	16,652.84	20,816.48

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		40.15	50.19	3,212.00	4,015.20	6,982.89	8,729.04
1406		41.16	51.45	3,292.80	4,116.00	7,158.55	8,948.18
1407		42.19	52.73	3,375.20	4,218.40	7,337.68	9,170.80
1408		43.24	54.05	3,459.20	4,324.00	7,520.30	9,400.38
1409		44.32	55.40	3,545.60	4,432.00	7,708.13	9,635.17
1410		45.43	56.79	3,634.40	4,543.20	7,901.19	9,876.92
1411		46.57	58.21	3,725.60	4,656.80	8,099.45	10,123.88
1412		47.73	59.66	3,818.40	4,772.80	8,301.20	10,376.07
1413		48.92	61.15	3,913.60	4,892.00	8,508.17	10,635.21
1414	City Clerk	50.15	62.68	4,012.00	5,014.40	8,722.09	10,901.31
1415		51.40	64.25	4,112.00	5,140.00	8,939.49	11,174.36
1416		52.69	65.86	4,215.20	5,268.80	9,163.84	11,454.37
1417		54.00	67.50	4,320.00	5,400.00	9,391.68	11,739.60
1418		55.35	69.19	4,428.00	5,535.20	9,626.47	12,033.52
1419		56.74	70.92	4,539.20	5,673.60	9,868.22	12,334.41
1420	City Auditor	58.15	72.69	4,652.00	5,815.20	10,113.45	12,642.24
1421		59.61	74.51	4,768.80	5,960.80	10,367.37	12,958.78
1422	Chief Information Officer	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Finance	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Human Resources	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Public Works	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
	Director of Utility Planning and Projects	61.10	76.37	4,888.00	6,109.60	10,626.51	13,282.27
1423		62.63	78.28	5,010.40	6,262.40	10,892.61	13,614.46
1424		64.19	80.24	5,135.20	6,419.20	11,163.92	13,955.34
1425	Director of Administrative Services	65.80	82.24	5,264.00	6,579.20	11,443.94	14,303.18
1426	Director of Community and Economic Development	67.44	84.30	5,395.20	6,744.00	11,729.16	14,661.46
1427	Deputy City Manager	69.13	86.41	5,530.40	6,912.80	12,023.09	15,028.43
1428		70.85	88.57	5,668.00	7,085.60	12,322.23	15,404.09
1429	Director of Utilities	72.63	90.78	5,810.40	7,262.40	12,631.81	15,788.46
1430	City Attorney	74.44	93.05	5,955.20	7,444.00	12,946.60	16,183.26
1431		76.30	95.38	6,104.00	7,630.40	13,270.10	16,588.49
1432		78.21	97.76	6,256.80	7,820.80	13,602.28	17,002.42
1433		80.16	100.20	6,412.80	8,016.00	13,941.43	17,426.78
1434		82.17	102.71	6,573.60	8,216.80	14,291.01	17,863.32
1435		84.22	105.28	6,737.60	8,422.40	14,647.54	18,310.30
1436	City Manager	86.33	107.91	6,906.40	8,632.80	15,014.51	18,767.71
1437		88.49	110.61	7,079.20	8,848.80	15,390.18	19,237.29
1438		90.70	113.37	7,256.00	9,069.60	15,774.54	19,717.31
1439		92.97	116.21	7,437.60	9,296.80	16,169.34	20,211.24
1440		95.29	119.11	7,623.20	9,528.80	16,572.84	20,715.61
1441		97.67	122.09	7,813.60	9,767.20	16,986.77	21,233.89

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: JUNE 26 2018

Unrepresented Executive Management		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1405		40.96	51.20	3,276.80	4,096.00	7,123.76	8,904.70
1406		41.99	52.48	3,359.20	4,198.40	7,302.90	9,127.32
1407		43.04	53.80	3,443.20	4,304.00	7,485.52	9,356.90
1408		44.11	55.14	3,528.80	4,411.20	7,671.61	9,589.95
1409		45.22	56.52	3,617.60	4,521.60	7,864.66	9,829.96
1410		46.35	57.93	3,708.00	4,634.40	8,061.19	10,075.19
1411		47.51	59.38	3,800.80	4,750.40	8,262.94	10,327.37
1412		48.69	60.87	3,895.20	4,869.60	8,468.16	10,586.51
1413		49.91	62.39	3,992.80	4,991.20	8,680.35	10,850.87
1414	City Clerk	51.16	63.95	4,092.80	5,116.00	8,897.75	11,122.18
1415		52.44	65.55	4,195.20	5,244.00	9,120.36	11,400.46
1416		53.75	67.18	4,300.00	5,374.40	9,348.20	11,683.95
1417		55.09	68.86	4,407.20	5,508.80	9,581.25	11,976.13
1418		56.47	70.58	4,517.60	5,646.40	9,821.26	12,275.27
1419		57.88	72.35	4,630.40	5,788.00	10,066.49	12,583.11
1420	City Auditor	59.33	74.16	4,746.40	5,932.80	10,318.67	12,897.91
1421		60.81	76.01	4,864.80	6,080.80	10,576.08	13,219.66
1422	Chief Information Officer	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Finance	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Human Resources	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Parks, Recreation & Neighborhoods	61.10	76.37	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Public Works	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
	Director of Utility Planning and Projects	62.33	77.91	4,986.40	6,232.80	10,840.43	13,550.11
1423		63.89	79.86	5,111.20	6,388.80	11,111.75	13,889.25
1424		65.49	81.86	5,239.20	6,548.80	11,390.02	14,237.09
1425	Director of Administrative Services	67.12	83.90	5,369.60	6,712.00	11,673.51	14,591.89
1426	Director of Community and Economic Development	68.80	86.00	5,504.00	6,880.00	11,965.70	14,957.12
1427	Deputy City Manager	70.52	88.15	5,641.60	7,052.00	12,264.84	15,331.05
1428		72.28	90.35	5,782.40	7,228.00	12,570.94	15,713.67
1429	Director of Utilities	74.09	92.61	5,927.20	7,408.80	12,885.73	16,106.73
1430	City Attorney	75.94	94.93	6,075.20	7,594.40	13,207.48	16,510.23
1431		77.84	97.30	6,227.20	7,784.00	13,537.93	16,922.42
1432		79.79	99.73	6,383.20	7,978.40	13,877.08	17,345.04
1433		81.78	102.23	6,542.40	8,178.40	14,223.18	17,779.84
1434		83.83	104.78	6,706.40	8,382.40	14,579.71	18,223.34
1435		85.92	107.40	6,873.60	8,592.00	14,943.21	18,679.01
1436	City Manager	88.07	110.09	7,045.60	8,807.20	15,317.13	19,146.85
1437		90.27	112.84	7,221.60	9,027.20	15,699.76	19,625.13
1438		92.53	115.66	7,402.40	9,252.80	16,092.82	20,115.59
1439		94.84	118.55	7,587.20	9,484.00	16,494.57	20,618.22
1440		97.21	121.51	7,776.80	9,720.80	16,906.76	21,133.02
1441		99.64	124.55	7,971.20	9,964.00	17,329.39	21,661.74

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
1812	43.77	44.87	45.99	47.14	48.32	49.53	50.76	52.03	53.33
1813	44.87	45.99	47.14	48.32	49.53	50.76	52.03	53.33	54.67
1814	45.99	47.14	48.32	49.53	50.76	52.03	53.33	54.67	56.03
1815	47.14	48.32	49.53	50.76	52.03	53.33	54.67	56.03	57.44
1816	48.32	49.53	50.76	52.03	53.33	54.67	56.03	57.44	58.87
1817	49.53	50.76	52.03	53.33	54.67	56.03	57.44	58.87	60.34
1818	50.76	52.03	53.33	54.67	56.03	57.44	58.87	60.34	61.85
1819	52.03	53.33	54.67	56.03	57.44	58.87	60.34	61.85	63.40
1820	53.33	54.67	56.03	57.44	58.87	60.34	61.85	63.40	64.98
1821	54.67	56.03	57.44	58.87	60.34	61.85	63.40	64.98	66.61
1822	56.03	57.44	58.87	60.34	61.85	63.40	64.98	66.61	68.27
1823	57.44	58.87	60.34	61.85	63.40	64.98	66.61	68.27	69.98
1824	58.87	60.34	61.85	63.40	64.98	66.61	68.27	69.98	71.73

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	31.26	32.05	32.85	33.67	34.51	35.38	36.26	37.16	38.09
813	32.05	32.85	33.67	34.51	35.38	36.26	37.16	38.09	39.05
814	32.85	33.67	34.51	35.38	36.26	37.16	38.09	39.05	40.02
815	33.67	34.51	35.38	36.26	37.16	38.09	39.05	40.02	41.03
816	34.51	35.38	36.26	37.16	38.09	39.05	40.02	41.03	42.05
817	35.38	36.26	37.16	38.09	39.05	40.02	41.03	42.05	43.10
818	36.26	37.16	38.09	39.05	40.02	41.03	42.05	43.10	44.18
819	37.16	38.09	39.05	40.02	41.03	42.05	43.10	44.18	45.29
820	38.09	39.05	40.02	41.03	42.05	43.10	44.18	45.29	46.41
821	39.05	40.02	41.03	42.05	43.10	44.18	45.29	46.41	47.58
822	40.02	41.03	42.05	43.10	44.18	45.29	46.41	47.58	48.76
823	41.03	42.05	43.10	44.18	45.29	46.41	47.58	48.76	49.99
824	42.05	43.10	44.18	45.29	46.41	47.58	48.76	49.99	51.24

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

UNREP BATTALLION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
1812	44.65	45.77	46.92	48.09	49.29	50.52	51.79	53.08	54.41
1813	45.77	46.92	48.09	49.29	50.52	51.79	53.08	54.41	55.77
1814	46.92	48.09	49.29	50.52	51.79	53.08	54.41	55.77	57.16
1815	48.09	49.29	50.52	51.79	53.08	54.41	55.77	57.16	58.59
1816	49.29	50.52	51.79	53.08	54.41	55.77	57.16	58.59	60.05
1817	50.52	51.79	53.08	54.41	55.77	57.16	58.59	60.05	61.56
1818	51.79	53.08	54.41	55.77	57.16	58.59	60.05	61.56	63.09
1819	53.08	54.41	55.77	57.16	58.59	60.05	61.56	63.09	64.67
1820	54.41	55.77	57.16	58.59	60.05	61.56	63.09	64.67	66.29
1821	55.77	57.16	58.59	60.05	61.56	63.09	64.67	66.29	67.95
1822	57.16	58.59	60.05	61.56	63.09	64.67	66.29	67.95	69.64
1823	58.59	60.05	61.56	63.09	64.67	66.29	67.95	69.64	71.38
1824	60.05	61.56	63.09	64.67	66.29	67.95	69.64	71.38	73.17

UNREP BATTALLION CHIEFS 112 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
812	31.89	32.69	33.51	34.35	35.21	36.09	36.99	37.91	38.86
813	32.69	33.51	34.35	35.21	36.09	36.99	37.91	38.86	39.84
814	33.51	34.35	35.21	36.09	36.99	37.91	38.86	39.84	40.83
815	34.35	35.21	36.09	36.99	37.91	38.86	39.84	40.83	41.85
816	35.21	36.09	36.99	37.91	38.86	39.84	40.83	41.85	42.89
817	36.09	36.99	37.91	38.86	39.84	40.83	41.85	42.89	43.97
818	36.99	37.91	38.86	39.84	40.83	41.85	42.89	43.97	45.06
819	37.91	38.86	39.84	40.83	41.85	42.89	43.97	45.06	46.19
820	38.86	39.84	40.83	41.85	42.89	43.97	45.06	46.19	47.35
821	39.84	40.83	41.85	42.89	43.97	45.06	46.19	47.35	48.54
822	40.83	41.85	42.89	43.97	45.06	46.19	47.35	48.54	49.74
823	41.85	42.89	43.97	45.06	46.19	47.35	48.54	49.74	50.99
824	42.89	43.97	45.06	46.19	47.35	48.54	49.74	50.99	52.26

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

UNREP BATTALLION CHIEFS 80 HOURS

	HOURLY								
	1	2	3	4	5	6	7	8	9
1812	45.55	46.69	47.86	49.06	50.28	51.54	52.83	54.15	55.50
1813	46.69	47.86	49.06	50.28	51.54	52.83	54.15	55.50	56.89
1814	47.86	49.06	50.28	51.54	52.83	54.15	55.50	56.89	58.31
1815	49.06	50.28	51.54	52.83	54.15	55.50	56.89	58.31	59.77
1816	50.28	51.54	52.83	54.15	55.50	56.89	58.31	59.77	61.26
1817	51.54	52.83	54.15	55.50	56.89	58.31	59.77	61.26	62.80
1818	52.83	54.15	55.50	56.89	58.31	59.77	61.26	62.80	64.37
1819	54.15	55.50	56.89	58.31	59.77	61.26	62.80	64.37	65.97
1820	55.50	56.89	58.31	59.77	61.26	62.80	64.37	65.97	67.62
1821	56.89	58.31	59.77	61.26	62.80	64.37	65.97	67.62	69.31
1822	58.31	59.77	61.26	62.80	64.37	65.97	67.62	69.31	71.05
1823	59.77	61.26	62.80	64.37	65.97	67.62	69.31	71.05	72.82
1824	61.26	62.80	64.37	65.97	67.62	69.31	71.05	72.82	74.64

UNREP BATTALLION CHIEFS 112 HOURS

	HOURLY								
	1	2	3	4	5	6	7	8	9
812	32.54	33.35	34.19	35.04	35.91	36.81	37.74	38.68	39.64
813	33.35	34.19	35.04	35.91	36.81	37.74	38.68	39.64	40.64
814	34.19	35.04	35.91	36.81	37.74	38.68	39.64	40.64	41.65
815	35.04	35.91	36.81	37.74	38.68	39.64	40.64	41.65	42.69
816	35.91	36.81	37.74	38.68	39.64	40.64	41.65	42.69	43.76
817	36.81	37.74	38.68	39.64	40.64	41.65	42.69	43.76	44.86
818	37.74	38.68	39.64	40.64	41.65	42.69	43.76	44.86	45.98
819	38.68	39.64	40.64	41.65	42.69	43.76	44.86	45.98	47.12
820	39.64	40.64	41.65	42.69	43.76	44.86	45.98	47.12	48.30
821	40.64	41.65	42.69	43.76	44.86	45.98	47.12	48.30	49.51
822	41.65	42.69	43.76	44.86	45.98	47.12	48.30	49.51	50.75
823	42.69	43.76	44.86	45.98	47.12	48.30	49.51	50.75	52.01
824	43.76	44.86	45.98	47.12	48.30	49.51	50.75	52.01	53.31

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

UNREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	46.36	47.52	48.71	49.93	51.18	52.46	53.77	55.11	56.49
516	47.52	48.71	49.93	51.18	52.46	53.77	55.11	56.49	57.90
517	48.71	49.93	51.18	52.46	53.77	55.11	56.49	57.90	59.35
518	49.93	51.18	52.46	53.77	55.11	56.49	57.90	59.35	60.83
519	51.18	52.46	53.77	55.11	56.49	57.90	59.35	60.83	62.35
520	52.46	53.77	55.11	56.49	57.90	59.35	60.83	62.35	63.91
521	53.77	55.11	56.49	57.90	59.35	60.83	62.35	63.91	65.51
522	55.11	56.49	57.90	59.35	60.83	62.35	63.91	65.51	67.15
523	56.49	57.90	59.35	60.83	62.35	63.91	65.51	67.15	68.83
524	57.90	59.35	60.83	62.35	63.91	65.51	67.15	68.83	70.55
525	59.35	60.83	62.35	63.91	65.51	67.15	68.83	70.55	72.31
526	60.83	62.35	63.91	65.51	67.15	68.83	70.55	72.31	74.12
527	62.35	63.91	65.51	67.15	68.83	70.55	72.31	74.12	75.97
528	63.91	65.51	67.15	68.83	70.55	72.31	74.12	75.97	77.87

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

UNREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	47.29	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62
516	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06
517	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54
518	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05
519	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60
520	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19
521	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82
522	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50
523	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21
524	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96
525	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76
526	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61
527	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50
528	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50	79.43

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2016

UNREP DIVISION CHIEFS 80 HOURS

HOURLY

	1	2	3	4	5	6	7	8	9
515	47.29	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62
516	48.48	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06
517	49.69	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54
518	50.93	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05
519	52.20	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60
520	53.51	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19
521	54.85	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82
522	56.22	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50
523	57.62	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21
524	59.06	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96
525	60.54	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76
526	62.05	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61
527	63.60	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50
528	65.19	66.82	68.50	70.21	71.96	73.76	75.61	77.50	79.43

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: JULY 12 2016

Unrepresented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		38.59	48.24	3,087.20	3,859.20	6,711.57	8,389.90
1706		39.56	49.45	3,164.80	3,956.00	6,880.28	8,600.34
1707		40.55	50.68	3,244.00	4,054.40	7,052.46	8,814.27
1708		41.56	51.95	3,324.80	4,156.00	7,228.12	9,035.14
1709		42.60	53.25	3,408.00	4,260.00	7,408.99	9,261.24
1710		43.67	54.58	3,493.60	4,366.40	7,595.09	9,492.55
1711		44.76	55.95	3,580.80	4,476.00	7,784.66	9,730.82
1712		45.88	57.34	3,670.40	4,587.20	7,979.45	9,972.57
1713		47.02	58.78	3,761.60	4,702.40	8,177.72	10,223.02
1714		48.20	60.25	3,856.00	4,820.00	8,382.94	10,478.68
1715		49.40	61.75	3,952.00	4,940.00	8,591.65	10,739.56
1716		50.64	63.30	4,051.20	5,064.00	8,807.31	11,009.14
1717		51.90	64.88	4,152.00	5,190.40	9,026.45	11,283.93
1718		53.20	66.50	4,256.00	5,320.00	9,252.54	11,565.68
1719		54.53	68.16	4,362.40	5,452.80	9,483.86	11,854.39
1720		55.89	69.87	4,471.20	5,589.60	9,720.39	12,151.79
1721		57.29	71.61	4,583.20	5,728.80	9,963.88	12,454.41
1722		58.72	73.40	4,697.60	5,872.00	10,212.58	12,765.73
1723		60.19	75.24	4,815.20	6,019.20	10,468.24	13,085.74
1724		61.70	77.12	4,936.00	6,169.60	10,730.86	13,412.71
725		63.24	79.05	5,059.20	6,324.00	10,998.70	13,748.38
726		64.82	81.02	5,185.60	6,481.60	11,273.49	14,091.00
727	Fire Chief	66.44	83.05	5,315.20	6,644.00	11,555.24	14,444.06
1728		68.10	85.13	5,448.00	6,810.40	11,843.95	14,805.81
1729		69.80	87.25	5,584.00	6,980.00	12,139.62	15,174.52
1730		71.55	89.43	5,724.00	7,154.40	12,443.98	15,553.67
1731		73.34	91.67	5,867.20	7,333.60	12,755.29	15,943.25
1732		75.17	93.96	6,013.60	7,516.80	13,073.57	16,341.52
1733		77.05	96.31	6,164.00	7,704.80	13,400.54	16,750.24
1734		78.98	98.72	6,318.40	7,897.60	13,736.20	17,169.38
1735		80.95	101.19	6,476.00	8,095.20	14,078.82	17,598.96
1736		82.97	103.72	6,637.60	8,297.60	14,430.14	18,038.98
1737		85.05	106.31	6,804.00	8,504.80	14,791.90	18,489.44
1738		87.17	108.97	6,973.60	8,717.60	15,160.61	18,952.06
1739		89.35	111.69	7,148.00	8,935.20	15,539.75	19,425.12
1740		91.59	114.48	7,327.20	9,158.40	15,929.33	19,910.36
1741		93.88	117.34	7,510.40	9,387.20	16,327.61	20,407.77

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: DECEMBER 27 2016

Unrepresented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		39.37	49.22	3,149.60	3,937.60	6,847.23	8,560.34
1706		40.36	50.45	3,228.80	4,036.00	7,019.41	8,774.26
1707		41.37	51.71	3,309.60	4,136.80	7,195.07	8,993.40
1708		42.40	53.00	3,392.00	4,240.00	7,374.21	9,217.76
1709		43.46	54.33	3,476.80	4,346.40	7,558.56	9,449.07
1710		44.55	55.68	3,564.00	4,454.40	7,748.14	9,683.87
1711		45.66	57.08	3,652.80	4,566.40	7,941.19	9,927.35
1712		46.80	58.50	3,744.00	4,680.00	8,139.46	10,174.32
1713		47.97	59.97	3,837.60	4,797.60	8,342.94	10,429.98
1714		49.17	61.46	3,933.60	4,916.80	8,551.65	10,689.12
1715		50.40	63.00	4,032.00	5,040.00	8,765.57	10,956.96
1716		51.66	64.58	4,132.80	5,166.40	8,984.71	11,231.75
1717		52.95	66.19	4,236.00	5,295.20	9,209.06	11,511.76
1718		54.28	67.84	4,342.40	5,427.20	9,440.38	11,798.73
1719		55.63	69.54	4,450.40	5,563.20	9,675.17	12,094.40
1720		57.02	71.28	4,561.60	5,702.40	9,916.92	12,397.02
1721		58.45	73.06	4,676.00	5,844.80	10,165.62	12,706.60
1722		59.91	74.89	4,792.80	5,991.20	10,419.55	13,024.87
1723		61.41	76.76	4,912.80	6,140.80	10,680.43	13,350.10
1724		62.94	78.68	5,035.20	6,294.40	10,946.52	13,684.03
1725		64.52	80.65	5,161.60	6,452.00	11,221.32	14,026.65
1726		66.13	82.66	5,290.40	6,612.80	11,501.33	14,376.23
1727	Fire Chief	67.78	84.73	5,422.40	6,778.40	11,788.30	14,736.24
1728		69.48	86.85	5,558.40	6,948.00	12,083.96	15,104.95
1729		71.21	89.02	5,696.80	7,121.60	12,384.84	15,482.36
1730		72.99	91.24	5,839.20	7,299.20	12,694.42	15,868.46
1731		74.82	93.52	5,985.60	7,481.60	13,012.69	16,265.00
1732		76.69	95.86	6,135.20	7,668.80	13,337.92	16,671.97
1733		78.61	98.26	6,288.80	7,860.80	13,671.85	17,089.38
1734		80.57	100.71	6,445.60	8,056.80	14,012.73	17,515.48
1735		82.59	103.23	6,607.20	8,258.40	14,364.05	17,953.76
1736		84.65	105.81	6,772.00	8,464.80	14,722.33	18,402.48
1737		86.77	108.46	6,941.60	8,676.80	15,091.04	18,863.36
1738		88.94	111.17	7,115.20	8,893.60	15,468.44	19,334.69
1739		91.16	113.95	7,292.80	9,116.00	15,854.55	19,818.18
1740		93.44	116.80	7,475.20	9,344.00	16,251.08	20,313.86
1741		95.77	119.72	7,661.60	9,577.60	16,656.32	20,821.70

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: JUNE 27 2017

''nrepresented Fire Chief

		Hourly		Biweekly		Monthly	
		Min	Max	Min	Max	Min	Max
1705		40.16	50.20	3,212.80	4,016.00	6,984.63	8,730.78
1706		41.17	51.46	3,293.60	4,116.80	7,160.29	8,949.92
1707		42.20	52.75	3,376.00	4,220.00	7,339.42	9,174.28
1708		43.25	54.06	3,460.00	4,324.80	7,522.04	9,402.12
1709		44.33	55.42	3,546.40	4,433.60	7,709.87	9,638.65
1710		45.44	56.80	3,635.20	4,544.00	7,902.92	9,878.66
1711		46.58	58.22	3,726.40	4,657.60	8,101.19	10,125.62
1712		47.74	59.68	3,819.20	4,774.40	8,302.94	10,379.55
1713		48.94	61.17	3,915.20	4,893.60	8,511.64	10,638.69
1714		50.16	62.70	4,012.80	5,016.00	8,723.83	10,904.78
1715		51.41	64.27	4,112.80	5,141.60	8,941.23	11,177.84
1716		52.70	65.87	4,216.00	5,269.60	9,165.58	11,456.11
1717		54.02	67.52	4,321.60	5,401.60	9,395.16	11,743.08
1718		55.37	69.21	4,429.60	5,536.80	9,629.95	12,037.00
1719		56.75	70.94	4,540.00	5,675.20	9,869.96	12,337.88
1720		58.17	72.71	4,653.60	5,816.80	10,116.93	12,645.72
1721		59.62	74.53	4,769.60	5,962.40	10,369.11	12,962.26
1722		61.11	76.39	4,888.80	6,111.20	10,628.25	13,285.75
1723		62.64	78.30	5,011.20	6,264.00	10,894.35	13,617.94
1724		64.21	80.26	5,136.80	6,420.80	11,167.40	13,958.82
1725		65.81	82.26	5,264.80	6,580.80	11,445.68	14,306.66
1726		67.46	84.32	5,396.80	6,745.60	11,732.64	14,664.93
1727	Fire Chief	69.14	86.43	5,531.20	6,914.40	12,024.83	15,031.91
1728		70.87	88.59	5,669.60	7,087.20	12,325.71	15,407.57
1729		72.64	90.80	5,811.20	7,264.00	12,633.55	15,791.94
1730		74.46	93.07	5,956.80	7,445.60	12,950.08	16,186.73
1731		76.32	95.40	6,105.60	7,632.00	13,273.57	16,591.97
1732		78.23	97.78	6,258.40	7,822.40	13,605.76	17,005.90
1733		80.18	100.23	6,414.40	8,018.40	13,944.91	17,432.00
1734		82.19	102.73	6,575.20	8,218.40	14,294.48	17,866.80
1735		84.24	105.30	6,739.20	8,424.00	14,651.02	18,313.78
1736		86.35	107.94	6,908.00	8,635.20	15,017.99	18,772.92
1737		88.51	110.63	7,080.80	8,850.40	15,393.66	19,240.77
1738		90.72	113.40	7,257.60	9,072.00	15,778.02	19,722.53
1739		92.99	116.23	7,439.20	9,298.40	16,172.82	20,214.72
1740		95.31	119.14	7,624.80	9,531.20	16,576.32	20,720.83
1741		97.70	122.12	7,816.00	9,769.60	16,991.98	21,239.11

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective **July 12, 2016**

RANGE	TITLE
524	**Fire Division Chief**
819	**Fire Battalion Chief (112 hrs)**
1819	**Fire Battalion Chief (80 hrs)**

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES
Effective **July 12, 2016**

RANGE	TITLE
524	**Fire Division Chief**
819	**Fire Battalion Chief (112 hrs)**
1819	**Fire Battalion Chief (80 hrs)**

CITY OF MODESTO
CLASS RANGE TABLE
SWORN **FIRE** EXECUTIVE MANAGEMENT
Effective **July 12, 2016**

RANGE	TITLE
1729	Fire Chief

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)
Effective **January 10, 2017**

RANGE	TITLE
1626	Police Captain

Exhibit "A-1"

Old Base Rate	######
Percentage Increase	2%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 15/16
EFFECTIVE: September 06, 2016

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	30.66	32.21	33.82	35.51	37.28	2,452.90	2,576.80	2,705.60	2,840.80	2,982.40	5,332.60	5,601.96	5,881.97	6,175.90	6,483.74
1602	31.44	33.01	34.66	36.40	38.22	2,515.20	2,640.80	2,772.80	2,912.00	3,057.60	5,468.04	5,741.10	6,028.07	6,330.69	6,647.22
1603	32.23	33.84	35.53	37.31	39.17	2,578.40	2,707.20	2,842.40	2,984.80	3,133.60	5,605.44	5,885.45	6,179.38	6,488.96	6,812.45
1604	33.03	34.68	36.42	38.24	40.15	2,642.40	2,774.40	2,913.60	3,059.20	3,212.00	5,744.58	6,031.55	6,334.17	6,650.70	6,982.89
1605	33.86	35.55	37.33	39.20	41.15	2,708.80	2,844.00	2,986.40	3,136.00	3,292.00	5,888.93	6,182.86	6,492.43	6,817.66	7,156.81
1606	34.71	36.44	38.26	40.17	42.18	2,776.80	2,915.20	3,060.80	3,213.60	3,374.40	6,036.76	6,337.64	6,654.18	6,986.37	7,335.95
1607	35.57	37.35	39.22	41.18	43.24	2,845.60	2,988.00	3,137.60	3,294.40	3,459.20	6,186.33	6,495.91	6,821.14	7,162.03	7,520.30
1608	36.46	38.28	40.20	42.21	44.32	2,916.80	3,062.40	3,216.00	3,376.80	3,545.60	6,341.12	6,657.66	6,991.58	7,341.16	7,708.13
1609	37.37	39.24	41.20	43.26	45.43	2,989.60	3,139.20	3,296.00	3,460.80	3,634.40	6,499.39	6,824.62	7,165.50	7,523.78	7,901.19
1610	38.31	40.22	42.23	44.35	46.56	3,064.80	3,217.60	3,378.40	3,548.00	3,724.80	6,662.88	6,995.06	7,344.64	7,713.35	8,097.72
1611	39.27	41.23	43.29	45.45	47.73	3,141.60	3,298.40	3,463.20	3,636.00	3,818.40	6,829.84	7,170.72	7,529.00	7,904.66	8,301.20
1612	40.25	42.26	44.37	46.59	48.92	3,220.00	3,380.80	3,549.60	3,727.20	3,913.60	7,000.28	7,349.86	7,716.83	8,102.93	8,508.17
1613	41.25	43.32	45.48	47.75	50.14	3,300.00	3,465.60	3,638.40	3,820.00	4,011.20	7,174.20	7,534.21	7,909.88	8,304.68	8,720.35
1614	42.28	44.40	46.62	48.95	51.40	3,382.40	3,552.00	3,729.60	3,916.00	4,112.00	7,353.34	7,722.05	8,108.15	8,513.38	8,939.49
1615	43.34	45.51	47.78	50.17	52.68	3,467.20	3,640.80	3,822.40	4,013.60	4,214.40	7,537.69	7,915.10	8,309.90	8,725.57	9,162.11
1616	44.42	46.65	48.98	51.43	54.00	3,553.60	3,732.00	3,918.40	4,114.40	4,320.00	7,725.53	8,113.37	8,518.60	8,944.71	9,391.68
1617	45.53	47.81	50.20	52.71	55.35	3,642.40	3,824.80	4,016.00	4,216.80	4,428.00	7,918.58	8,315.12	8,730.78	9,167.32	9,626.47
1618	46.67	49.01	51.46	54.03	56.73	3,733.60	3,920.80	4,116.80	4,322.40	4,538.40	8,116.85	8,523.82	8,949.92	9,396.90	9,866.48
1619	47.84	50.23	52.74	55.38	58.15	3,827.20	4,018.40	4,219.20	4,430.40	4,652.00	8,320.33	8,736.00	9,172.54	9,631.69	10,113.45
1620	49.04	51.49	54.06	56.76	59.60	3,923.20	4,119.20	4,324.80	4,540.80	4,768.00	8,529.04	8,955.14	9,402.12	9,871.70	10,365.63
1621	50.26	52.77	55.41	58.18	61.09	4,020.80	4,221.60	4,432.80	4,654.40	4,887.20	8,741.22	9,177.76	9,636.91	10,118.67	10,624.77
1622	51.52	54.09	56.80	59.64	62.62	4,121.60	4,327.20	4,544.00	4,771.20	5,009.60	8,960.36	9,407.33	9,878.66	10,372.59	10,890.87
1623	52.81	55.45	58.22	61.13	64.18	4,224.80	4,436.00	4,657.60	4,890.40	5,134.40	9,184.72	9,643.86	10,125.62	10,631.73	11,162.19
1624	54.13	56.83	59.67	62.66	65.79	4,330.40	4,546.40	4,773.60	5,012.80	5,263.20	9,414.29	9,883.87	10,377.81	10,897.83	11,442.20
1625	55.48	58.25	61.16	64.22	67.43	4,438.40	4,660.00	4,892.80	5,137.60	5,394.40	9,649.08	10,130.84	10,636.95	11,169.14	11,727.43
1626	56.87	59.71	62.69	65.83	69.12	4,549.60	4,776.80	5,015.20	5,266.40	5,529.60	9,890.83	10,384.76	10,903.04	11,449.15	12,021.35
1627	58.29	61.20	64.26	67.47	70.85	4,663.20	4,896.00	5,140.80	5,397.60	5,668.00	10,137.80	10,643.90	11,176.10	11,734.38	12,322.23
1628	59.74	62.73	65.87	69.16	72.62	4,779.20	5,018.40	5,269.60	5,532.80	5,809.60	10,389.98	10,910.00	11,456.11	12,028.31	12,630.07
1629	61.24	64.30	67.51	70.89	74.43	4,899.20	5,144.00	5,400.80	5,671.20	5,954.40	10,650.86	11,183.06	11,741.34	12,329.19	12,944.87
1630	62.77	65.91	69.20	72.66	76.29	5,021.60	5,272.80	5,536.00	5,812.80	6,103.20	10,916.96	11,463.07	12,035.26	12,637.03	13,268.36
1631	64.34	67.55	70.93	74.48	78.20	5,147.20	5,404.00	5,674.40	5,958.40	6,256.00	11,190.01	11,748.30	12,336.15	12,953.56	13,600.54
1632	65.95	69.24	72.70	76.34	80.16	5,276.00	5,539.20	5,816.00	6,107.20	6,412.80	11,470.02	12,042.22	12,643.98	13,277.05	13,941.43
1633	67.59	70.97	74.52	78.25	82.16	5,407.20	5,677.60	5,961.60	6,260.00	6,572.80	11,755.25	12,343.10	12,960.52	13,609.24	14,289.27
1634	69.28	72.75	76.39	80.20	84.21	5,542.40	5,820.00	6,111.20	6,416.00	6,736.80	12,049.18	12,652.68	13,285.75	13,948.38	14,645.80
1635	71.02	74.57	78.29	82.21	86.32	5,681.60	5,965.60	6,263.20	6,576.80	6,905.60	12,351.80	12,969.21	13,616.20	14,297.96	15,012.77
1636	72.79	76.43	80.25	84.26	88.48	5,823.20	6,114.40	6,420.00	6,740.80	7,078.40	12,659.64	13,292.71	13,957.08	14,654.50	15,388.44
1637	74.61	78.34	82.26	86.37	90.69	5,968.80	6,267.20	6,580.80	6,909.60	7,255.20	12,976.17	13,624.89	14,306.66	15,021.47	15,772.80
1638	76.48	80.30	84.31	88.53	92.96	6,118.40	6,424.00	6,744.80	7,082.40	7,436.80	13,301.40	13,965.78	14,663.20	15,397.14	16,167.60
1639	78.39	82.31	86.42	90.74	95.28	6,271.20	6,584.80	6,913.60	7,259.20	7,622.40	13,633.59	14,315.36	15,030.17	15,781.50	16,571.10
1640	80.35	84.36	88.58	93.01	97.66	6,428.00	6,748.80	7,086.40	7,440.80	7,812.80	13,974.47	14,671.89	15,405.83	16,176.30	16,985.03

Old Base Rate	$ 30.66
Percentage Increase	2%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 16/17
EFFECTIVE: January 10, 2017

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	31.27	32.85	34.49	36.22	38.03	2,501.86	2,628.00	2,759.20	2,897.60	3,042.40	5,439.03	5,713.27	5,998.50	6,299.38	6,614.18
1602	32.07	33.67	35.35	37.12	38.98	2,565.60	2,693.60	2,828.00	2,969.60	3,118.40	5,577.61	5,855.89	6,148.07	6,455.91	6,779.40
1603	32.87	34.51	36.24	38.05	39.95	2,629.60	2,760.80	2,899.20	3,044.00	3,196.00	5,716.75	6,001.98	6,302.86	6,617.66	6,948.10
1604	33.69	35.37	37.14	39.00	40.95	2,695.20	2,829.60	2,971.20	3,120.00	3,276.00	5,859.36	6,151.55	6,459.39	6,782.88	7,122.02
1605	34.53	36.26	38.07	39.97	41.97	2,762.40	2,900.80	3,045.60	3,197.60	3,357.60	6,005.46	6,306.34	6,621.13	6,951.58	7,299.42
1606	35.40	37.16	39.02	40.97	43.02	2,832.00	2,972.80	3,121.60	3,277.60	3,441.60	6,156.77	6,462.87	6,786.36	7,125.50	7,482.04
1607	36.28	38.09	40.00	42.00	44.10	2,902.40	3,047.20	3,200.00	3,360.00	3,528.00	6,309.82	6,624.61	6,956.80	7,304.64	7,669.87
1608	37.19	39.05	41.00	43.05	45.20	2,975.20	3,124.00	3,280.00	3,444.00	3,616.00	6,468.08	6,791.58	7,130.72	7,487.26	7,861.18
1609	38.12	40.02	42.02	44.12	46.33	3,049.60	3,201.60	3,361.60	3,529.60	3,706.40	6,629.83	6,960.28	7,308.12	7,673.35	8,057.71
1610	39.07	41.02	43.07	45.23	47.49	3,125.60	3,281.60	3,445.60	3,618.40	3,799.20	6,795.05	7,134.20	7,490.73	7,866.40	8,259.46
1611	40.05	42.05	44.15	46.36	48.68	3,204.00	3,364.00	3,532.00	3,708.80	3,894.40	6,965.50	7,313.34	7,678.57	8,062.93	8,466.43
1612	41.05	43.10	45.25	47.52	49.89	3,284.00	3,448.00	3,620.00	3,801.60	3,991.20	7,139.42	7,495.95	7,869.88	8,264.68	8,676.87
1613	42.07	44.18	46.39	48.70	51.14	3,365.60	3,534.40	3,711.20	3,896.00	4,091.20	7,316.81	7,683.79	8,068.15	8,469.90	8,894.27
1614	43.12	45.28	47.54	49.92	52.42	3,449.60	3,622.40	3,803.20	3,993.60	4,193.60	7,499.43	7,875.10	8,268.16	8,682.09	9,116.89
1615	44.20	46.41	48.73	51.17	53.73	3,536.00	3,712.80	3,898.40	4,093.60	4,298.40	7,687.26	8,071.63	8,475.12	8,899.49	9,344.72
1616	45.31	47.57	49.95	52.45	55.07	3,624.80	3,805.60	3,996.00	4,196.00	4,405.60	7,880.32	8,273.37	8,687.30	9,122.10	9,577.77
1617	46.44	48.76	51.20	53.76	56.45	3,715.20	3,900.80	4,096.00	4,300.80	4,516.00	8,076.84	8,480.34	8,904.70	9,349.94	9,817.78
1618	47.60	49.98	52.48	55.10	57.86	3,808.00	3,998.40	4,198.40	4,408.00	4,628.80	8,278.59	8,692.52	9,127.32	9,582.99	10,063.01
1619	48.79	51.23	53.79	56.48	59.30	3,903.20	4,098.40	4,303.20	4,518.40	4,744.00	8,485.56	8,909.92	9,355.16	9,823.00	10,313.46
1620	50.01	52.51	55.14	57.89	60.79	4,000.80	4,200.80	4,411.20	4,631.20	4,863.20	8,697.74	9,132.54	9,589.95	10,068.23	10,572.60
1621	51.26	53.82	56.51	59.34	62.31	4,100.80	4,305.60	4,520.80	4,747.20	4,984.80	8,915.14	9,360.37	9,828.22	10,320.41	10,836.96
1622	52.54	55.17	57.93	60.82	63.86	4,203.20	4,413.60	4,634.40	4,865.60	5,108.80	9,137.76	9,595.17	10,075.19	10,577.81	11,106.53
1623	53.86	56.55	59.38	62.34	65.46	4,308.80	4,524.00	4,750.40	4,987.20	5,236.80	9,367.33	9,835.18	10,327.37	10,842.17	11,384.80
1624	55.20	57.96	60.86	63.90	67.10	4,416.00	4,636.80	4,868.80	5,112.00	5,368.00	9,600.38	10,080.40	10,584.77	11,113.49	11,670.03
1625	56.58	59.41	62.38	65.50	68.77	4,526.40	4,752.80	4,990.40	5,240.00	5,501.60	9,840.39	10,332.59	10,849.13	11,391.76	11,960.48
1626	58.00	60.90	63.94	67.14	70.49	4,640.00	4,872.00	5,115.20	5,371.20	5,639.20	10,087.36	10,591.73	11,120.44	11,676.99	12,259.62
1627	59.45	62.42	65.54	68.82	72.26	4,756.00	4,993.60	5,243.20	5,505.60	5,780.80	10,339.54	10,856.09	11,398.72	11,969.17	12,567.46
1628	60.93	63.98	67.18	70.54	74.06	4,874.40	5,118.40	5,374.40	5,643.20	5,924.80	10,596.95	11,127.40	11,683.95	12,268.32	12,880.52
1629	62.46	65.58	68.86	72.30	75.91	4,996.80	5,246.40	5,508.80	5,784.00	6,072.80	10,863.04	11,405.67	11,976.13	12,574.42	13,202.27
1630	64.02	67.22	70.58	74.11	77.81	5,121.60	5,377.60	5,646.40	5,928.80	6,224.80	11,134.36	11,690.90	12,275.27	12,889.21	13,532.72
1631	65.62	68.90	72.34	75.96	79.76	5,249.60	5,512.00	5,787.20	6,076.80	6,380.80	11,412.63	11,983.09	12,581.37	13,210.96	13,871.86
1632	67.26	70.62	74.15	77.86	81.75	5,380.80	5,649.60	5,932.00	6,228.80	6,540.00	11,697.86	12,282.23	12,896.17	13,541.41	14,217.96
1633	68.94	72.39	76.00	79.80	83.79	5,515.20	5,791.20	6,080.00	6,384.00	6,703.20	11,990.04	12,590.07	13,217.92	13,878.82	14,572.76
1634	70.66	74.19	77.90	81.80	85.89	5,652.80	5,935.20	6,232.00	6,544.00	6,871.20	12,289.19	12,903.12	13,548.37	14,226.66	14,937.99
1635	72.43	76.05	79.85	83.84	88.04	5,794.40	6,084.00	6,388.00	6,707.20	7,043.20	12,597.03	13,226.62	13,887.51	14,581.45	15,311.92
1636	74.24	77.95	81.85	85.94	90.24	5,939.20	6,236.00	6,548.00	6,875.20	7,219.20	12,911.82	13,557.06	14,235.35	14,946.68	15,694.54
1637	76.09	79.90	83.89	88.09	92.49	6,087.20	6,392.00	6,711.20	7,047.20	7,399.20	13,233.57	13,896.21	14,590.15	15,320.61	16,085.86
1638	78.00	81.90	85.99	90.29	94.80	6,240.00	6,552.00	6,879.20	7,223.20	7,584.00	13,565.76	14,244.05	14,955.38	15,703.24	16,487.62
1639	79.95	83.94	88.14	92.55	97.17	6,396.00	6,715.20	7,051.20	7,404.00	7,773.60	13,904.90	14,598.84	15,329.31	16,096.30	16,899.81
1640	81.95	86.04	90.34	94.86	99.60	6,556.00	6,883.20	7,227.20	7,588.80	7,968.00	14,252.74	14,964.08	15,711.93	16,498.05	17,322.43

Old Base Rate	$ 31.27
Percentage increase	2.5%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: June 27, 2017

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2,174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	32.05	33.67	35.35	37.12	38.97	2,564.14	2,693.60	2,828.00	2,969.60	3,117.60	5,574.44	5,855.89	6,148.07	6,455.91	6,777.66
1602	32.87	34.51	36.23	38.05	39.95	2,629.60	2,760.80	2,898.40	3,044.00	3,196.00	5,716.75	6,001.98	6,301.12	6,617.66	6,948.10
1603	33.69	35.37	37.14	39.00	40.95	2,695.20	2,829.60	2,971.20	3,120.00	3,276.00	5,859.36	6,151.55	6,459.39	6,782.88	7,122.02
1604	34.53	36.26	38.07	39.97	41.97	2,762.40	2,900.80	3,045.60	3,197.60	3,357.60	6,005.46	6,306.34	6,621.13	6,951.58	7,299.42
1605	35.39	37.16	39.02	40.97	43.02	2,831.20	2,972.80	3,121.60	3,277.60	3,441.60	6,155.03	6,462.87	6,786.36	7,125.50	7,482.04
1606	36.28	38.09	40.00	42.00	44.09	2,902.40	3,047.20	3,200.00	3,360.00	3,527.20	6,309.82	6,624.61	6,956.80	7,304.64	7,668.13
1607	37.18	39.04	41.00	43.05	45.20	2,974.40	3,123.20	3,280.00	3,444.00	3,616.00	6,466.35	6,789.84	7,130.72	7,487.26	7,861.18
1608	38.11	40.02	42.02	44.12	46.33	3,048.80	3,201.60	3,361.60	3,529.60	3,706.40	6,628.09	6,960.28	7,308.12	7,673.35	8,057.71
1609	39.07	41.02	43.07	45.22	47.49	3,125.60	3,281.60	3,445.60	3,617.60	3,799.20	6,795.05	7,134.20	7,490.73	7,864.66	8,259.46
1610	40.04	42.05	44.15	46.35	48.67	3,203.20	3,364.00	3,532.00	3,708.00	3,893.60	6,963.76	7,313.34	7,678.57	8,061.19	8,464.69
1611	41.04	43.10	45.25	47.51	49.89	3,283.20	3,448.00	3,620.00	3,800.80	3,991.20	7,137.68	7,495.95	7,869.88	8,262.94	8,676.87
1612	42.07	44.17	46.38	48.70	51.14	3,365.60	3,533.60	3,710.40	3,896.00	4,091.20	7,316.81	7,682.05	8,066.41	8,469.90	8,894.27
1613	43.12	45.28	47.54	49.92	52.41	3,449.60	3,622.40	3,803.20	3,993.60	4,192.80	7,499.43	7,875.10	8,268.16	8,682.09	9,115.15
1614	44.20	46.41	48.73	51.17	53.72	3,536.00	3,712.80	3,898.40	4,093.60	4,297.60	7,687.26	8,071.63	8,475.12	8,899.49	9,342.98
1615	45.30	47.57	49.95	52.45	55.07	3,624.00	3,805.60	3,996.00	4,196.00	4,405.60	7,878.58	8,273.37	8,687.30	9,122.10	9,577.77
1616	46.44	48.76	51.20	53.76	56.44	3,715.20	3,900.80	4,096.00	4,300.80	4,515.20	8,076.84	8,480.34	8,904.70	9,349.94	9,816.04
1617	47.60	49.98	52.48	55.10	57.85	3,808.00	3,998.40	4,198.40	4,408.00	4,628.00	8,278.59	8,692.52	9,127.32	9,582.99	10,061.27
1618	48.79	51.23	53.79	56.48	59.30	3,903.20	4,098.40	4,303.20	4,518.40	4,744.00	8,485.56	8,909.92	9,355.16	9,823.00	10,313.46
1619	50.01	52.51	55.13	57.89	60.78	4,000.80	4,200.80	4,410.40	4,631.20	4,862.40	8,697.74	9,132.54	9,588.21	10,068.23	10,570.86
1620	51.26	53.82	56.51	59.34	62.30	4,100.80	4,305.60	4,520.80	4,747.20	4,984.00	8,915.14	9,360.37	9,828.22	10,320.41	10,835.22
1621	52.54	55.17	57.92	60.82	63.86	4,203.20	4,413.60	4,633.60	4,865.60	5,108.80	9,137.76	9,595.17	10,073.45	10,577.81	11,106.53
1622	53.85	56.54	59.37	62.34	65.46	4,308.00	4,523.20	4,749.60	4,987.20	5,236.80	9,365.59	9,833.44	10,325.63	10,842.17	11,384.80
1623	55.20	57.96	60.86	63.90	67.09	4,416.00	4,636.80	4,868.80	5,112.00	5,367.20	9,600.38	10,080.40	10,584.77	11,113.49	11,668.29
1624	56.58	59.41	62.38	65.50	68.77	4,526.40	4,752.80	4,990.40	5,240.00	5,501.60	9,840.39	10,332.59	10,849.13	11,391.76	11,960.48
1625	57.99	60.89	63.94	67.13	70.49	4,639.20	4,871.20	5,115.20	5,370.40	5,639.20	10,085.62	10,589.99	11,120.44	11,675.25	12,259.62
1626	59.44	62.41	65.53	68.81	72.25	4,755.20	4,992.80	5,242.40	5,504.80	5,780.00	10,337.80	10,854.35	11,396.98	11,967.44	12,565.72
1627	60.93	63.97	67.17	70.53	74.06	4,874.40	5,117.60	5,373.60	5,642.40	5,924.80	10,596.95	11,125.66	11,682.21	12,266.58	12,880.52
1628	62.45	65.57	68.85	72.29	75.91	4,996.00	5,245.60	5,508.00	5,783.20	6,072.80	10,861.30	11,403.93	11,974.39	12,572.68	13,202.27
1629	64.01	67.21	70.57	74.10	77.81	5,120.80	5,376.80	5,645.60	5,928.00	6,224.80	11,132.62	11,689.16	12,273.53	12,887.47	13,532.72
1630	65.61	68.89	72.34	75.95	79.75	5,248.80	5,511.20	5,787.20	6,076.00	6,380.00	11,410.89	11,981.35	12,581.37	13,209.22	13,870.12
1631	67.25	70.62	74.15	77.85	81.75	5,380.00	5,649.60	5,932.00	6,228.00	6,540.00	11,696.12	12,282.23	12,896.17	13,539.67	14,217.96
1632	68.93	72.38	76.00	79.80	83.79	5,514.40	5,790.40	6,080.00	6,384.00	6,703.20	11,988.31	12,588.33	13,217.92	13,878.82	14,572.76
1633	70.66	74.19	77.90	81.79	85.88	5,652.80	5,935.20	6,232.00	6,543.20	6,870.40	12,289.19	12,903.12	13,548.37	14,224.92	14,936.25
1634	72.42	76.04	79.85	83.84	88.03	5,793.60	6,083.20	6,388.00	6,707.20	7,042.40	12,595.29	13,224.88	13,887.51	14,581.45	15,310.18
1635	74.23	77.95	81.84	85.93	90.23	5,938.40	6,236.00	6,547.20	6,874.40	7,218.40	12,910.08	13,557.06	14,233.61	14,944.95	15,692.80
1636	76.09	79.89	83.89	88.08	92.49	6,087.20	6,391.20	6,711.20	7,046.40	7,399.20	13,233.57	13,894.47	14,590.15	15,318.87	16,085.86
1637	77.99	81.89	85.99	90.28	94.80	6,239.20	6,551.20	6,879.20	7,222.40	7,584.00	13,564.02	14,242.31	14,955.38	15,701.50	16,487.62
1638	79.94	83.94	88.14	92.54	97.17	6,395.20	6,715.20	7,051.20	7,403.20	7,773.60	13,903.16	14,598.84	15,329.31	16,094.56	16,899.61
1639	81.94	86.04	90.34	94.86	99.60	6,555.20	6,883.20	7,227.20	7,588.80	7,968.00	14,251.00	14,964.08	15,711.93	16,498.05	17,322.43
1640	83.99	88.19	92.60	97.23	102.09	6,719.20	7,055.20	7,408.00	7,778.40	8,167.20	14,607.54	15,338.00	16,104.99	16,910.24	17,755.49

Old Base Rate	$ 32.05
Percentage Increase	3.0%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: June 26, 2018

UNREPRESENTED POLICE CAPTAINS

	HOURLY					BY-WEEKLY					MONTHLY = 2.174				
	A	B	C	D	E	A	B	C	D	E	A	B	C	D	E
1601	33.01	34.68	36.41	38.23	40.14	2,640.92	2,774.40	2,912.80	3,058.40	3,211.20	5,741.36	6,031.55	6,332.43	6,648.96	6,981.15
1602	33.85	35.54	37.32	39.19	41.14	2,708.00	2,843.20	2,985.60	3,135.20	3,291.20	5,887.19	6,181.12	6,490.69	6,815.92	7,155.07
1603	34.70	36.43	38.25	40.16	42.17	2,776.00	2,914.40	3,060.00	3,212.80	3,373.60	6,035.02	6,335.91	6,652.44	6,984.63	7,334.21
1604	35.56	37.34	39.21	41.17	43.23	2,844.80	2,987.20	3,136.80	3,293.60	3,458.40	6,184.60	6,494.17	6,819.40	7,160.29	7,518.56
1605	36.45	38.28	40.19	42.20	44.31	2,916.00	3,062.40	3,215.20	3,376.00	3,544.80	6,339.38	6,657.66	6,989.84	7,339.42	7,706.40
1606	37.36	39.23	41.19	43.25	45.42	2,988.80	3,138.40	3,295.20	3,460.00	3,633.60	6,497.65	6,822.88	7,163.76	7,522.04	7,899.45
1607	38.30	40.21	42.22	44.33	46.55	3,064.00	3,216.80	3,377.60	3,546.40	3,724.00	6,661.14	6,993.32	7,342.90	7,709.87	8,095.98
1608	39.26	41.22	43.28	45.44	47.71	3,140.80	3,297.60	3,462.40	3,635.20	3,816.80	6,828.10	7,168.98	7,527.26	7,902.92	8,297.72
1609	40.24	42.25	44.36	46.58	48.91	3,219.20	3,380.00	3,548.80	3,726.40	3,912.80	6,998.54	7,348.12	7,715.09	8,101.19	8,506.43
1610	41.24	43.30	45.47	47.74	50.13	3,299.20	3,464.00	3,637.60	3,819.20	4,010.40	7,172.46	7,530.74	7,908.14	8,302.94	8,718.61
1611	42.27	44.39	46.61	48.94	51.38	3,381.60	3,551.20	3,728.80	3,915.20	4,110.40	7,351.60	7,720.31	8,106.41	8,511.64	8,936.01
1612	43.33	45.50	47.77	50.16	52.67	3,466.40	3,640.00	3,821.60	4,012.80	4,213.60	7,535.95	7,913.36	8,308.16	8,723.83	9,160.37
1613	44.41	46.63	48.97	51.41	53.98	3,552.80	3,730.40	3,917.60	4,112.80	4,318.40	7,723.79	8,109.89	8,516.86	8,941.23	9,388.20
1614	45.52	47.80	50.19	52.70	55.33	3,641.60	3,824.00	4,015.20	4,216.00	4,426.40	7,916.84	8,313.38	8,729.04	9,165.58	9,622.99
1615	46.66	48.99	51.44	54.02	56.72	3,732.80	3,919.20	4,115.20	4,321.60	4,537.60	8,115.11	8,520.34	8,946.44	9,395.16	9,864.74
1616	47.83	50.22	52.73	55.37	58.13	3,826.40	4,017.60	4,218.40	4,429.60	4,650.40	8,318.59	8,734.26	9,170.80	9,629.95	10,109.97
1617	49.02	51.47	54.05	56.75	59.59	3,921.60	4,117.60	4,324.00	4,540.00	4,767.20	8,525.56	8,951.66	9,400.38	9,869.96	10,363.89
1618	50.25	52.76	55.40	58.17	61.08	4,020.00	4,220.80	4,432.00	4,653.60	4,886.40	8,739.48	9,176.02	9,635.17	10,116.93	10,623.03
1619	51.50	54.08	56.78	59.62	62.60	4,120.00	4,326.40	4,542.40	4,769.60	5,008.00	8,956.88	9,405.59	9,875.18	10,369.11	10,887.39
1620	52.79	55.43	58.20	61.11	64.17	4,223.20	4,434.40	4,656.00	4,888.80	5,133.60	9,181.24	9,640.39	10,122.14	10,628.25	11,160.45
1621	54.11	56.82	59.66	62.64	65.77	4,328.80	4,545.60	4,772.80	5,011.20	5,261.60	9,410.81	9,882.13	10,376.07	10,894.35	11,438.72
1622	55.46	58.24	61.15	64.21	67.42	4,436.80	4,659.20	4,892.00	5,136.80	5,393.60	9,645.60	10,129.10	10,635.21	11,167.40	11,725.69
1623	56.85	59.69	62.68	65.81	69.10	4,548.00	4,775.20	5,014.40	5,264.80	5,528.00	9,887.35	10,381.28	10,901.31	11,445.68	12,017.87
1624	58.27	61.19	64.24	67.46	70.83	4,661.60	4,895.20	5,139.20	5,396.80	5,666.40	10,134.32	10,642.16	11,172.62	11,732.64	12,318.75
1625	59.73	62.72	65.85	69.14	72.60	4,778.40	5,017.60	5,268.00	5,531.20	5,808.00	10,388.24	10,908.26	11,452.63	12,024.83	12,626.59
1626	61.22	64.28	67.50	70.87	74.41	4,897.60	5,142.40	5,400.00	5,669.60	5,952.80	10,647.38	11,179.58	11,739.60	12,325.71	12,941.39
1627	62.75	65.89	69.18	72.64	76.28	5,020.00	5,271.20	5,534.40	5,811.20	6,102.40	10,913.48	11,459.59	12,031.79	12,633.55	13,266.62
1628	64.32	67.54	70.91	74.46	78.18	5,145.60	5,403.20	5,672.80	5,956.80	6,254.40	11,186.53	11,746.56	12,332.67	12,950.08	13,597.07
1629	65.93	69.23	72.69	76.32	80.14	5,274.40	5,538.40	5,815.20	6,105.60	6,411.20	11,466.55	12,040.48	12,642.24	13,273.57	13,937.95
1630	67.58	70.96	74.50	78.23	82.14	5,406.40	5,676.80	5,960.00	6,258.40	6,571.20	11,753.51	12,341.36	12,957.04	13,605.76	14,285.79
1631	69.27	72.73	76.37	80.18	84.19	5,541.60	5,818.40	6,109.60	6,414.40	6,735.20	12,047.44	12,649.20	13,282.27	13,944.91	14,642.32
1632	71.00	74.55	78.28	82.19	86.30	5,680.00	5,964.00	6,262.40	6,575.20	6,904.00	12,348.32	12,965.74	13,614.46	14,294.48	15,009.30
1633	72.77	76.41	80.23	84.24	88.46	5,821.60	6,112.80	6,418.40	6,739.20	7,076.80	12,656.16	13,289.23	13,953.60	14,651.02	15,384.96
1634	74.59	78.32	82.24	86.35	90.67	5,967.20	6,265.60	6,579.20	6,908.00	7,253.60	12,972.69	13,621.41	14,303.18	15,017.99	15,769.33
1635	76.46	80.28	84.29	88.51	92.93	6,116.80	6,422.40	6,743.20	7,080.80	7,434.40	13,297.92	13,962.30	14,659.72	15,393.66	16,162.39
1636	78.37	82.29	86.40	90.72	95.26	6,269.60	6,583.20	6,912.00	7,257.60	7,620.80	13,630.11	14,311.88	15,026.69	15,778.02	16,567.62
1637	80.33	84.34	88.56	92.99	97.64	6,426.40	6,747.20	7,084.80	7,439.20	7,811.20	13,970.99	14,668.41	15,402.36	16,172.82	16,981.55
1638	82.34	86.45	90.77	95.31	100.08	6,587.20	6,916.00	7,261.60	7,624.80	8,006.40	14,320.57	15,035.38	15,786.72	16,576.32	17,405.91
1639	84.39	88.61	93.04	97.70	102.58	6,751.20	7,088.80	7,443.20	7,816.00	8,206.40	14,677.11	15,411.05	16,181.52	16,991.98	17,840.71
1640	86.50	90.83	95.37	100.14	105.14	6,920.00	7,266.40	7,629.60	8,011.20	8,411.20	15,044.08	15,797.15	16,586.75	17,416.35	18,285.95

Old Base Rate	$ 36.89
Percentage Increase	2.5%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: June 27, 2017

Sworn Executive Management

		HOURLY		Bi-weekly		Monthly	
		Min	Max	Min	Max	Min	Max
1505		37.81	47.27	3,024.98	3,781.60	6,576.31	8,221.20
1506		38.76	48.45	3,100.80	3,876.00	6,741.14	8,426.42
1507		39.73	49.66	3,178.40	3,972.80	6,909.84	8,636.87
1508		40.72	50.90	3,257.60	4,072.00	7,082.02	8,852.53
1509		41.74	52.18	3,339.20	4,174.40	7,259.42	9,075.15
1510		42.79	53.48	3,423.20	4,278.40	7,442.04	9,301.24
1511		43.86	54.82	3,508.80	4,385.60	7,628.13	9,534.29
1512		44.95	56.19	3,596.00	4,495.20	7,817.70	9,772.56
1513		46.08	57.59	3,686.40	4,607.20	8,014.23	10,016.05
1514		47.23	59.03	3,778.40	4,722.40	8,214.24	10,266.50
1515		48.41	60.51	3,872.80	4,840.80	8,419.47	10,523.90
1516		49.62	62.02	3,969.60	4,961.60	8,629.91	10,786.52
1517		50.86	63.57	4,068.80	5,085.60	8,845.57	11,056.09
1518		52.13	65.16	4,170.40	5,212.80	9,066.45	11,332.63
1519		53.43	66.79	4,274.40	5,343.20	9,292.55	11,616.12
1520		54.77	68.46	4,381.60	5,476.80	9,525.60	11,906.56
1521		56.14	70.17	4,491.20	5,613.60	9,763.87	12,203.97
1522		57.54	71.92	4,603.20	5,753.60	10,007.36	12,508.33
1523		58.98	73.72	4,718.40	5,897.60	10,257.80	12,821.38
1524		60.45	75.57	4,836.00	6,045.60	10,513.46	13,143.13
1525		61.96	77.45	4,956.80	6,196.00	10,776.08	13,470.10
1526		63.51	79.39	5,080.80	6,351.20	11,045.66	13,807.51
1527		65.10	81.38	5,208.00	6,510.40	11,322.19	14,153.61
1528		66.73	83.41	5,338.40	6,672.80	11,605.68	14,506.67
1529		68.40	85.49	5,472.00	6,839.20	11,896.13	14,868.42
1530		70.11	87.63	5,608.80	7,010.40	12,193.53	15,240.61
1531	Chief of Police	71.86	89.82	5,748.80	7,185.60	12,497.89	15,621.49
1532		73.66	92.07	5,892.80	7,365.60	12,810.95	16,012.81
1533		75.50	94.37	6,040.00	7,549.60	13,130.96	16,412.83
1534		77.38	96.73	6,190.40	7,738.40	13,457.93	16,823.28
1535		79.32	99.15	6,345.60	7,932.00	13,795.33	17,244.17
1536		81.30	101.63	6,504.00	8,130.40	14,139.70	17,675.49
1537		83.33	104.17	6,666.40	8,333.60	14,492.75	18,117.25
1538		85.42	106.77	6,833.60	8,541.60	14,856.25	18,569.44
1539		87.55	109.44	7,004.00	8,755.20	15,226.70	19,033.80
1540		89.74	112.18	7,179.20	8,974.40	15,607.58	19,510.35
1541		91.98	114.98	7,358.40	9,198.40	15,997.16	19,997.32

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 17/18
EFFECTIVE: June 27, 2017

Sworn Executive Management

HOURLY	Bi-weekly	Monthly

Old Base Rate	$ 37.81
Percentage Increase	3.0%

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: June 26, 2018

Sworn Executive Management

		HOURLY		Bi-weekly		Monthly	
		Min	Max	Min	Max	Min	Max
1505		38.94	48.69	3,115.54	3,895.20	6,773.19	8,468.16
1506		39.92	49.90	3,193.60	3,992.00	6,942.89	8,678.61
1507		40.92	51.15	3,273.60	4,092.00	7,116.81	8,896.01
1508		41.94	52.43	3,355.20	4,194.40	7,294.20	9,118.63
1509		42.99	53.74	3,439.20	4,299.20	7,476.82	9,346.46
1510		44.07	55.08	3,525.60	4,406.40	7,664.65	9,579.51
1511		45.17	56.46	3,613.60	4,516.80	7,855.97	9,819.52
1512		46.30	57.87	3,704.00	4,629.60	8,052.50	10,064.75
1513		47.45	59.32	3,796.00	4,745.60	8,252.50	10,316.93
1514		48.64	60.80	3,891.20	4,864.00	8,459.47	10,574.34
1515		49.86	62.32	3,988.80	4,985.60	8,671.65	10,838.69
1516		51.10	63.88	4,088.00	5,110.40	8,887.31	11,110.01
1517		52.38	65.47	4,190.40	5,237.60	9,109.93	11,386.54
1518		53.69	67.11	4,295.20	5,368.80	9,337.76	11,671.77
1519		55.03	68.79	4,402.40	5,503.20	9,570.82	11,963.96
1520		56.41	70.51	4,512.80	5,640.80	9,810.83	12,263.10
1521		57.82	72.27	4,625.60	5,781.60	10,056.05	12,569.20
1522		59.26	74.08	4,740.80	5,926.40	10,306.50	12,883.99
1523		60.74	75.93	4,859.20	6,074.40	10,563.90	13,205.75
1524		62.26	77.83	4,980.80	6,226.40	10,828.26	13,536.19
1525		63.82	79.77	5,105.60	6,381.60	11,099.57	13,873.60
1526		65.42	81.77	5,233.60	6,541.60	11,377.85	14,221.44
1527		67.05	83.81	5,364.00	6,704.80	11,661.34	14,576.24
1528		68.73	85.91	5,498.40	6,872.80	11,953.52	14,941.47
1529		70.44	88.05	5,635.20	7,044.00	12,250.92	15,313.66
1530		72.21	90.26	5,776.80	7,220.80	12,558.76	15,698.02
1531	Chief of Police	74.01	92.51	5,920.80	7,400.80	12,871.82	16,089.34
1532		75.86	94.82	6,068.80	7,585.60	13,193.57	16,491.09
1533		77.76	97.20	6,220.80	7,776.00	13,524.02	16,905.02
1534		79.70	99.62	6,376.00	7,969.60	13,861.42	17,325.91
1535		81.69	102.12	6,535.20	8,169.60	14,207.52	17,760.71
1536		83.74	104.67	6,699.20	8,373.60	14,564.06	18,204.21
1537		85.83	107.28	6,866.40	8,582.40	14,927.55	18,658.14
1538		87.97	109.97	7,037.60	8,797.60	15,299.74	19,125.98
1539		90.17	112.72	7,213.60	9,017.60	15,682.37	19,604.26
1540		92.43	115.53	7,394.40	9,242.40	16,075.43	20,092.98
1541		94.74	118.42	7,579.20	9,473.60	16,477.18	20,595.61

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 18/19
EFFECTIVE: June 26, 2018

Sworn Executive Management

	HOURLY	Bi-weekly	Monthly

Amended for Clerical Error

Print

RESCINDED
MAY - 9 2019
A RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2019-166

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-07

RESOLUTION RESCINDING RESOLUTION NO. 2016-376 TO UPDATE BENEFIT OFFERINGS FOR UNREPRESENTED MANAGEMENT SWORN POLICE EMPLOYEES; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE CHANGES

WHEREAS, by Resolution No 2016-376, which became effective on September 13, 2016, the City Council approved salary and benefit changes to Unrepresented Management and Confidential employees, including Charter Officers and Executives, and

WHEREAS, the City has historically implemented terms and conditions of employment for Unrepresented Police Captains consistent with the terms and conditions of employment covering employees in the Modesto Police Management Association (MPMA) bargaining unit,

WHEREAS, the City desires to approve the following terms and conditions for Unrepresented Management Sworn Police Employeesto have parity with the MPMA Agreement:

a) One percent (1.0%) POST Pay from previous agreement expired effective December 31, 2016;

b) Effective March 7, 2017 increase Supervisory POST Pay by 2.0%;

c) Effective January 10, 2017, increase Executive POST Pay to 10.0%

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

SECTION 1. PROBATIONARY PERIOD. All original and promotional appointments to positions in the Classified Service shall be tentative and subject to a probationary period of one year from the date of appointment to the position. The purpose of the probationary period is to train, observe and evaluate the employee on conduct, performance, attitude, adaptability and job knowledge.

Time spent on any leave of absence, or time during which an employee is unable to perform the full range of duties due to injury or illness, whether or not job-related, shall not be considered as part of any probationary period, and such time will be added to the probationary period. Any further extension of probation will only be upon mutual agreement.

During the probationary period an employee may be released at any time without right of appeal. Written notice of release shall be furnished to the probationer. An employee released during or at the conclusion of probation following a promotion, shall be reinstated to the position previously held, at the former salary step, except if the reasons for release are cause for dismissal.

SECTION 2. COMPENSATORY TIME OFF CAP. Management and Confidential employees who are overtime-eligible shall be paid quarterly for all CTO over their established cap. For employees hired on or after December 6, 2005, the CTO cap shall be 100 hours. For employees hired before December 6, 2005, the cap shall be 160 hours.

SECTION 3. HOLIDAY CAP. Holiday time for unrepresented non-sworn employees may be accrued up to a maximum of 40 hours. When the employee reaches the 40 hour maximum, additional holiday time shall be compensated in cash at straight

time rates on a quarterly basis.

SECTION 4. MANAGEMENT LEAVE. Commencing January 1, 2012, management employees in exempt regular positions shall be advanced 80 hours of Management Leave (Fire Battalion Chiefs on a 56-hour schedule shall be advanced 112 hours) January of each calendar year to be taken at the discretion of the employee and upon approval of City Manager, or designee, and shall be prorated for less than full-time employees. Management Leave will be forfeited if not used by the last pay period ending in December. An exempt employee hired after Management Leave has been advanced shall be eligible for a pro-rated portion of Leave.

In the event of separation from City employment of any person who has taken Management Leave prior to the time all of said leave is earned, the employee shall be required to make full restitution to the City for that portion of leave taken but remaining unearned on the date of termination of employment. Employees separating from City service will be paid for earned Management Leave credit.

SECTION 5. MANAGEMENT LEAVE ANNUAL CASHOUT. The maximum number of hours available for cash out each December shall be 40 hours annually for Management employees. All employees may cash out Management Leave once annually during the pay period in which December 1 falls.

Effective December 2007, the maximum annual cash out shall be 80 hours for Executives and Charter Officers, and 60 hours for Police Captains, Fire Battalion Chiefs, Fire Division Chiefs, Deputy Directors, Assistant City Attorney and Deputy City Attorney I/II/III/Senior. For Fire Battalion Chiefs on a 56-hour schedule, the maximum cash out shall be 84 hours.

SECTION 6. MEDICAL LEAVES OF ABSENCE. Effective December 6, 2005, employees requesting an Authorized Medical Leave of Absence without pay, due to a medical incapacity to perform the duties of their position, must provide written medical verification of a long-term disability, illness or injury.

SECTION 7. CATASTROPHIC LEAVE. Effective December 6, 2005, employees requesting Catastrophic Leave donations must provide a written medical verification of long term illness or injury, or verification of a family member's illness or injury.

SECTION 8. NEGATIVE VACATION. Effective March 7, 2006, use of negative vacation will be permitted only for extenuating circumstances and will require the approval of the City Manager, or designee.

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40 hour schedule shall be afforded the opportunity to cash out up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective July 1, 2003. Employees in the classification of Fire Battalion Chief working a 56 hour schedule shall be afforded the opportunity to cash out up to 72 hours of vacation leave per calendar year (at straight time rates) effective June 20, 2000, and up to 132 hours of holiday leave per calendar year (at time and one-half). Holiday leave may not be carried over year-to-year regardless of the schedule worked.

SECTION 10. SICK LEAVE. Non-sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick

leave bank effective the pay period ending October 22, 2012. Sworn employees hired on or before December 31, 2010 shall have all accrued sick time transferred to a grandfathered sick leave bank effective pay period ending August 25, 2014. For employees hired on or before December 31, 2010 and who promoted to an unrepresented management classification, employee's grandfathered accrued balance and regular sick accrued balance shall follow the employee. Employees who promote from MCFFA shall have their sick leave balance as of promotion date split between grandfathered sick leave and regular sick leave as follows:

- Grandfathered sick bank – Eligible for sick leave balance on the books as of September 8, 2015, reduced by hours previously converted to Deferred Compensation, and up to the amount of hours in employee's sick leave bank upon promotion.
- Regular sick bank – remaining sick leave balance as of promotion date not grandfathered

When taking sick leave, employees with grandfathered sick leave banks shall utilize new sick leave accrued hours prior to utilizing hours from the grandfathered bank.

SECTION 11. SICK LEAVE CASHOUT FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire management employees who leave City service in good standing (other than retirement) after five (5) years of continuous service, shall be paid the first twenty-two hundred (2,200) hours of their current unused grandfathered sick leave, reduced by hours previously converted to Deferred Compensation, as follows: (1) Ninety (90%) percent of sick leave hours as of the date of the employee's initial promotion to a management classification shall be paid out at the current regular rate of pay (top step) for Fire Captain, and (2) In addition, twenty-five (25%) percent of the

remaining sick leave hours accrued after promotion to a management classification shall be paid out at the employee's then current regular rate of pay.

SECTION 12. PROMOTION. Employees promoted on or after November 17, 2015, prior to an employee's promotion to an unrepresented management classification, all compensatory time off (CTO) and grandfathered compensatory time off (GCTO) shall be compensated in cash at the employee's then current regular rate of pay.

SECTION 13. MASTERS DEGREE INCENTIVE PAY. Effective June 29, 2004, employees who possess a Master's Degree or Juris Doctor from an accredited institution, shall be granted one and one half percent (1.5%) Masters Pay, subject to criteria as established by the City. Effective December 26, 2017, for Unrepresented Sworn Police employees who possess a Master's Degree or who have obtained their certificate from either Command College or the Federal Bureau of Investigations National Academy shall be granted two and one half percent (2.5%) Masters Pay.

SECTION 14. REGISTRATION AND CERTIFICATION FEES. Effective July 1, 2003, when an employee is required by the City to obtain or renew a certificate, license or registration in order to carry out their assigned duties, except a California Class C Driver's License, the City will pay the fee for the actual certificate, license or registration, (and exam fee, if any).

SECTION 15. VEHICLE ALLOWANCE. Per Resolution No. 2001-271 effective July 1, 2001, the vehicle allowance for Executives and Charter Officers who receive an allowance, shall be $400/month, and the City Manager is authorized to grant Deputy Directors either an assigned City vehicle or a vehicle allowance in the amount of $300/month. The City Manager is also authorized to grant selected Management

employees a vehicle allowance of $100-$200/month based on Department Director recommendation and an annual justification relating to extensive use of a personal vehicle while conducting City business. Effective May 27, 2008, per Resolution 2008-305, the vehicle allowance for Charter Officers is increased to a maximum of $500/month.

SECTION 16. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, are as follows:

Positions	Effective Date	Allowance
Sworn Police	February 1, 2015	$101.67
Sworn Fire Management	July 1, 2007	$85.00

SECTION 17. POST CERTIFICATION PAY. Effective September 6, 2016, Police Captains who provide evidence that they have received a Supervisory POST Certificate shall be eligible for one and eight tenths percent (1.8%) certification pay. Effective March 7, 2017, the same shall be eligible for an additional two percent (2.0%) certification pay for a total of ten percent (10%). Effective September 6, 2016, Police Captains who provide evidence that they have received a Management POST Certificate shall be eligible for two and three tenths percent (2.3%) certification pay. Effective December 27, 2016, Management POST Certificate pay shall be eight percent (8.0%). Effective March 7, 2017, Management POST Certificate pay shall be ten percent (10%). Effective September 6, 2016, Police Chief shall be eligible for five percent (5.0%) Executive POST pay. Effective January 10, 2016, Police Chief shall be eligible for an additional five percent (5.0%) Executive POST pay, for a total of ten percent (10%).

These amounts are not cumulative and Captains receiving Management POST pay shall not also receive Supervisory POST pay. The maximum allowable POST pay is ten percent (10.0%).

SECTION 18. BONUS PAY FOR UNREPRESENTED POLICE CAPTAINS. City shall pay one thousand five hundred dollars ($1,500) to any Sworn Police Captain in an active paid status as of pay period ending February 22, 2016. An additional one thousand dollars ($1,000) will be paid on July 1, 2016 to Sworn Police Captains in an active paid status from February 23, 2016 through June 27, 2016. New City of Modesto employees appointed as Police Captains will receive a pro-rated amount based on time worked. Police Captains who separate prior to June 27, 2016 will not be eligible for the one thousand dollars ($1,000).

SECTION 19. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY. Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 20. ASSISTANT CHIEF OF POLICE ASSIGNMENT PAY. Effective May 26, 1998, subject to the approval of the City Manager, the Police Chief may appoint employees currently employed by the Police Department in the

classification of Police Captain to the assignment of Assistant Chief of Police. Such appointment may be made without competitive examination and shall continue at the will and pleasure of the Police Chief. The Police Chief may end the assignment at any time and such employee shall return to an assignment as Police Captain (unless removed due to dismissal) at a step no lower than the step the employee held at time of assignment. The total number of assignments shall be at the sole discretion of the City Manager.

SECTION 21. EMERGENCY MEDICAL TECHNICIAN CERTIFICATION PAY. Sworn Fire Management employees in the classifications of Fire Battalion Chief and Fire Division Chief, who are certified as Emergency Medical Technicians (EMT-I), shall receive a five percent (5.0%) of the base salary for their classification. Effective July 12, 2016, the five percent (5%) pay for EMT certification will be rolled into base salary for their classification.

SECTION 22. HAZARDOUS MATERIALS CERTIFICATION PAY. Effective July 1, 2003, one (1) Fire Department Battalion Chief or Division Chief shall be authorized five percent (5%) Haz Mat Pay, when certified as a Hazardous Materials Specialist and assigned to administer the City of Modesto's participation in the Regional Hazardous Materials Response Team. This pay replaced the annual Haz Mat Stipend.

SECTION 23. ALS PARAMEDIC PAY. Effective July 14, 2015, one (1) Fire Department Battalion Chief or Division Chief shall be authorized six percent (6%) ALS Paramedic pay, when assigned to the ALS Paramedic Program and have the required California State Paramedic License and all additional local required ALS certifications.

SECTION 24. FIRE CHIEF OFFICER SHIFT STIPEND. Effective December 2, 2014, Fire Battalion Chiefs and Fire Division Chiefs assigned to work extra shifts in

order to maintain a consistent staffing of two (2) Battalion Chiefs to the extent possible, may receive a stipend of one thousand five hundred dollars ($1,500) per 24-hour shift. Criteria for assignment to extra shifts with the stipend shall be at the discretion of the Fire Chief, who shall also determine when staffing at the level of one Battalion Chief is acceptable. The Fire Chief shall annually determine the maximum number of assignments available for stipend, subject to funds budgeted and the needs of the City. As FLSA Exempt management employees, Fire Battalion Chiefs and Fire Division Chiefs may be required to work both emergency and non-emergency assignments without additional compensation.

SECTION 25. MUTUAL AID ASSIGNMENT. Sworn Fire Management employees in the classification of Fire Battalion Chief and Fire Division Chief shall receive a stipend when assigned to fill Strike Team and Task Force Leader assignments. Fire Battalion Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24 hour period. Fire Division Chiefs assigned as Strike Team or Task Force Leader or Strike Team or Task Force Leader Trainee shall receive a stipend of $1500 for a 24 hour period subject to the following conditions:

1. The assignment results from a request through the California Office of Emergency Services.
2. The assignment is subject to reimbursement through the "Cooperative Agreement for Local Government Fire Suppression."
3. Regularly scheduled work hours are not included and partial periods are pro-rated to the nearest hour.

The City Manager is authorized to adjust the stipend amount, from time to time, consistent with increases in overall Fire Management salaries and reimbursement rates.

SECTION 26. DEFERRED COMPENSATION 457 PLAN. The CITY shall continue to provide access to a 457 deferred compensation program authorized by the City Council for the voluntary participation of City employees. In addition, the CITY shall match on behalf of a participating employee in a regular position, one and one-half percent (1.5%) of an employee's regular rate of pay on a bi-weekly basis; provided, the employee is contributing at least one and one-half percent (1.5%). For such employees who have been continuously employed by the CITY for nine (9) or more years, the CITY shall contribute two and one-half percent (2.5%); provided the employee is contributing at least two and one-half percent (2.5%). Effective January 1, 2006, this increase in the City's contribution shall be effective with the first pay period to begin in the month following completion of nine (9) years of service, provided that the employee has completed any required documents.

SECTION 27. DEFERRED COMPENSATION 401(a) MONEY PURCHASE PLANS. The 401(a) Money Purchase Plans shall provide for a City-paid contribution and equal mandatory employee contribution, effective January 1, 2006, of 5% for Charter Officers, 3% for Executives other than Charter Officers, and 2% for all other unrepresented Management and Confidential employees.

SECTION 28. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits for Unrepresented Management and Confidential employees, including Charter Officers and Executives, shall be a three-tier system as follows and the City contribution (excluding opt out) shall increase by four (4)

percent annually as follows:

	Current	2017	2018	2019
Opt-out of City Medical Coverage	$450.00	$450.00	$450.00	$450.00
Employee only	$621.00	$645.00	$670.00	$700.00
Employee plus 1	$858.00	$900.00	$930.00	$965.00
Employee plus family	$1214.00	$1260.00	$1310.00	$1365.00

The City shall deposit into the employee's deferred compensation account any balance remaining from the above listed contributions not needed to pay for the employee's health, dental or vision premiums. Effective July 22, 2008, for employees enrolled in the City-sponsored High Deductible Health Plan, any balance of said contributions shall be directed to the employee's Health Savings Account. Only in the event that an employee does not qualify for enrollment into a Health Savings Account, the City shall deposit any balance of the above contribution not needed to pay for the employee's combined premium into the employee's deferred compensation account.

Effective July 26, 2005, the City's contribution toward unrepresented employees with Family coverage shall not exceed the actual premium amount for the lowest cost health (HMO Plan), dental and vision plans offered by the City, regardless of the health plan selected by the employee or the contribution amounts listed above.

SECTION 29. DOMESTIC PARTNERS. Benefits applicable to spouses shall be extended to registered domestic partners, as required by law.

SECTION 30. RETIREE HEALTH INSURANCE. Employees who retire prior to December 31, 2015, may elect on a one-time basis at retirement to purchase health, dental and vision insurance under a City-authorized plan and are responsible for all cost.

Non-sworn employees hired **on or before December 31, 2010** and who retire from the City prior to October 23, 2012 after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

Non-sworn employees hired **on or before December 31, 2010** and who retire from the City between October 23, 2012 and December 31, 2014, after five (5) years of continuous service in good standing may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at the rate of eight (8) hours equals one month of contribution. Said insurance contribution shall be provided as needed to cover the cost of retiree health, dental and vision premiums up to a monthly rate of $621 for retiree without dependents and up to $1,100 for retirees with dependent coverage.

Sworn employees hired **on or before December 31, 2010** and who retire from the City prior to January 1, 2015, after five (5) years of continuous service in good standing

may, on a one-time basis, exercise the option to have ninety percent (90%) of their unused grandfathered sick leave applied by the City upon retirement to premiums for health, dental and vision insurance plans covered by the CITY at a rate of eight (8) hours equals one month of contribution (employees promoted on or after December 30, 2014 into a Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution). Said insurance shall be provided in an amount up to that contributed to active employees subject to changes in the median priced health HMO plan for active employees, as needed to cover the cost of retiree health, dental and vision premium.

For all Non-Sworn and Sworn employees hired on or before December 31, 2010 who retire from the City on or after January 1, 2015, the City will no longer offer retiree medical plans through City's group plans effective December 31, 2015, however, retirees may elect on a one-time basis at retirement the option to purchase and maintain City's dental and vision plans at retiree's cost. For these employees who retire after five (5) continuous years of service in good standing may, on a one time basis, have ninety (90%) percent of their unused grandfathered sick leave converted to the City sponsored defined contribution retiree medical benefit plan at the rate of eight (8) hours equals one month of contribution (Fire Unrepresented position on a 56-hour schedule, shall have hours at retirement applied at a rate of twelve (12) hours equals one month of contribution) to purchase medical insurance. For each eight hours (or twelve hours) converted to the retiree medical program, the recipient shall be provided a monthly contribution under one of the following schedules:

Non-Medicare Eligible Recipient	Medicare Eligible Recipient
Retiree Only = $500	Retiree Only = $250
Retiree +1 Dep = $1,000	Retiree +1 Dep = $500
Retiree + Family= $1,000	Retiree + Family = $500

Combined contributions for Retirees

1 Non-Medicare + 1 Medicare coverage = $750

Retiree only contribution for eligible recipients is allowable regardless of where the retiree acquires authorized and legitimate medical insurance coverage (i.e. through State Exchange, through individual insurance company, through a current employer, or through spouse employer). Retiree shall not be eligible to receive a contribution for dependent, spouse, or registered domestic partner under the Retiree + 1 or Retiree + Family levels if retiree's dependent, spouse, or registered domestic partner has medical insurance coverage through their current employer, is covered under Retiree's current employer, or if Retiree does not purchase individual insurance for dependent. Upon retirement only, the City shall transfer contributions based on eligibility above into the City's sponsored Retiree Health Reimbursement Arrangement (HRA) for the individual. Employees will not be eligible for these contributions should they separate from City service prior to retirement. Contributions to eligible retirees will be made as follows: Upon Retirement – initial contributions will be made for the months following loss of coverage with City through either December 31st or June 30th, whichever date is earlier. Contributions will be deposited no later than 30 days after retirement date. Ongoing Contribution – a semi-annual years' worth of contributions will be made on a semi-annual basis no later than Jan 31st (for months January – June) and July 31st (for months July - December) until

exhaustion of sick leave conversion. To receive the semi-annual contribution, the retiree must provide the City with proof and cost of coverage by December 15th each year to receive a contribution for the following calendar year. Failure to provide proof of coverage will result in the retiree losing a City contribution for that calendar year, however, if the retiree provides proof of coverage before June 15th, the retiree will be eligible for the July contribution. Lose of contribution will not result in a reduction to the number of months the retiree is eligible to receive contributions in the future. If retiree has a status change during any calendar year that would change the monthly contribution, such as a marriage, divorce, death, birth, spouse or dependent loss of coverage, the City will reconcile the new amount the retiree is eligible for with the following semi-annual contribution. The change in status is presumed effective the 1st of the month following the month when the retiree provided notice to the City of the change in status. For example, if the retiree's status changes from retiree only to retiree +1 on November 15, the City will provide an additional $500 along with the total semi-annual contribution for the following calendar year to compensate the retiree for the change in status for the month of December in the previous calendar year. If the retiree's change in status results in monies owed to the City, the City will recoup the amount owed by deducting it from the following semi-annual contribution. However, in the event of a death of the retiree receiving a contribution for the retiree only level during the calendar year in which the contribution was already received, any remaining months of contribution will be deleted for subsequent calendar years, but the City will not endeavor to seek payments already made for the months following the retiree's death. In the event of the death of retiree participating in the contribution program, surviving qualified

spouse will be eligible to receive a contribution for the following calendar year if the retiree would have been eligible to receive a contribution. If eligible, the contribution will be consistent with the eligibility criteria set above and continue until the exhaustion of the deceased retiree's sick leave bank, upon the death of the surviving spouse, upon the spouse and/or dependents coverage for other insurance through an employer, or upon voluntarily election to not continue with the contribution program.

For employees hired on or before December 31, 2010, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA). For non-sworn employees, effective July 2, 2013, the City shall contribute $25.00 per month. For sworn employees, effective August 26, 2014 the City shall contribute $25.00 per month. For a full time employee, this equates to a maximum of $300 per year. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Beginning January 1, 2015, the defined City contribution for non-sworn and sworn employees shall increase annually through January 1, 2019, by an additional $10 per year, per employee each January. The defined City contribution shall be a maximum contribution of $75 per month by January 2019. For all employees regardless of date of hire by January 1, 2019, the City will increase the City contribution to the City HRA by an additional ten dollars ($10.00) monthly per employee effective January 1, 2017; followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2018; and followed by an additional increase of ten dollars ($10.00) monthly per employee effective January 1, 2019. The contribution effective January 1, 2019 will be $100.

For all unrepresented employees (sworn and non-sworn) hired on or after January 1, 2011, the City shall contribute to a Defined Contribution retiree medical benefit plan for each eligible employee in the form of a deposit into a Health Reimbursement Arrangement (HRA) account. An employee is eligible to receive a City HRA contribution upon completion of two full years. If an employee separates employment before meeting eligibility requirement, the employee shall receive no benefit. On the first pay period following completion of two full years of continuous City service, the CITY shall deposit $2,400 into an HRA account established in the employee's name. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated lump sum contribution based on hours worked. After the initial contribution is made, the City shall contribute $100 per month for each eligible full time employee. Employees in regular positions budgeted less than eighty (80) hours per pay period or job-shared positions, shall receive a pro-rated amount per month. Employees hired on or after January 1, 2011 and subject to this defined contribution plan shall not be eligible for any sick leave conversion towards retiree medical premiums of any sort. The City's contribution under this section represents the entire contribution towards employee retiree medical.

SECTION 31. PAYCHECK ADVICES. All employees who are on direct deposit will no longer be receiving hard-copy pay advices for. Employees will now be able to utilize the Employee self-service tool available via Oracle under the CoM Employee Self Service responsibility to view their pay advices including their annual W-2s. For any employees who currently are still receiving a payroll pay check, they will continue to receive a hard copy check with their **attached** payroll remittance. Pay

advices will be available anytime during payday Friday and payslips can be printed utilizing city computer workstation.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 2016-376 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-08

Print

RESOLUTION AMENDING A LABOR POLICY FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) ON BEHALF OF EMPLOYEES REPRESENTED BY THE MODESTO POLICE MANAGEMENT ASSOCIATION (MPMA) AND RESCINDING RESOLUTION NO. 2014-315

WHEREAS, by Resolution No 2014-315 adopted by the Council on August 12, 2014, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the governing body of the City of Modesto has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691, and

WHEREAS, the governing body of the City of Modesto has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation, and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Modesto of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions, and

WHEREAS, the governing body has the authority to amend all members in a group or class of employment pursuant to Government Code Section 20691.

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

Effective June 27, 2017, for Police Safety employees, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%). No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

BE IT FURTHER RESOLVED that this Resolution shall become effective on January 10, 2017.

BE IT FURTHER RESOLVED that effective June 27, 2017 Resolution No. 2014-315 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-09

RESOLUTION AMENDING A LABOR POLICY FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) ON BEHALF OF UNREPRESENTED SWORN POLICE EMPLOYEES AND RESCINDING RESOLUTION NO. 2014-314

WHEREAS, by Resolution No 2014-314 adopted by the Council on August 12, 2014, the City adopted a labor policy providing for Public Employees' Retirement System (PERS) employee contributions to be paid by the City on behalf of employees and for reporting of employer-paid normal member contributions to PERS as compensation, and

WHEREAS, the governing body of the City of Modesto has the authority to implement Government Code Section 20636(c)(4) pursuant to Section 20691, and

WHEREAS, the governing body of the City of Modesto has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer, and reported as additional compensation, and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Modesto of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions, and

WHEREAS, the governing body has the authority to amend all members in a group or class of employment pursuant to Government Code Section 20691.

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

Effective June 27, 2017, for Unrepresented Management Police Safety employees, the City of Modesto elects to pay zero percent (0%) of the normal member contributions of twelve percent (12%). No payment shall be implemented pursuant to the provisions of Section 20636 (c)(4) of the California Government Code.

BE IT FURTHER RESOLVED that this Resolution shall become effective on January 10, 2017.

BE IT FURTHER RESOLVED that effective June 27, 2017 Resolution No. 2014-314 is hereby repealed in its entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-10

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF SEVEN ONE-TON TRUCKS TO ALBANY FORD, ALBANY, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING ORDER FOR AN ESTIMATED TOTAL COST OF $342,343

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

WHEREAS, the purchase of three new one-ton trucks for various departments was approved in the adopted Fiscal Year 2015-2016 budget to support the growth in personnel, and

WHEREAS, the purchase of one new one-ton truck for the Utilities Department, Wastewater Division was approved in the adopted Fiscal Year 2016-2017 budget to support the growth in personnel, and

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

WHEREAS, on September 20, 2016, the Purchasing Division issued RFB 1516-39 for the purchase of six one-ton trucks on the City's website under the commodity codes for one-ton trucks. Prospective bidders were notified online of the bid opportunity. Fifteen companies chose to download the RFB document, and

WHEREAS, on October 11, 2016, bids were formally opened in the City Clerk's office. Five companies chose to respond. There was one local vendor capable of

providing this type of equipment. All five companies provided responsive and responsible bids, and

WHEREAS, the local vendor's bid was within five percent of the overall lowest responsive and responsible bid. Support Local Vendors was offered to the local vendor to price match the lowest bid. The local vendor declined this offer, and

WHEREAS, After the RFB closed a new request was received for an additional one-ton truck with the same specifications as one of the trucks in RFB 1516-39. To save staff time and the need for a second RFB the additional one-ton truck has been added to this award for a total of seven trucks, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of seven one-ton trucks to Albany Ford, Albany CA, for a total estimated cost of $342,343, and

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

WHEREAS, sufficient funds for three replacement one-ton trucks for the Parks, Recreation and Neighborhoods Department, Utilities Department, and the Public Works Department, were encumbered in account 5409-53246-57003 in both Fiscal Years 2015-2016 and 2016-2017. One replacement one-ton truck was encumbered in account 5409-53246-57003 in Fiscal Year 2016-2017. Funding for these vehicles was collected through the Internal Service Fund (ISF) via straight-line depreciation over the life of the vehicle, and

WHEREAS, sufficient funds for three new one-ton trucks were encumbered in accounts 4210-44316-57003, 4210-44410-57003, and 4210-44211-57003 in Fiscal Year 2015-2016 to be used for the purchase of these new vehicles in Fiscal Year 2016-2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of seven one-ton trucks to Albany Ford, Albany, CA, for an estimated total cost of $342,343.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order for the purchase of the vehicles.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-11

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A TRUCK MOUNTED AERIAL TOWER TO TEREX UTILITIES, WATERTOWN, SD, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $172,043

WHEREAS, the replacement of a truck mounted aerial tower for the Public Works Department, Green Waste Division, has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

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

WHEREAS, on October 28, 2015, the Purchasing Division issued RFB 1516-16 for the purchase of a non-brand specific truck with an aerial bucket on the City's website under the commodity codes for trucks one-ton or less and specialized bodies. Prospective bidders were notified online of the bid opportunity. Nine companies chose to download the RFB document, and

WHEREAS, on December 8, 2015, bids were formally opened in the City Clerk's office. Three companies chose to respond. There are no local vendors capable of providing this type of equipment. All three companies provided responsive and responsible bids, and

WHEREAS, on February 16, 2016, City Council awarded the bid to Terex Utilities through Resolution No. 2016-45. The City purchased that aerial tower unit and

has been satisfied with the performance of the equipment and responsiveness of the manufacturer, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the purchase of a truck mounted aerial tower to Terex Utilities, Watertown, SD, for a total estimated cost of $172,043, and

WHEREAS, City staff was advised by Terex Utilities that if the City were interested in purchasing another unit, Terex would honor the 2015 bid estimate of $172,043, and

Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his/her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

The Purchasing Manager has determined that this purchase meets the exceptions specified in MMC Section 8-3.204(d) by utilizing the previous competitive bid price, save a significant amount in staff time, and purchase a known manufacturer that meets or exceeds the desired quality of product. By accessing the pricing from a previous competitive bid, utilizing the prior competitive bid, the City will take advantage of the lowest price, avoiding any annual price increases and making the purchase of this equipment conform to MMC Section 8-3.204(d), and

WHEREAS, sufficient funds for a truck mounted aerial tower are budgeted in current Fiscal Year 2016-2017 in account 5409-53246-57003. Funding for this unit was collected through the internal service fund (ISF) via straight-line depreciation over the life of the unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of a truck mounted aerial tower to Terex Utilities, Watertown, SD, for an estimated total cost of $172,043.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-12

Print

RESOLUTION ACCEPTING THE FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 8 GRANT IN THE AMOUNT OF $391,230 TO INSTALL 1900 TRAFFIC SIGNAL BACKPLATES WITH 2-INCH REFLECTIVE BORDERS, 300 MARKED CROSSWALKS, AND 500 STOP BARS AND STOP LEGENDS AT VARIOUS LOCATIONS IN MODESTO, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, staff was notified that Highway Safety Improvement Program (HSIP) funds may be available for the installation of reflective traffic signal backplates, high visibility crosswalk markings and stop bars and stop legends at various locations in Modesto, and

WHEREAS, on August 11, 2016, the application for this grant was submitted to the State (Caltrans), and

WHEREAS, on November 22, 2016, the City was notified that it was awarded this project, and

WHEREAS, the project will be 90% funded by the HSIP grant, with 10% funding required by the City, and

WHEREAS, the grant will be for the installation of 1900 traffic signal backplates with 2-inch reflective borders, 300 high visibility crosswalks, and 500 stop bars and stop legends at various locations in Modesto, and

WHEREAS, the completion of this project will result in a reduction of traffic collisions in Modesto, and

WHEREAS, the completion of this project will improve public safety and it will also allow public safety resources to be redirected to other necessary public services when there is a reduction is traffic collisions, and

WHEREAS, resources for pavement delineation maintenance have not been at a sustainable level resulting in an increase in deferred maintenance and this grant will help reduce a portion of the work back log at various locations in Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Highway Safety Improvement Program (HSIP) Cycle 8 grant in the amount of $391,230, to install 1900 traffic signal backplates with 2-inch reflective borders, 300 marked crosswalks, and 500 stop bars and stop legends at various locations in Modesto.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-13

RESOLUTION APPROVING THE QUARTERLY ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY RESIDENTIAL OF $.05 PER MONTH AND COMMERCIAL SOLID WASTE COLLECTION SERVICES OF $.05 PER CUBIC YARD PER MONTH, RETROACTIVE TO JANUARY 1, 2017, AND RESCINDING RESOLUTION NO. 2016-386

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, new maximum rates were calculated and a recommendation for a new maximum rate schedule was developed, which included a recommendation that

RESCINDED
JUL 11 2017
[1]THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-279

quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, staff has made adjustments related to the fuel component of the maximum rates and has incorporated the fuel component adjustments into the schedule of the Maximum Charges for Garbage Service **attached** hereto, marked **Attachment A,** January 1, 2017, and incorporated herein by reference, and

WHEREAS, on September 27, 2016, by Resolution No. 2016-386, the City Council approved the schedule for Maximum Charges for Garbage Service **attached** hereto as **Attachment A**, January 1, 2017, and incorporated by reference, and

WHEREAS, this action is to adjust maximum rates for existing services and therefore does not require environmental review, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the quarterly adjustments to the fuel component of the maximum rates should be made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the **attached** quarterly fuel adjustments to the Maximum Rate Schedule for City residential of $.05 per month and, and commercial solid waste collection services of $.05 per cubic yard per month, to become effective retroactive to January 1, 2017.

BE IT FURTHER RESOLVED, that adjustments to the Maximum Rate Schedule for Garbage Services, **Attachment A**, dated January 1, 2017, are approved and shall become effective retroactive to January 1, 2017 and shall remain in effect until rescinded.

BE IT FURTHER RESOLVED, said Maximum Charges for Garbage Service **attached** as **Attachment A** to this Resolution, dated January 1, 2017, shall replace **Attachment A** of Resolution No. 2016-386 in its entirety and shall become effective

January 1, 2017, and shall remain in effect until revised or rescinded by Council.

BE IT FURTHER RESOLVED that Resolution No. 2016-386 is hereby rescinded effective January 1, 2017.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A
January 1, 2017

MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Maximum Monthly Rates (Once a Week Pickup Service)

Standard container service maximum rates shall include the following:

- One 96-gallon container for garbage and one 96-gallon container for organics recycling
- Two bulky item collections per year by appointment
- Maintenance of City trees, including collection & composting of Green Waste/Forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for Household Hazardous Waste at the HHW Facility

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

1. Standard container service

a. The maximum rate for new sign-ups for service or changes in service that occur after October 1, 1996, shall be **$30.52 per month** regardless of size of container. A fuel component of $.88 per month is included in the maximum rate for August 2016 through October 2016. The fuel component may be adjusted quarterly as needed.

b. The maximum rate for each additional garbage container shall be **$21.44 per month, and $10.27 per month** for each additional organics recycling container.

2. 60-gallon container service (grandfathered customers)

a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$24.11 per month.** A fuel component of $.88 per month is included in the maximum rate for August 2016 through October 2016. The fuel component may be adjusted quarterly as needed

b. The maximum rate for each additional 60-gallon garbage container shall be **$20.90 per month.**

3. **Fuel Component adjustments** - The fuel component will be analyzed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.

DETACHABLE CONTAINERS
Maximum Monthly Rates

Container Size	Regular Container Maximum Rates NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	$39.29	$78.58	$117.87	$157.16	$196.45	$235.74
2 CY	$78.58	$157.16	$235.74	$314.32	$392.90	$471.48
3 CY	$117.87	$235.74	$353.61	$471.48	$589.35	$707.22
4 CY	$157.16	$314.32	$471.48	$628.64	$785.80	$942.96
5 CY	$196.45	$392.90	$589.35	$785.80	$982.25	$1,178.70
6 CY	$235.74	$471.48	$707.22	$942.96	$1,178.70	$1,414.44

Organic Recycling Participants signed prior to 2016 Container Maximum Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
2 CY	$58.94	$117.87	$176.81	$235.74	$294.68	$353.61
3 CY	$88.40	$176.81	$265.21	$353.61	$442.01	$530.42
4 CY	$117.87	$235.74	$353.61	$471.48	$589.35	$707.22
5 CY	$147.34	$294.68	$442.01	$589.35	$736.69	$884.03
6 CY	$176.81	$353.61	$530.42	$707.22	$884.03	$1,060.83
90-gallon	$22.89	$45.78	$68.67	$91.56	$114.45	$137.34

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pick-up per week for each size container.

2. **Fuel Component** - A fuel component of $.77 per cubic yard per month per pick-up is included in the maximum rate for August 2016 through October 2016. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices

shall be determined based on published prices for California from the Department of Energy.

DROP BOX CONTAINERS

1. **Pick up charge** - $248.22 per pick-up
2. **Rental** - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $14 per ton is added to the disposal charges.

COMPACTORS

Front Loader Type:

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	$353.16	$706.32	$1,059.48	$1,412.64	$1,765.80	$2,118.96
4 CY	$470.88	$941.76	$1,412.64	$1,883.52	$2,354.40	$2,825.28
6 CY	$706.32	$1,412.64	$2,118.96	$2,825.28	$3,531.60	$4,237.92

Roll-Off Types:

1. **6 CY to 40 CY**	$248.22 per pick-up
2. **Hospital waste compactors**	$265.00 per pick-up
3. **Washing compactor**	$30.00
4. **Disposal Charge:**	Actual charge to be paid by customer
5. **AB 939 Green Waste Diversion Fee**	$14.00 per ton

EXTRA PICKUPS

1. **Standard containers or equivalent**	$3.50 plus $2.30/container
2. **Detachable containers**	$12.00 plus $4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
$10.12	$11.00	$12.10	$15.40	$20.24	$25.08	$29.92

NOTATIONS

1. The above maximum rates include a $0.25 per month residential recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial recycling fee; and a $5.00 per pull ($0.25 per ton) industrial recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $4.26 per month per household AB 939 Green Waste Diversion Fee.
3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of $7.79 per yard/month.
4. Carpenter Road Landfill Mitigation Fees for residential shall be $.50 per household per month and commercial wastes shall be $.91 per month for 1 cubic yard collected 1 time per week. Carpenter Road Landfill Mitigation fees on Industrial wastes shall be $5.00 per pull on industrial wastes.
5. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-14

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A BACKHOE FOUR-WHEEL DRIVE TO SONSRAY MACHINERY, STOCKTON, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $112,105

WHEREAS, the replacement of a backhoe four-wheel drive for the Utilities Department, Water Division, has been subjected to a thorough evaluation and has met or exceeded the replacement criteria before being placed on the replacement list, and

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

WHEREAS, on September 27, 2016, the Purchasing Division issued RFB 1617-03 for the purchase of a backhoe four-wheel drive on the City's website under the commodity codes for agriculture equipment, road and highway equipment and front end loaders. Prospective bidders were notified online of the bid opportunity. Seven companies chose to download the RFB document, and

WHEREAS, on October 25, 2016, bids were formally opened in the City Clerk's office. Two companies chose to respond. Both companies provided responsive and responsible bids. Local vendors capable of providing this type of equipment chose not to respond, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a backhoe four-wheel drive to Sonsray Machinery, Stockton CA, for a total estimated cost of $112,105, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of a backhoe four-wheel drive to Sonsray Machinery, Stockton, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for a backhoe four-wheel drive were encumbered in account 5409-53246-57003 in Fiscal Year 2015-2016. Funding for this unit was collected through the internal service fund (ISF) via straight-line depreciation over the life of the unit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a backhoe four-wheel drive to Sonsray Machinery, Stockton, CA, for an estimated total cost of $112,105.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-15

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF A NEW COMPACT BIKE LANE SWEEPER TO MUNICIPAL MAINTENANCE EQUIPMENT, SACRAMENTO, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $246,768

WHEREAS, the purchase of a new compact bike lane sweeper for the Green Waste Division of the Public Works Department has been approved to support the cleaning of new bike lanes in various locations around the City, and

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

WHEREAS, on September 28, 2016, the Purchasing Division issued RFB 1617-12 for the purchase of a new compact bike lane sweeper on the City's website under the commodity codes for automotive vehicles, trucks with specialized bodies and street sweepers. Prospective bidders were notified online of the bid opportunity. Eight companies chose to download the RFB document, and

WHEREAS, on October 25, 2016, bids were formally opened in the City Clerk's office. One company chose to respond. There are no local vendors capable of providing this type of equipment. Municipal Maintenance Equipment, Sacramento, CA, provided a responsive and responsible bid, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a compact bike lane sweeper to Municipal Maintenance Equipment, Sacramento, CA, for a total estimated cost of $246,768, and

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

WHEREAS, all street sweepers in the City are purchased by the Stormwater Compliance Fund and operated by the Green Waste Division, and

WHEREAS, sufficient funds for a new compact bike lane sweeper are budgeted in Fiscal Year 2016-2017 in account 4480-44111-57003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a new compact bike lane sweeper to Municipal Maintenance Equipment, Sacramento, CA,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to issue a purchase order for an estimated total cost of $246,768.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-16

Print

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH ALLEN ENTERPRISES, FOR ACQUISITION OF 0.77 ACRES FOR A PERMANENT WATER LINE EASEMENT AND 0.77 ACRES FOR A TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 307 ZACHARIAS ROAD, IN PATTERSON, (APN: 021-020-022), AT MINIMAL COST TO THE CITY, FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT

WHEREAS, the City of Modesto is a participant in the North Valley Regional Recycled Water Project (the Project), and

WHEREAS, the Project will convey treated tertiary water via pipeline from the City's Jennings Treatment Facilities to the Delta-Mendota Canal via a new pump station and underground pipelines, to serve irrigation customers of the Del Puerto Water District (DPWD), and

WHEREAS, the improvements in this Project include the construction and installation of underground pipelines and related improvements on real property located at 307 Zacharias Road in Patterson (APN 021-020-022) (the Subject Property), and

WHEREAS, Allen Enterprises, the owner of the Subject Property, has agreed to convey to the City of Modesto a permanent water line easement over a 0.77-acre area, and a temporary construction easement, over a 0.77-acre area of the Subject Property to allow the City to install and maintain the pipelines, at no cost to the City, and

WHEREAS, City Staff recommends that the City enter into the Purchase and Sale Agreement with the property owner for acquisition of the permanent and temporary construction easements on the Subject Property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase and Sale Agreement with Allen Enterprises, for the

acquisition of a permanent water line easement over a 0.77-acre area, and a temporary construction easement over a 0.77-acre area of the Subject Property located at 307 Zacharias Road in Patterson (APN 0021-020-022), at no cost to the City for the North Valley Regional Recycled Water Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow, including the certificate of acceptance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-17

Print

RESOLUTION APPROVING THE GRANT OF EASEMENT FROM ALLEN ENTERPRISES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT OF EASEMENT FOR THE PERMANENT WATER LINE EASEMENT, CONSISTING OF 0.77 ACRES AND TEMPORARY CONSTRUCTION EASEMENT, CONSISTING OF 0.77 ACRES, LOCATED AT 307 ZACHARIAS ROAD, IN PATTERSON, (APN 021-020-022), FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT

WHEREAS, the City of Modesto is a participant for the North Valley Regional Recycled Water Project (the Project), and

WHEREAS, the Project will convey treated tertiary water via pipeline from the City's Jennings Treatment Facilities to the Delta-Mendota Canal via a new pump station and underground pipelines, to serve irrigation customers of the Del Puerto Water District (DPWD), and

WHEREAS, the improvements in this Project include the construction and installation of underground pipelines and related improvements on real property located at 307 Zacharias Road in Patterson (APN 021-020-022) (the Subject Property), and

WHEREAS, Allen Enterprises, the owner of the Subject Property, has agreed to convey to the City of Modesto a permanent and temporary construction easement to allow the City to install and maintain the pipelines, and

WHEREAS, City staff recommends that the City Council execute and accept the Grant Of Easement, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Of Easement with Allen Enterprises for the acquisition of a permanent water line easement over a 0.77-acre area, and a temporary construction

easement, over a 0.77-acre area, of the Subject Property located at 307 Zacharias Road, Patterson (APN 021-020-022), for the North Valley Regional Recycled Water Project.

BE IT FURTHER RESOLVED that the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance for the Grant Of Easement for the acquisition of a permanent water line easement and temporary construction easement on the Subject Property located at 307 Zacharias Road, in Patterson, (APN 021-020-022) to be conveyed to the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and accept the Grant of Easement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-18

Print

RESOLUTION APPROVING AN AGREEMENT WITH HAZEN AND SAWYER, INC., SAN FRANCISCO, CA, FOR HYDROGEOLOGICAL AND DESIGN SERVICES FOR THE GRAYSON WELL 274 REPLACEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED $293,973 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $29,397 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $323,370 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Grayson water service area was acquired from the Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system, and

WHEREAS, the City now operates and maintains two wells and storage tank No. 9 in the outlying service area of Grayson, and

WHEREAS, elevated nitrate concentrations have been a problem at Well 274, and the water requires treatment for nitrate removal at the Well 295/Tank 9 site, and

WHEREAS, a feasibility study completed in January 2015, addressing nitrate concentrations in Well 274 and recommended a replacement well, because the current well is relatively shallow and was installed in 1967, and

WHEREAS, on November 24, 2015, by Resolution No. 2015-454, Council accepted a 9,945 square foot site from Stanislaus County, expanding the Well 274 site in order to drill a replacement well, and

WHEREAS, on March 22, 2016, by Resolution No. 2016-116, Council approved an agreement with Kleinfelder, Inc. to provide a geophysical investigation of the site, and

WHEREAS, the geophysical investigation results determined that a production zone of approximately 270-340 feet below ground surface (bgs) could potentially produce 400-500 gallons per minute (gpm), which would be suitable for a replacement well, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to five (5) pre-qualified consultants for Engineering Design Services for Water Capital Improvement Program Projects, and

WHEREAS, in addition, Kleinfelder, Inc., who performed the geophysical investigation, was sent the RFP, and

WHEREAS, on November 4, 2016, staff received and distributed six (6) proposals to a selection committee consisting of Utilities engineering and operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined that Hazen and Sawyer, Inc. (Hazen), to be the most qualified and responsive, and

WHEREAS, Hazen's sealed proposal costs were opened after the selection ranking had been finalized, and

WHEREAS, Hazen's proposal cost and scope were reviewed and determined to be reasonable to provide hydrogeological and design services, and

WHEREAS, as a part of their design team, Hazen proposed L Street Architects and NorthStar Engineering Group as local sub-consultants, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Design of production well including subsurface design; 2) Hydro-geological support during drilling of production well; 3) Design of above-grade facilities; and 4) Services during equipping of the production well,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Hazen and Sawyer, Inc., San Francisco, CA, for hydrogeological and design services for the Grayson Well 274 Replacement Project, in an amount not to exceed $293,973 for the identified scope of services, plus $29,397 for additional services (if needed), for a maximum total amount of $323,370.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-19

Print

RESOLUTION APPROVING AMENDMENT NO. 2 TO CITY OF MODESTO PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN TO (1) ALLOCATE $13,257.50 OF UNCOMMITTED FY 2016-2017 EMERGENCY SOLUTIONS GRANT FUNDS FOR RAPID REHOUSING AND HOMELESS PREVENTION ACTIVITIES; (2) ALLOCATE AN ADDITIONAL $100,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS FOR THE ACQUISITION, PUBLIC FACILITY IMPROVEMENT, CLEARANCE AND REMEDIATION ACTIVITIES RELATED TO THE HOMELESS ACCESS CENTER; (3) ALLOCATE $400,000 IN CDBG ENTITLEMENT FUNDS TO ESTABLISH A REVOLVING LOAN FUND FOR A HOMEOWNER SEWER AND WATER CONNECTION PROGRAM; (4) ADD A FAIR HOUSING ACTIVITY AND ALLOCATE UP TO $10,000 IN CDBG ENTITLEMENT FUNDS; AND (5) ESTABLISH THE USE OF ACTIVITY DELIVERY COSTS ASSOCIATED WITH CDBG ELIGIBLE PROJECTS, AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT FOR AMENDMENT NO. 2 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION OF AMENDMENT NO. 2

WHEREAS, on June 14, 2016, the City Council, by Resolution No. 2016-254, approved the submission of the Program Year 2016-2017 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, on June 21, 2016, City Council, by Ordinance No., 3652-C.S., adopted the Fiscal Year 2016-2017 Annual and Multi- Year Operating Budgets, and

WHEREAS, any changes to AAP allocations are accomplished through amendments to the AAP, and

WHEREAS, on October 4, 2016, the City Council, by Resolution No. 2016-406, approved Amendment No. 1 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, Amendment No. 2 to the City of Modesto Program Year 2016-17 AAP (Amendment No. 1): (1) allocates $13,257.50 of uncommitted FY 2016-2017

Emergency Solutions Grant (ESG) funds for Rapid Rehousing and Homeless Prevention Activities; (2) allocates an additional $100,000 in Community Development Block Grant (CDBG) entitlement funds for the Acquisition, Public Facility Improvement, and Clearance and Remediation Activities related to a Homeless Access Center; (3) allocates $400,000 in CDBG entitlement funds to establish a Revolving Loan Fund for a Homeowner Sewer and Water connection program; (4) allocates $10,000 in CDBG entitlement funds to fund Fair Housing activities; and (5) establishes the use of CDBG entitlement funds for activity delivery costs associated with CDBG eligible projects in an amount up to 20% of overall project cost, and

WHEREAS, the public was afforded a 30-day comment period on the proposed amendment, and

WHEREAS, on December 8, 2016, City staff presented the Amendment No. 2 to the Citizens' Housing & Community Development Committee meeting who recommended it be forwarded to forward to City Council for approval, and

WHEREAS, on December 15, 2016, City staff held a community meeting, to assess local needs and priorities related to Amendment No. 2, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on Wednesday, December 7, 2016 and closed with a public hearing at the City Council meeting on Tuesday, January 10, 2017, and

WHEREAS, any comments received during the public review period or during the January 10, 2017 City Council meeting will be incorporated into the final Amendment No. 2 to City of Modesto Program Year 2016-2017 Annual Action Plan, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts Amendment No. 2 to City of Modesto Program Year 2016-2017 Annual Action Plan to (1) allocate $13,257.50 of uncommitted FY 2016-2017 Emergency Solutions Grant (ESG) funds for Rapid Rehousing and Homeless Prevention Activities; (2) allocate an additional $100,000 in Community Development Block Grant (CDBG) entitlement funds for the Acquisition, Public Facility Improvement, and Clearance and Remediation Activities related to a Homeless Access Center; (3) allocate $400,000 in CDBG entitlement funds to establish a Revolving Loan Fund for a Homeowner Sewer and Water connection program; (4) allocate $10,000 in CDBG entitlement funds to fund Fair Housing activities; and (5) establish the use of CDBG entitlement funds for activity delivery costs associated with CDBG eligible projects in an amount up to 20% of overall project cost.

BE IT FURTHER RESOLVED that City staff is authorized to submit an application to HUD for Amendment No. 2 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in "Draft Program Year 2016-2017 Annual Action Plan Second Amendment," **attached** hereto as **Exhibit A** and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 2 to City of Modesto Program Year 2016-17 Annual Action Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017
Annual Action Plan Second Amendment

SECOND AMENDMENT
City of Modesto

2016 Annual Action Plan

Substantial Amendment

City Council January 10, 2017:

The purpose of the Substantial Amendment is to define the following Eligible Uses:

1. **Emergency Shelter Beds and Eligible - Supportive Services - Homeless (SP-60 Homelessness Strategy - 24 CFR 91.215(d)).**

Access Center $100,000

Resources: CDBG 24CFR 570.200

National Objective: Low/Moderate Income Area (LMA)

- Acquisition (570.504)
- Public Facility Improvement (570.200(b))
- Clearance and remediation activities (570.205)

2. **Emergency Solutions Grant (ESG) Request for Proposals (RFP): Release a Request for Proposals of uncommitted FY 2016-2017 ESG funds.**

Rapid Rehousing and Homeless Prevention Activities $13,257.50

Resources: ESG 24CFR 576.104

National Objective: Low/Moderate Clientele (LMC)

- Housing Relocation and Stabilization Services (576.105)
- Short- and Medium-term Rental Assistance (576.106)

3. **Activity Delivery Costs Clarification: The definition of program administration costs from 24 CFR 570.206 specifically excludes activity delivery costs (e.g. – staff and overhead costs directly related to carrying out activities under 24 CFR 570.201 through 570.204).**

Resources: 24CFR 570.201 through 24CFR570.204

For example, in a rehabilitation project, the costs for preparation of work specifications, loan processing, and property inspections would be eligible activity delivery costs regardless of whether or

not the actual rehabilitation of the structure was paid for with CDBG funds. However, to be eligible activity delivery costs, the activity being delivered must be CDBG-eligible. There is not limit on the percentage of CDBG funds that may be used for eligible activity delivery costs.

4. **Sewer Connection Program: Establish a Revolving Loan Fund for the purpose of carrying out a sewer housing connection program which, in turn, generates payments to the fund for use in carrying out the same activities. This program will provide financial assistance to eligible owner-occupied residents located within the City of Modesto. These activities will repair or eliminate conditions that present critical health and safety hazards, including connection fees.**

Homeowner Rehabilitation Activities $400,000

Resources: CDBG 24CFR 570.202; Matrix Code 14A, 14B,

National Objective: Low/Moderate Clientele (LMC)

- Water and Sewer Connections in the form of grants, loans, loan guarantees, interest subsidies, or other forms of assistance to homeowners for the purpose of repairs, rehabilitation, or reconstruction.

5. **Fair Housing: Add an activity within the FY 2016-2017 AAP that would allow the City of Modesto to contract with a local fair housing service provider to deliver fair housing services within the City of Modesto.**

Fair Housing Activities $10,000

Resources: CDBG 24 CFR 570.602

National Objective: Low/Moderate Clientele (LMC)

- The delivery of fair housing services on behalf of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-20

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT CHANGES NOTED IN THE ATTACHED AMENDMENT NO. 2 TO CITY OF MODESTO'S PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND EMERGENCY SOLUTION GRANT FUNDS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 14, 2016, the City Council, by Resolution No. 2016-254, approved the submission of the Program Year 2016-2017 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, on June 21, 2016, City Council, by Ordinance No. 3652-C.S., adopted the Fiscal Year 2016-2017 Annual and Multi-Year Operating Budgets, and

WHEREAS, any changes to AAP allocations are accomplished through amendments to the AAP, and

WHEREAS, on October 4, 2016, the City Council, by Resolution No. 2016-406, approved Amendment No. 1 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, Amendment No. 2 to the City of Modesto Program Year 2016-17 AAP (Amendment No. 1) allocates $13,257.50 of uncommitted FY 2016-2017 Emergency Solutions Grant (ESG) funds for Rapid Rehousing and Homeless Prevention Activities, and

WHEREAS, Amendment No. 2 allocates an additional $100,000 in Community Development Block Grant (CDBG) entitlement funds for the Acquisition, Public Facility Improvement, and Clearance and Remediation Activities related to a Homeless Access Center, and

WHEREAS, Amendment No. 2 allocates $400,000 in CDBG entitlement funds to establish a Revolving Loan Fund(Project) for a Homeowner Sewer and Water connection program, and

WHEREAS, Amendment No. 2 adds $10,000 in CDBG entitlement funds to fund a Fair Housing activity, and

WHEREAS, Amendment No. 2 establishes the use of CDBG entitlement funds for activity delivery costs associated with CDBG eligible projects in an amount up to 20% of overall project cost, and

WHEREAS, the public was afforded a 30-day comment period on the proposed amendment, and

WHEREAS, on December 8, 2016, City staff presented Amendment No. 2 to the Citizens' Housing & Community Development Committee meeting who recommended it be forwarded to City Council for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby approves an amendment to the fiscal year 2016-17 annual operating and capital improvement budgets to reflect changes noted in Amendment No. 2, **attached** hereto as **Exhibit A**, to City of Modesto's Program Year 2016-2017 Annual Action Plan for Community Development Block Grant and Emergency Solution Grant Funds, and authorizing the City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017 Annual Action Plan
Second Amendment

SECOND AMENDMENT
City of Modesto

2016 Annual Action Plan

Substantial Amendment

City Council January 10, 2017:

The purpose of the Substantial Amendment is to define the following Eligible Uses:

1. **Emergency Shelter Beds and Eligible - Supportive Services - Homeless (SP-60 Homelessness Strategy - 24 CFR 91.215(d)).**

Access Center $100,000

Resources: CDBG 24CFR 570.200

National Objective: Low/Moderate Income Area (LMA)

- Acquisition (570.504)
- Public Facility Improvement (570.200(b))
- Clearance and remediation activities (570.205)

2. **Emergency Solutions Grant (ESG) Request for Proposals (RFP): Release a Request for Proposals of uncommitted FY 2016-2017 ESG funds.**

Rapid Rehousing and Homeless Prevention Activities $13,257.50

Resources: ESG 24CFR 576.104

National Objective: Low/Moderate Clientele (LMC)

- Housing Relocation and Stabilization Services (576.105)
- Short- and Medium-term Rental Assistance (576.106)

3. **Activity Delivery Costs Clarification: The definition of program administration costs from 24 CFR 570.206 specifically excludes activity delivery costs (e.g. – staff and overhead costs directly related to carrying out activities under 24 CFR 570.201 through 570.204).**

Resources: 24CFR 570.201 through 24CFR570.204

For example, in a rehabilitation project, the costs for preparation of work specifications, loan processing, and property inspections would be eligible activity delivery costs regardless of whether or

not the actual rehabilitation of the structure was paid for with CDBG funds. However, to be eligible activity delivery costs, the activity being delivered must be CDBG-eligible. There is not limit on the percentage of CDBG funds that may be used for eligible activity delivery costs.

4. **Sewer Connection Program: Establish a Revolving Loan Fund for the purpose of carrying out a sewer housing connection program which, in turn, generates payments to the fund for use in carrying out the same activities. This program will provide financial assistance to eligible owner-occupied residents located within the City of Modesto. These activities will repair or eliminate conditions that present critical health and safety hazards, including connection fees.**

Homeowner Rehabilitation Activities $400,000

Resources: CDBG 24CFR 570.202; Matrix Code 14A, 14B,

National Objective: Low/Moderate Clientele (LMC)

- Water and Sewer Connections in the form of grants, loans, loan guarantees, interest subsidies, or other forms of assistance to homeowners for the purpose of repairs, rehabilitation, or reconstruction.

5. **Fair Housing: Add an activity within the FY 2016-2017 AAP that would allow the City of Modesto to contract with a local fair housing service provider to deliver fair housing services within the City of Modesto.**

Fair Housing Activities $10,000

Resources: CDBG 24 CFR 570.602

National Objective: Low/Moderate Clientele (LMC)

- The delivery of fair housing services on behalf of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-21

Print

RESOLUTION APPROVING AN AMENDMENT TO THE GENERAL PLAN TO ADOPT THE 2015 HOUSING ELEMENT

WHEREAS, Government Code Section 65300 et. seq. requires the legislative body of each city and county to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning, and

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

WHEREAS, Government Code Section 65358 permits the amendment of the mandatory elements of a general plan no more often than four times during any calendar year; and

WHEREAS, the State of California requires each city to include in its General Plan a Housing Element, which must be updated every eight years (Government Code Section 65580 et seq.), and

WHEREAS, said Housing Element must demonstrate that a city has accommodated a certain number of dwelling units to house people of different income levels, and

WHEREAS, staff transmitted the revised Housing Element to the Department of Housing and Community Development on December 10, 2015, and

WHEREAS, the City of Modesto received a comment letter from the Department of Housing and Community Development on February 9, 2016, identifying needed revisions to the Housing Element, and

WHEREAS, a public hearing was held by the Planning Commission on March 21, 2016, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission recommended City Council approve a resolution (Resolution 2016-07) adopting an Initial Study, Environmental Assessment No. EA/C&ED 2016-01, which concluded that the potential environmental effects of the proposed specific plan amendment have been adequately addressed within the context of the previously-certified Master EIR (SCH No. 2007072023), Tivoli Specific Plan EIR (SCH #2005072125) and Woodglen Specific Plan EIR (SCH #2007042087), and that, pursuant to Section 15182 of the CEQA Guidelines, Section 21166 of the Public Resources Code, no new environmental review is required, and

WHEREAS, the Planning Commission also recommended City Council approve an amendment to the General Plan (Resolution 2016-08) to adopt the 2015 Housing Element, and

WHEREAS, a public hearing was held by the City Council on April 12, 2016, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the City Council adopted an Initial Study, Environmental Assessment No. EA/C&ED 2016-01 (Resolution 2016-154), which concluded that the potential environmental effects of the proposed specific plan amendment have been

adequately addressed within the context of the previously-certified Master EIR (SCH No. 2007072023), Tivoli Specific Plan EIR (SCH #2005072125) and Woodglen Specific Plan EIR (SCH #2007042087), and that, pursuant to Section 15182 of the CEQA Guidelines, Section 21166 of the Public Resources Code, no new environmental review is required, and

WHEREAS, the City Council also approved an amendment to the General Plan (Resolution 2016-155) to adopt the 2015 Housing Element, and

WHEREAS, staff transmitted the revised Housing Element to the Department of Housing and Community Development on September 1, 2016, and

WHEREAS, the City of Modesto received a letter from the Department of Housing and Community Development on November 1, 2016, indicating that the revised 2015 Housing Element meets the statutory requirements and will comply with State law when the revisions are adopted and submitted to the State, and

WHEREAS, a public hearing was held by the Planning Commission on November 21, 2016, in Chambers, 1010 Tenth Street, Modesto, California, at which evidence both oral and documentary was received and considered, and

WHEREAS, said matter was set for a public hearing of the City Council held on December 13, 2016, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan Housing Element, Chapter IV.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban

General Plan to as described in **Exhibit "A", attached** hereto and incorporated herein by reference, is required for the public health, safety, and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed amendment to the General Plan as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community and Economic Development Department Director is hereby authorized and directed to forward certified copies of this resolution and said amendment to the Urban Area General Plan to the Board of Supervisors, and file a Notice of Determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A
See Link Below to Document:

http://www.modestogov.com/documentcenter/view/1452

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-22

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO GENERAL COMMERCIAL (C-2) ZONE, PROPERTY LOCATED AT 1115 OAKDALE ROAD, WEST OF MORNINGSIDE DRIVE (GFF & R II)

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

WHEREAS, GFF & R II has proposed a rezone of property located at 1115 Oakdale Road from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2016-23 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on December 13, 2016, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 10, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

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

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2016-23

"OFFICIAL" FILE COPY

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2016-23

For the proposed:

RZN-16-002: Rezone of 4.76 Acres from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone

TPM-16-003: Vesting Tentative Parcel Map of one 3.6 Acre Parcel within Rezone Area to Two Parcels

DPR-16-009: Development Plan Review for Five New Commercial Buildings on 4.76 Acres

1115 Oakdale Road
(APN 032-015-047 and portion of APN 032-015-045)

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

October 20, 2016

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Rezone, Vesting Tentative Parcel Map and Development Plan Review for 1115 Oakdale Road ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title:
RZN-16-002—Rezone of 4.76 acres from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone
TPM-16-003—Vesting Tentative Parcel Map, 3.6 acre parcel into two parcels
DPR-16-009—Development of five new commercial buildings on 4.76 acres

B. Address or Location: 1115 Oakdale Road, Modesto CA 95355

C. Applicant: GFF&R II, c/o Michael Fenley; 1121 Oakdale Road, Suite 7, Modesto CA 95355

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

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

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

G. Surrounding Land Uses:

North: Planned Development Zone P-D(593), Professional Office, Veterans Administration Medical Clinic

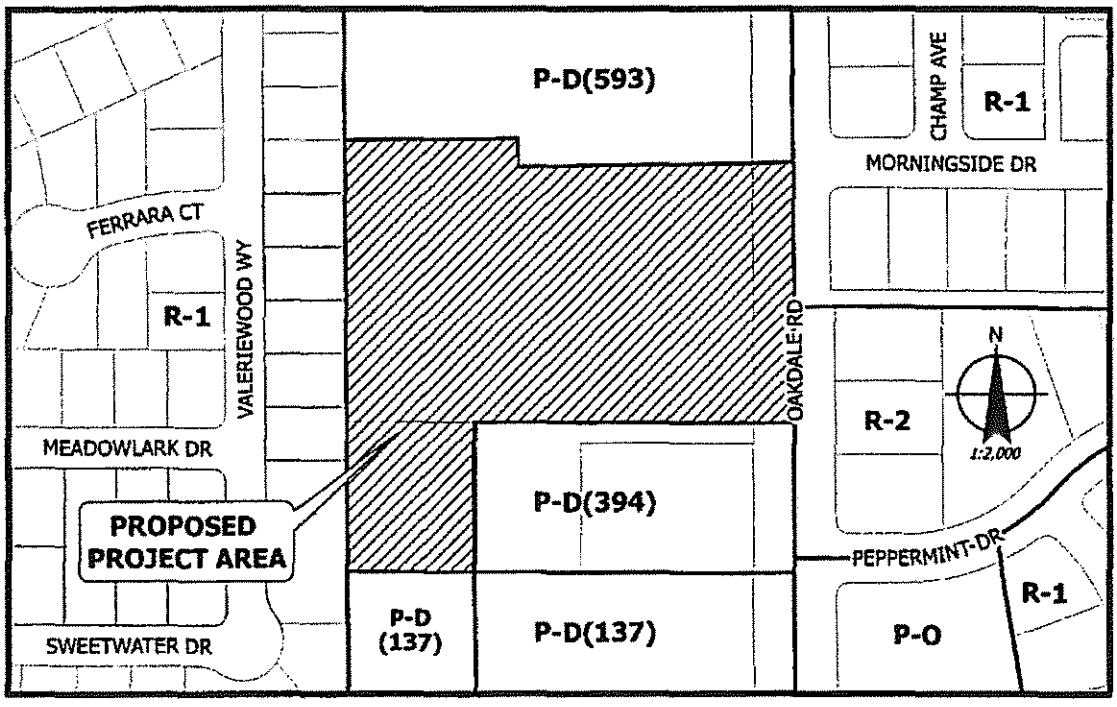
South: Planned Development Zone P-D(394), General Commercial Uses, Gas Station, Retail Businesses

East: Low Density Residential (R-1) Zone, single-family residences; and Medium Density Residential (R-2) Zone, residential duplexes

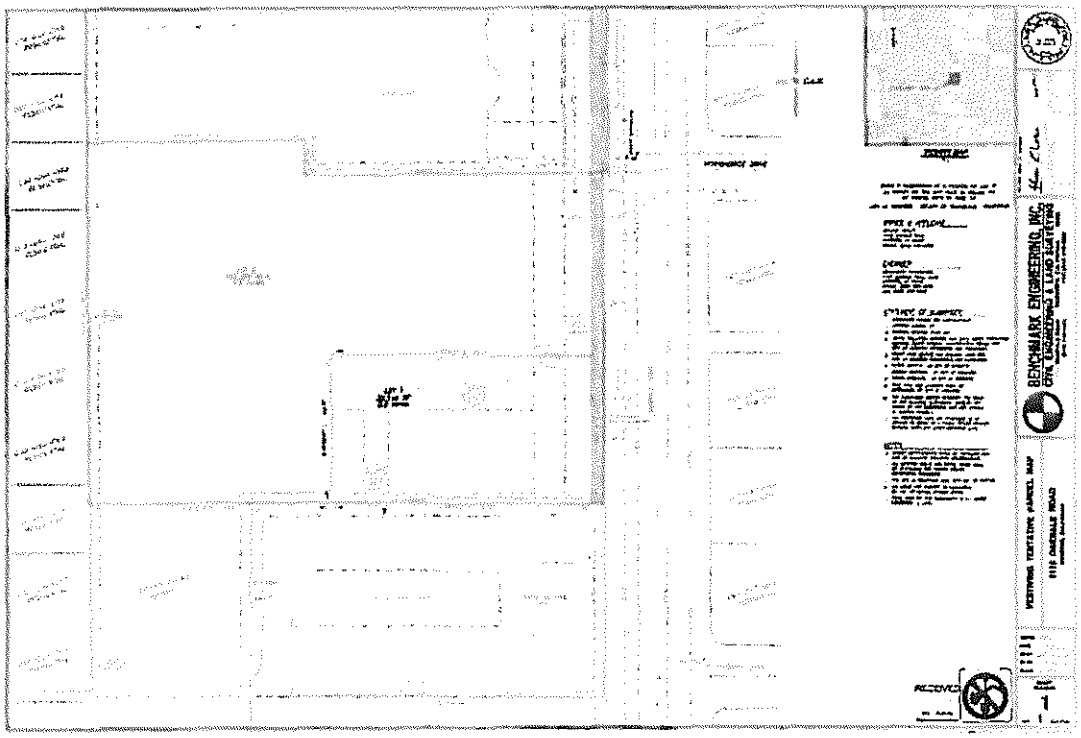
West: Low Density Residential (R-1) Zone, single-family residences

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Project proposes the rezone of 4.76 acres of vacant land from Low Density Residential (R-1) Zone to General Commercial (C-2) Zone to facilitate the development of five new commercial buildings. Project also proposes a Vesting Tentative Parcel Map to divide a 3.6-acre parcel that covers a portion of the rezone area into two parcels of 2.8 acres and 0.80 acres respectively. Initial commercial development is proposed to occur on the 0.80-acre parcel, for a retail tire shop. Rezone of the site to be by City Council Ordinance. Development of the site to be by administrative Development Plan Review to ensure compliance with applicable City Zoning Codes and Standards, with a determination by the Director of Community and Economic Development or designee, and is contingent on the proposed rezoning.



PROPOSED REZONE AREA



PROPOSED VESTING TENTATIVE PARCEL MAP

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Steve Mitchell for KM	Principal Planner	11/14/16
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

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

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

5. Currency of the Master EIR Document

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

		YES	**NO**
(1)	**Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.**	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐

(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

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

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

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

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

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

IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☒	☐
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) The project would rezone 4.76 acres of vacant land from Low Density Residential (R-1) Zone uses to General Commercial (C-2) Zone uses, and divide 3.6 acres of the rezone area into two parcels. The site is within the Baseline Developed Area of the General Plan, and is within an area designated as Mixed Use (MU) in the General Plan. While the change in use would create more trips than would be typical of residential development, the project would not exceed traffic generation assumptions in the General Plan MEIR for commercial uses within the Mixed Use land use designation, and the City's Traffic Division indicated no concerns with traffic generated by the project.

(2) The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

(3) The project would not cause an increase in level of service for the adjacent streets or conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled. The segment of Oakdale Road at the location is already at LOS D, and the City's Traffic Division indicated no concerns that the project would cause the level of service to exceed that level.

(4) The project would not cause emergency response times to exceed acceptable standards. The project was referred to the City Fire Department, who indicated no concerns.

(5) The project would provide parking as required for commercial uses.

(6) The project would not conflict with adopted alternative transportation plans or programs.

(7) The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
odors affecting a substantial number of people.				

Discussion:

(1) The project involves the development of vacant land for commercial uses. The initial development is to be on 0.80 acres along the Oakdale Road frontage, for a retail tire and wheel store. The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for an office use as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3) The project would comply with the air quality policies in the Urban Area General Plan with implementation of the mitigation measures cited above.

(4) With mitigation measures cited above, the project would not expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

(5) Construction activities could potentially generate odors with processes such as application of architectural coatings and asphalt paving materials; however, activities will be mitigated as called for by the MEIR with the mitigation measures listed above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1-2) The project is consistent with the noise policies of the General Plan. The proposed development is not anticipated to generate noise levels that exceed the noise thresholds of the MEIR.

(3-4) The project will not result in a substantial increase in ambient noise above levels described in the MEIR. There will be temporary construction-related noise, but implementation of the mitigation measures outlined above would reduce the impacts to a less than significant amount.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the General Plan's policies relating to agricultural land. The site is located within the Baseline Developed Area, and is designated as Mixed Use (MU) in the General Plan's Land Use Diagram.

(2) The project will not result in the development of land outside of the 2008 General Plan boundary. The site is within the Baseline Developed Area and is surrounded by urbanized area within the jurisdiction of the City.

(3) The site is not zoned for agricultural uses, is currently zoned for Low Density Residential (R-1) uses and is proposed to be rezoned to General Commercial (C-2) to allow for the development of two new office buildings. There are no Williamson Act contracts on the properties of the project site.

(4) The project will not convert existing farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.				
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering staff who indicated no concerns with water supply or demands of the project.

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

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

(2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

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

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The project would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes the measures specified in Table V-8-1(b-f) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project would be consistent with the archeological and historical resource policies in the General Plan.

(2-3) The project site is vacant land with no structures.

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

(5) The project would not conflict with a local policy or ordinance protecting biological resources. The City of Modesto does not have a tree preservation policy or ordinance.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes: SD-7 and SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.				
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the storm drainage policies of the General Plan.

(2-3) The project will be required to handle and treat storm water runoff on-site in accordance to City Standards.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-12 and FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

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

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

(8) The project will be required to treat and store on-site storm water drainage. The project was referred to Land Development Engineering who indicated no concerns with the project creating or contributing to runoff in excess of what is expected as part of the General Plan's implementation.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project involves rezoning property from Low Density Residential (R-1) uses to General Commercial (C-2) uses, which would not impact parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school

impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project involves rezoning property from Low Density Residential (R-1) uses to General Commercial (C-2) uses, which would not conflict with policies related to schools in the General Plan.

(2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				

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

Discussion:

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

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project was referred to the City Police Department, who indicated no concerns.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed rezone and subsequent commercial development is consistent with the fire service policies in the General Plan.

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

(3) The project would not cause the erosion or elimination of fire protection services. Development of professional office buildings as a result of the rezone will meet City Standards for emergency services access.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

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

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

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

Discussion:

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

(2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

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

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

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

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

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

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

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project is consistent with the Redevelopment Planning District (RPD) land use designation in the General Plan.

(2) The project would not divide an established community. The proposal is to rezone two existing residential properties on an arterial street to Professional Office uses, in an area that is transitioning from residential uses to office uses.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.				

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project would not affect automobile trip lengths or CO_2 emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

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

A. Master EIR Mitigation Measures Applied to the Project

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

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

B. New or Additional Mitigation Measures or Alternatives Required

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

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

Traffic and Circulation:

N/A

Degradation of Air Quality:

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

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

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

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

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

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

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

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

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
2. A hand-powered saw.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and

impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

Table V-8-1(b-f):

b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

d. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

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

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

Increased Demand for Storm Drainage:

SD-7: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3[f])

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Flooding and Water Quality:

FWQ-12: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3[f])

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-23

Print

RESOLUTION AMENDING THE CITY'S GENERAL FUND RESERVE POLICY AND INCREASING THE EMERGENCY RESERVES TO $12.8 MILLION

WHEREAS, during the FY 2016-17 Budget process, discussion was held concerning the General Fund Reserves and the appropriate level of funding for General Fund Emergency Reserves. Council expressed their desire to commit additional funds to the General Fund Emergency Reserves in light of the fact that the City had renewed their Letter of Credit (LOC) with Bank of America and with the carryover from previous fiscal years remaining unrestricted; and

WHEREAS, the original LOC was entered into with the Bank of America in 2008 and expired in 2011. From the time period of 2011 to 2014 the City's financial advising firm, Public Financial Management, Inc. (PFM), and staff regularly worked with Bank of America to obtain short-term or one-year extensions of the LOC; and

WHEREAS, the City, through Council approval, renewed its LOC with Bank of America. With this renewal came the release of the requirement that the City maintain at least $7 million in General Fund Unassigned Fund Balance. This requirement had been in place since Fiscal Year 2010-11 and was only recently lifted through the recognition by Bank of America that the City has successfully managed its finances and budget through the recession. This also led to an increased term for the City's renewed LOC of three years rather than the annual one-year extensions it had seen over the past four years; and

WHEREAS, the General Fund reserves have fluctuated in the last decade. Available Fund Balance was $14.7 million in FY 2005-06 and decreased to $3.2 million in FY 2010-11. During the next several fiscal years it increased and was $7.5 million by

the end of FY 2014-15; and

WHEREAS, the addition of $7 million to the Emergency Reserves will improve the City's financial stability and will approach the GFOA recommended reserve levels for all general-purpose governments. The industry standard reserve level policy would require the City to have at a minimum two months of General Fund operating revenues. Based on current General Fund operations, this would be equivalent to approximately $19.8 million in unassigned reserves. The City currently has $3 million in General Fund Emergency Reserves. With the addition of $7 million to the Emergency Reserves, the City will have a total of $10 million in Emergency Reserves; and

WHEREAS, during the 2016 Budget process, Councilmembers and the Mayor expressed their desire to increase the General Fund Emergency Reserves beyond the $7 million from the LOC; and

WHEREAS, the total Available Fund Balance for the General Fund in FY 2015-16 is approximately $5.8 million; and

WHEREAS, this item was brought before the Effective Government Committee whom unanimously approved allocating all $5.8 million from Available Fund Balance and $7 million from the LOC to emergency reserve; and

WHEREAS, including the total Available Fund Balance of $5.8 million in combination with the $7 million from emergency reserves will increase the current emergency reserve by $12.8 million total for a resulting emergency reserve of $15.8 million.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the City's General Fund Reserve policy, and increasing

the Emergency Reserves by $12.8 million for a total of $15.8 million.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of January, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-24

RESOLUTION APPOINTING DAVID LEAMON TO THE LANDMARK PRESERVATION COMMISSION AS THE CULTURE COMMISSION REPRESENTATIVE WITH A TERM EXPIRATION OF JANUARY 1, 2020

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

WHEREAS, on December 6, 2016, the Culture Commission unanimously recommended David Leamon as its representative to the Landmark Preservation Commission.

WHEREAS, Mr. Leamon is qualified, willing and able to serve on the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the appointment of David Leamon as the Culture Commission representative to the Landmark Preservation Commission with a term expiration of January 1, 2020.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-25

RESOLUTION REAPPOINTING TAMI KRAUSS TO THE GOLF COURSES ADVISORY COMMITTEE AS THE MEMBER REPRESENTING THE CREEKSIDE GOLF CLUB WITH A TERM EXPIRATION OF DECEMBER 31, 2020

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

WHEREAS, from March 1, 2013 through December 31, 2016, Tami Krauss served one term on the Golf Course Advisory Committee as a representative of the Creekside Golf Club, and

WHEREAS, Tammi Krauss has indicated that she is willing and able to serve a second term on the Golf Course Advisory Committee, and

WHEREAS, reappointment to a second term would commence on January 1, 2017 through December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reappoints Tami Kraus to the Golf Courses Advisory Committee, as the member representing the Creekside Golf Club, with a term expiration of December 31, 2020.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Golf Course Advisory Committee, and the Secretary, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-26

RESOLUTION ACCEPTING THE SUBDIVISION IMPROVEMENTS AND APPROVING THE FINAL MAP OF HINTZE LANDING SUBDIVISION, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE SUBDIVISION AGREEMENT WITH HAHNCO HOLDING, INC., A CALIFORNIA CORPORATION, AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, HAHNCO HOLDING, INC., a California corporation ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.81 acres, known as the HINTZE LANDING SUBDIVISION ("SUBDIVISION"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on February 24, 2014, and

WHEREAS, the City Council approved the rezoning of this property to low density residential zone on April 8, 2014, and

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

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

WHEREAS, the project has been completed and the faithful performance bond release has been requested upon approval of the improvements, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the SUBDIVIDER has furnished a warranty bond, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map of Hintze Landing Subdivision is approved; that the dedications for public streets and easements as shown thereon within the boundaries of said SUBDIVISION be accepted on behalf of the public for public use; and that the City Manager or designee be authorized to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said SUBDIVISION on behalf of the City of Modesto and allow City staff to deliver it to the County Recorder, and the City Clerk to release the faithful performance bond and release the warranty security one year and one day after acceptance of the improvements, if no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-27

RESOLUTION REJECTING ALL BIDS FOR THE STREET IMPROVEMENTS SOUTHBOUND PRESCOTT ROAD TO WESTBOUND PLAZA PARKWAY PROJECT

WHEREAS, in April 2010, the City of Modesto applied for Congestion Mitigation and Air Quality (CMAQ) funds to construct a dedicated right turn lane on Southbound Prescott Road at Plaza Parkway, and

WHEREAS, the construction of this project will modify the existing curb return and the existing traffic signal and construct a right turn lane with in the City right-of-way, and

WHEREAS, these improvements will reduce the amount of southbound congestion, while providing a right turn lane consistent with City of Modesto Standard Specifications, and

WHEREAS, the original time line for construction of this project was for construction to begin in June, 2013 and be complete by December, 2013, and

WHEREAS, as part of the project the relocation of dry utilities by outside agencies was to be completed prior to the start of road construction improvements, and

WHEREAS, CMAQ funds were intended to pay for costs associated with dry utility relocation work which were not covered under either franchise agreements or by outside agencies, and

WHEREAS, in 2012 Caltrans determined that CMAQ funds were not eligible for reimbursement for relocating dry utilities, and

WHEREAS, with the determination made by Caltrans and local funds programmed for the project, the project was placed on hold until an agreement could be reached between the City of Modesto and Modesto Irrigation District (MID), and

WHEREAS, in 2015, an agreement between the City of Modesto and MID outlined the requirements necessary for the relocation of dry utilities at MID's expense, and

WHEREAS, in late October, 2016 all dry utility relocation work was completed by the outside agencies, and on November 8, 2016 the project was advertised for bid, and

WHEREAS, bids were opened on December 6, 2016 and only two bids were received, and

WHEREAS, DSS Company dba Knife River Construction of Stockton, California was the apparent low bidder at 55.10% above the engineer's estimate, and

WHEREAS, George Reed Inc. of Modesto, California was the second low bidder at 101.96% above the engineer's estimate, and

WHEREAS, in analyzing the bids, staff believes that due to the project delay, its relatively small size and the time of year that bids were solicited may have resulted in high unit prices and fewer bidders, and

WHEREAS, City staff recommends that the City reject the bids, make some modifications to the scope of work and re-bid the project in early 2017 with the intention of attracting a higher number of contractors and additional bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids for the Street Improvements Southbound Prescott Road to Westbound Plaza Parkway project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-28

RESOLUTION AMENDING SECTION 7 (HOMEBUYER ASSISTANCE PROGRAM) AND ADDING SECTION 12 (LOAN & GRANT PORTFOLIO MANAGEMENT POLICY) TO THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, an amendment to Section 7 (Homebuyers Assistance Program) of the HUD Policies & Procedures Manual is proposed to reflect updated policies, and

WHEREAS, an addition of Section 12 (Loan & Grant Portfolio Management) to the HUD Policies & Procedures Manual is proposed to provide allowable subordination considerations, and

WHEREAS, on December 15, 2016, the City of Modesto's Housing Rehabilitation Loan Committee reviewed, approved and forwarded an amended Section 7 (Homebuyers Assistance Program) and the addition of Section 12 (Loan & Grant Portfolio Management Policy) to the HUD Policies & Procedures Manual, to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby amends Section 7 (Homebuyers Assistance Program) of the Housing and Urban Development Policies & Procedures Manual, as set forth in **Exhibit A attached** hereto and incorporated by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Section 12 (Loan & Grant Portfolio Management Policy) be added to the Housing and Urban Development Policies & Procedures Manual, as set forth in **Exhibit B attached** hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Section 7
Homebuyer Assistance Program

CITY OF
MODESTO
CALIFORNIA

City of Modesto
Community Development Division
1010 10th Street, Suite 3100, Modesto, CA 95354
(209) 577-5211, TDD 209-
housing@modestogov.com

City of Modesto Housing Rehabilitation Loan Committee (HRLC) Approved _____
City of Modesto City Council Approved by Resolution [redacted]

*These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto Housing Programs Loan Committee.

EQUAL HOUSING
OPPORTUNITY

Homebuyer Assistance Program (HAP) Policies

1. APPLICABLE LAWS AND REGULATIONS
   1.1. All Housing Assistance Program (HAP) activities shall be conducted in compliance with all applicable federal, state, and local program funding sources, if any.

   1.2. All terms used within these policies shall be as defined by applicable funding source(s) or other locally approved HAP and acquisition program policies.

   1.3. All program applications will be processed in accordance to the date of receipt and are subject to available funding.

2. PROPERTY ELIGIBIILTY
   2.1. Eligible property shall be located in a residentially zoned area within Modesto City limits.
      2.1.1. Eligible property shall not be located within a 100-year flood zone.
      2.1.2. Additional location requirements may be applicable depending on available funding source(s).

   2.2. Eligible property type may be:
      2.2.1. Single-family housing unit; or
      2.2.2. Condominium unit; or
      2.2.3. Townhouse unit; or

   2.3. Eligible property shall have the following occupancy characteristics:
      2.3.1. Currently occupied by the owner-seller of the property; or
      2.3.2. If a rental property, sold only to the existing tenant; or
      2.3.3. Vacant for ninety days or longer prior to submission of purchase offer by Borrower.

   2.4. Eligible property shall meet the following criteria:
      2.4.1. The housing unit shall have been constructed after 1978, unless the following standards for lead-based paint hazards have been met:
         2.4.1.1. The unit shall have been inspected by a certified lead-based paint inspector and, if any defective paint is discovered, the seller shall provide verification of lead-based paint abatement having been completed by a professional abatement contractor. Certification of inspection and abatement shall be provided by the seller in the form required by City of Modesto. The seller is responsible for the cost of all inspections and abatement.

      2.4.2. Property with an in-ground pool may not be eligible if the cost of pool maintenance, operations (utilities), and insurance causes the back-end debt to income ratio to exceed 45 percent. (See Section 5.0)

      2.4.3. Property shall meet or exceed HUD's Housing Quality Standards (HQS) prior to close of escrow, except when a HAP loan is approved for both HAP and Rehabilitation.

         2.4.3.1. The property shall be inspected by a rehabilitation specialist or other personnel authorized by the Community Development Manager for compliance with all applicable codes, ordinances, and standards. The seller is responsible for the cost of correcting any deficient items noted in the inspection, except when a HAP loan is approved for both HAP and Rehabilitation and the following criteria are met:

            2.4.3.1.1. Combined Loan-to-Value (CLTV) (primary financing, HAP and rehabilitation loan) shall not exceed 105% of the purchase price (except where the funding source used requires a lower CLTV);

2.4.3.1.2. Work to correct deficient items related to health and safety and/or code violations, must start within 30-days of escrow closing with the reasonable anticipation that work will be completed within sixty days of closing; and

2.4.3.1.3. All work to correct deficiencies shall be done by a California licensed contractor and with all applicable permits.

2.5. The following inspection reports are required and will be at the buyer's risk and expense, unless negotiated with the seller:

2.5.1. Termite inspection.

2.5.2. Home (whole house) inspection by a licensed property inspector.

3. MAXIMUM PURCHASE PRICE

3.1. The maximum purchase price of an assisted property shall not exceed 100% of the current median sales price of a single family home listed for City of Modesto. This information may be obtained from a minimum of three (3) sources including, but not limited to, Zillow, Trulia, Data Quick, Realty Trac, Real Quest, Eppraisal.com, or FHA 203(b) loan limits. In order to verify the purchase price, the following shall be provided to City of Modesto:

3.1.1. A copy of the signed purchase agreement, at the time of opening of escrow.

3.1.2. Prior to close of escrow, an appraisal prepared by a state-licensed residential property appraiser.

3.2. The following purchase price criteria shall be met when a HAP loan is approved for both HAP and Rehabilitation:

3.2.1. The maximum purchase price, prior to rehabilitation, shall not exceed the "as is" value as established by a California State-licensed residential property appraiser;

3.2.2. The after rehabilitation value may not exceed 100% of the current median sales price as identified in Section A above.

3.2.3. The Appraiser may use a single appraisal to show both values (sub-Sections i and ii) or the appraiser may use two separate appraisals, with the second one issued after completion of the rehabilitation work.

4. HOUSEHOLD/BORROWER ELIGIBILITY

4.1. The borrowing household shall have incomes at or below 80 percent (80%) of the Stanislaus County Area Medium Income (AMI), adjusted for household size, as published annually by the California State Department of Housing and Community Development (HCD) or United Stated Department of Housing and Urban Development (HUD) (depending on the HAP funding source used) unless a higher AMI is authorized by specific funding sources.

4.2. Borrowers shall qualify as first time homebuyers (FTHB) and shall occupy the property as a principal place of residence.

4.2.1. A FTHB is defined as a purchaser of a property who neither has, nor has had, present ownership in a principal residence at any time during the three (3) year period prior to the date on which a mortgage pursuant to this Program is executed, except as otherwise allowed by the specific funding source(s) utilized. All Borrowers to be listed on title to the property must meet the definition of a FTHB. Co-signers and co-mortgagors not meeting the definition of a FTHB and who do not intend to occupy the property are prohibited.

4.3. Borrowers shall meet the following credit worthiness criteria:

4.3.1. No outstanding judgments or liens at the time of HAP approval or HAP execution. As part of application for assistance, Borrower shall disclose any personal liens that may attach to the property (failure to disclose any pertinent information that may affect

eligibility and may be grounds for denial of assistance and application withdrawal). To identify any personal liens, a title search of Borrowers shall be conducted after Loan Committee approval.

4.3.2. Outstanding collections must be paid prior to HAP approval, unless the Loan Committee determines on a case by case basis that the circumstances that led to collection were outside of the applicant's control and the payment of the outstanding collection(s) will not impact the applicant's ability to financially undertake homeownership.

4.3.3. Late payments due to extenuating circumstances will be considered as part of the credit worthiness approval process. Factors leading to late payments will be reviewed and considered on a case by case basis.

4.3.4. Shall not have filed bankruptcy, or received a bankruptcy discharge, in the last 3 years prior to date of application.

4.3.5. Shall not have been foreclosed upon in the last 3 years prior to date of application.

4.3.6. Shall not have defaulted (including bankruptcy or foreclosure) on any HAP, acquisition, or rehabilitation program funding provided at any time by City of Modesto.

4.3.7. The Loan Committee may consider other factors impacting Borrower's creditworthiness.

4.4. The borrowing household shall, at a minimum, contribute the following amount toward the closing cost of the home purchase based on household AMI:

4.4.1. 50% or less, no contribution required.

4.4.2. 51% to 80%, the lesser of $1,350 or 1% of purchase price.

4.4.3. 81% to 120%[1], the lesser of $5,000 or 3% of purchase price.

4.5. Borrowers shall have completed a First Time Home Buyer education course from a HUD certified housing counseling agency and provide a copy of the certificate to City of Modesto prior to release of funds.

4.6. Borrowers must have the income and credit worthiness to qualify for primary financing, from a primary lender of their choice.

4.6.1. Primary financing shall be in the form of a 30-year fixed rate loan (no co-signers accepted).

4.6.2. There shall be no balloon payment requirements or prepayment penalties included in the terms of the first mortgage.

4.6.3. The monthly mortgage payment must include impound account costs for the payment of property taxes and property insurance as required by the program.

4.7. There is no asset limitation for participation in HUD assisted-housing programs. However, the definition of annual income includes net income from family assets.

4.7.1. Net Family Assets include the following:

[1] Assistance to households with AMI levels between 81% and 120% may only be available if funding source allowing said limits is available.

4.7.1.1. Cash held in savings and checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average balance for the last six months. Assets held in foreign countries are considered assets.

4.7.1.2. Revocable trusts. Include the cash value of any revocable trust available to the family.

4.7.1.3. Equity in rental property or other capital investments. Include the current fair market value less;

4.7.1.3.1. Any unpaid balance on any loans secured by the property; AND

4.7.1.3.2. Reasonable costs that would be incurred in selling the asset (e.g., penalties, broker fees, etc.). NOTE: If the person's main business is real estate, then count any income as business income. Do not count it both as an asset and business income.

4.7.1.4. Stocks, bonds, Treasury bills, certificates of deposit, mutual funds, and money market accounts. Interest or dividends earned are counted as income from assets even when the earnings are reinvested. The value of stocks and other assets vary from one day to another. The value of the asset may go up or down the day before or after rent is calculated and multiple times during the year thereafter. The owner may assess the value of these assets at any time after the authorization for the release of information has been received. The tenant may request an interim recertification at any time thereafter that a decrease in stock value may result in a decrease in rent.

4.7.1.5. Individual retirement, 401K, and Keogh accounts. These are included when the holder has access to the funds, even though a penalty may be assessed. If the individual is making occasional withdrawals from the account, determine the amount of the asset by using the average balance for the previous six months. (Do not count withdrawals as income.)

4.7.1.6. Retirement and pension funds.

4.7.1.6.1. While the person is employed. Include only amounts the family can withdraw without retiring or terminating employment. Count the whole amount less any penalties or transaction costs.

4.7.1.6.2. At retirement, termination of employment, or withdrawal. Periodic receipts from pension and retirement funds are counted as income. Lump-sum receipts from pension and retirement funds are counted as assets. Count the amount as an asset or as income, as provided below.

4.7.1.6.2.1. If benefits will be received in a lump sum, include the lump sum receipt in net family assets.

4.7.1.6.2.2. If benefits will be received through periodic payments, include the benefits in annual income. Do not count any remaining amounts in the account as an asset.

4.7.1.6.2.3. If the individual initially receives a lump-sum benefit followed by periodic payments, count the lump-sum benefit as an asset as provided in the example below and treat the periodic payment as income. In subsequent years, count only the periodic payment as income. Do not count the remaining amount as an asset.
NOTE: This paragraph and the example below assume that the lump-sum receipt is a one-time receipt and that it does not represent delayed periodic payments. However, in situations in which a lump-sum payment does represent delayed periodic

payments, then the amount would be considered as income and not an asset.

4.7.1.6.2.4. Cash value of life insurance policies available to the individual before death (e.g., the surrender value of a whole life policy or a universal life policy). It would not include a value for term insurance, which has no cash value to the individual before death.

4.7.1.6.2.5. Personal property held as an investment. Include gems, jewelry, coin collections, or antique cars held as an investment. Personal jewelry is NOT considered an asset.

4.7.1.6.2.6. Lump-sum receipts or one-time receipts. These include inheritances, capital gains, one-time lottery winnings, victim's restitution, settlements on insurance claims (including health and accident insurance, worker's compensation, and personal or property losses), and any other amounts that are not intended as periodic payments.

4.7.1.6.3. A mortgage or deed of trust held by an applicant.

4.7.1.6.3.1. Payments on this type of asset are often received as one combined payment of principal and interest with the interest portion counted as income from the asset.

4.7.1.6.3.2. This combined figure needs to be separated into the principal and interest portions of the payment. (This can be done by referring to an amortization schedule that relates to the specific term and interest rate of the mortgage.)

4.7.1.6.3.3. To count the actual income for this asset, use the interest portion due, based on the amortization schedule, for the 12-month period following the certification.

4.7.1.6.3.4. To count the imputed income for this asset, determine the asset value **as of the effective date of the certification**. Since this amount will continually be reduced by the principal portion paid during the previous year, the owner will have to determine this amount at each annual recertification.

4.7.1.6.3.5. Net family assets DO NOT include the following:
IMPORTANT: The owner does not compute income from any assets in this paragraph.

4.7.1.6.3.5.1. Personal property (clothing, furniture, cars, wedding ring, other jewelry that is not held as an investment, vehicles specially equipped for persons with disabilities).

4.7.1.6.3.5.2. Interests in Indian trust land.

4.7.1.6.3.5.3. Term life insurance policies (i.e., where there is no cash value).

4.7.1.6.3.5.4. Equity in the cooperative unit in which the family lives.

4.7.1.6.3.5.5. Assets that are part of an active business. "Business" does NOT include rental of properties that are held as investments unless such properties are the applicant's or tenant's main occupation. NOTE: No revocable trusts (i.e., irrevocable trusts) are not covered by this paragraph.

4.7.2. Borrowers shall not be a person or the immediate relative of any person who is in a decision-making position relative to the HAP Program.

5. QUALIFYING DEBT TO INCOME RATIOS:

5.1. Front end (housing) debt-to-income ratio shall not exceed 35 percent (35%) and is the percentage of a borrower's gross monthly income (before deductions) that would cover the cost of the loan principal and interest payment, property taxes, property insurance, mortgage

insurance, and HOA dues, if any.

5.2. Back-end (total) debt-to-income ratio shall not exceed 45 percent (45%) and is the percentage of the borrower's gross monthly income that would cover the cost of housing as described in Section 5.0(A) above, plus any other monthly debt payments such as car loans, personal loans, credit card debt or child support and alimony payments.

6. MAXIMUM AMOUNT OF PROGRAM ASSISTANCE:

6.1. HAP assistance shall be provided in the form of "gap" financing to assist the homebuyer purchase a home while keeping their housing costs affordable as defined in Section 5.0. Gap financing shall not exceed 60,000*. Up to 5 percent of the assistance provided may be used to pay non-recurring closing costs.

6.2. Borrowers must receive the maximum first mortgage loan for which they qualify.

6.3. EXAMPLE Gap Financing Loan Calculation

Contract Sales Price		$ 250,000
First Mortgage Pre-Approval (meets City terms)		$(200,000)
Buyer's Minimum Contribution (81% to 120% AMI)		$ (5,000)
Gap Financing	$ 45,000	
MAXIMUM Down Payment Assistance (DPA) Available		$ 60,000
Gap Financing		$ (45,000)
Estimated Closing Costs[2] (5% of $250,000)		$ (12,500)
Balance Available - DPA	$ 2,500	
Total DPA to Eligible Homebuyer		$ 57,500

7. MAXIMUM COMBINED LOAN TO VALUE RATIO (CLTV):

7.1. The Combined Loan-to-Value (CLTV) ratio for a HAP Program loan, when combined with all other indebtedness to be secured by the property, shall not exceed 100 percent of the purchase price, plus a maximum of up to 5 percent of the purchase price, if allowed by funding source, to cover actual, non-recurring closing costs (except where the funding source used requires a lower CLTV).

8. HAP LOAN TERMS:

8.1. The City of Modesto HAP loan term shall be 30 years.

8.2. The following Lending Criteria shall apply based on the household's Area Median Income (AMI) level:

8.2.1. Very Low to Low-Income (0-80% AMI): The loan shall accrue interest at a rate of 3% simple interest for the first 20 years. The loan shall accrue zero percent (0%) interest for the remaining 10 year term. Payment shall be deferred for 30 years. Voluntary payments are encouraged.

8.2.2. Median/Moderate Income (81% - 120% AMI – If funding source is available): The loan shall accrue interest at a rate of 3% for the first 20 years. The loan shall accrue zero percent (0%) interest for the remaining 10 year term. Simple interest payments shall begin at year 5 until year 20.

[2] Closing costs in excess of 5% are the responsibility of the homeowner

8.3. All borrowers will be required to have impound accounts for the payment of taxes and insurance to ensure they remain current during the life of the Program loan.

8.4. The Program loan shall be secured by the property as a 2nd deed of trust.

8.5. The Program loan, principal and interest, shall be due and payable upon:
- 8.5.1. Sale, transfer, rental or lease of the property.
- 8.5.2. Borrower's failure to occupy the Property as Borrower's principal place of residence (Borrower must certify occupancy annually).
- 8.5.3. The Program loan maturity date, however, if it is determined by the loan committee that repayment of the loan at maturity will cause a hardship to the Borrower, the Loan Committee may, at its option, elect to:
  - 8.5.3.1. Approve a one-time additional deferral period of up to 15 years in length at 0% additional interest; or
  - 8.5.3.2. Convert the debt (principal and accrued interest) to a 15 year amortized loan at 0% additional interest. The cost of loan servicing, if any, shall be added to the repayment cost of the amortized loan.
  - 8.5.3.3. Upon default under the HAP Program loan promissory note, deed of trust, the deed of trust rider or the covenants, or other recorded documents of record pertaining to the property.
  - 8.5.3.4. Refinancing of any superior mortgages and drawing cash from equity.

8.6. City of Modesto may accept voluntary payments on the loan. Loan payments will be credited to the interest first, then to principal. The borrower may repay the loan balance at any time with no pre-payment penalty.

8.7. Program loans are not assumable except under the following limited circumstances:
- 8.7.1. The transfer of the Property to the surviving joint tenant under a will, descent or operation of the law, on the death of a joint tenant;
- 8.7.2. A transfer of the Property where the spouse becomes an owner of the property;
- 8.7.3. A transfer of the Property resulting from a decree of dissolution of marriage, legal separation or from an incidental property settlement agreement by which the spouse becomes an owner of the property.
- 8.7.4. A transfer to an inter vivos trust in which the Borrower is and remains the beneficiary and occupant of the property.

8.8. Restrictions on Sale and Recapture of City of Modesto Funds:
- 8.8.1. In any transaction in which the City loan is the only secondary financing, the Borrower cannot be restricted from selling the home at its fair market value at any time.
- 8.8.2. Subsequent buyers, unless assisted with a City loan under this Program, do not need to meet the Eligible Household requirements set forth above, unless required by an affordability covenant resulting from original HAP loan on the same property (i.e. RDA loans).

8.9. City of Modesto shall recapture the entire HAP subsidy provided to the Borrower before the Borrower receives a return. The City's recapture amount is limited to the net proceeds available from the sale.
- 8.9.1. In cases where the net proceeds available at the time of sale are insufficient to recapture the entire direct HAP subsidy provided by the Borrower, City of Modesto will collect any and all net proceeds available resulting from the sale.

8.9.2. In applying the recapture provisions, the following formula shall be used to determine the net proceeds subject to recapture:

Sales Price of the Unit

- Superior Non-HAP Debt (principal balance on 1st Mortgage)

-Closing Costs (all costs of sale including commission, escrow, title, recording fees, etc.)

=Net Proceeds subject to recapture

8.10. Subordination Policy (see Attachment 1)

8.11. When high housing market conditions require, the Loan Committee may approve subordinate financing to cover mortgage subsidy costs that exceed the HAP loan maximum, provided maximum combined loan to value limits are met, all subordinate liens must have payments deferred, and the term must be for at least as long as the term of the HAP loan.

9. ENVIRONMENTAL REVIEW

9.1. All assisted properties shall be subject to Federal environmental review as required by the funding source(s). No funds shall be released until all environmental reviews have been conducted to the satisfaction of City of Modesto.

10. AFFORDABILITY PERIOD

10.1. All assisted properties shall be subject to affordability periods as required by the funding source(s). If multiple funding source(s) are utilized, the affordability period shall be the longest of the all affordability periods. Affordability periods shall be reflected in a covenant to be recorded on the assisted property and may continue to run with the property even after sale or transfer by the Borrower.

11. HOUSING REHABILITATION LOAN COMMITTEE APPROVAL

11.1. All Down Payment Assistance activities shall be subject to majority vote approval by the City of Modesto Housing Rehabilitation Loan Committee. The Committee shall be comprised of the following voting members:

11.1.1. Councilmember (appointment by the Mayor)	4 years
11.1.2. Financial Institution – Representative	4 years
11.1.3. Service Provider – Representative	4 years
11.1.4. General Contractor (active or retired)	4 years
11.1.5. Housing Authority of Stanislaus County – Representative	4 years
11.1.6. Citizen-at-Large	4 years
11.1.7. Citizen-at-Large	4 years
11.1.8. Citizen's Housing & Community Development Committee (alternate)	4 years

11.2. The Community Development Manager may appoint a substitute voting member using alternative criteria if existing circumstances do not allow for a Committee make-up as specified above and time constraints warrant a substitution.

11.3. All actions of the Housing Rehabilitation Loan Committee shall be reflected in meeting minutes to be prepared by staff of the City of Modesto Community Development Division.

12. APPROVAL CONTINGENCIES

12.1. All HAP activities approved by the loan committee shall be contingent on meeting the following requirements:

12.1.1. The borrower shall provide an American Land Title Association (ALTA) title insurance policy in the amount of the City loan to be paid via closing costs or at borrower's expense.

12.1.2. All HAP loans shall be evidenced by the following documents and provisions:

12.1.2.1. Loan Agreement;

12.1.2.2. Promissory Notes (s) payable to City of Modesto in the principal amount of the loan and stating the terms and rate of interest;

12.1.2.3. Deed of Trust(s) securing the Note (deed shall be recorded and shall secure City's financial interest in the property);

12.1.2.4. Declaration of Conditions, Covenants, and Restrictions (if applicable);

12.1.2.5. Other appropriate security instrument naming City as beneficiary;

12.1.2.6. Request for copy of "Request for Notice of Default" on first mortgage; and

12.1.2.7. Any other documents determined necessary by the Community Development Manager.

12.1.3. The borrower shall provide and maintain fire insurance on the property for the duration of the program loan(s). This insurance must be adequate to cover all encumbrances on the property.

12.1.3.1. The insurer must identify City of Modesto as Loss Payee for the amount of the program loans.

12.1.3.2. A copy of the homeowner's insurance policy shall be provided to City of Modesto at time of close of escrow.

12.1.3.3. Borrower must cause for a copy of homeowner's insurance policy to be provided to City of Modesto on an annual basis.

12.1.4. City of Modesto will annually monitor and certify in the loan file that the Borrower and housing unit are adhering to program requirements including but not limited to:

12.1.4.1. Owner-occupancy;

12.1.4.2. Good standing with property tax payment;

12.1.4.3. Hazard insurance;

12.1.4.4. Good standing on primary loan

Section 12
Loan & Grant Portfolio Management

CITY OF
MODESTO
CALIFORNIA

City of Modesto
Community Development Division
1010 10th Street, Suite 3100, Modesto, CA 95354
(209) 577-5211, TDD 209-
housing@modestogov.com

City of Modesto Housing Rehabilitation Loan Committee (HRLC) Approved _____
City of Modesto City Council Approved by Resolution [redacted]

*These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto Housing Programs Loan Committee.

EQUAL HOUSING
OPPORTUNITY

Loan and Grant Portfolio Management Policy

1. Subordinations
   1.1. The City of Modesto may approve a request to subordinate a City of Modesto loan under any of the City's housing programs, allowing the Borrower to refinance the property, under the following conditions (other conditions may apply based on funding source(s):
      1.1.1. The Combined Loan-to-Value Ratio shall not exceed 105% of the appraised value.
      1.1.2. The City of Modesto's lien position will remain the same or be advanced (the City of Modesto will not give up a first lien position, when the City has provided 100% financing).
      1.1.3. The new primary loan is not greater than the balance of the loan being refinanced, except the costs of refinancing the loan may be added to the principal balance.
      1.1.4. The purpose of the new primary loan is to reduce the interest rate being paid and/or reduce the owner's payments.
      1.1.5. If the purpose of the new loan is to reduce the loan term, (i.e. from a 30 year loan to a 15 year loan), the Borrower's Debt to Income ratios may not exceed the program limits.
      1.1.6. No cash out from equity.
      1.1.7. The refinanced loan must have an impound account for taxes and insurances.
      1.1.8. The refinancing terms must be acceptable to the City of Modesto.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-29

RESOLUTION ACCEPTING THE *DESTINATION MODESTO* REPORT FOR THE FIRST AND SECOND QUARTER OF FISCAL YEAR 2016-17

WHEREAS, on October 27, 2015, the City Council accepted the *Destination Modesto* Report – First Quarter Fiscal Year 2015-16 for the convention and tourism activity, and

WHEREAS, on March 1, 2016, the City Council accepted the *Destination Modesto* Report – Second Quarter Fiscal Year 2015-16 for the convention and tourism activity as well as activity at the McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks, and

WHEREAS, on June 7, 2016, the City Council accepted the *Destination Modesto* Report – Third Quarter Fiscal Year 2015-16 for the convention, tourism, McHenry Mansion, McHenry Museum, all three (3) City owned golf courses and City parks activity, and

WHEREAS, on September 13, 2016, CEDD staff prepared the *Destination Modesto* Report – Fourth Quarter Fiscal Year 2015-16 for the convention, tourism, McHenry Mansion, McHenry Museum, Modesto Centre Plaza, all three (3) City owned golf courses and City parks activity as well as an overview of each previous quarter to show overall data for Fiscal Year 2015-16, and

WHEREAS, the *Destination Modesto* Report – First and Second Quarter Fiscal Year 2016-17 for the convention, tourism, McHenry Mansion, McHenry Museum, Modesto Centre Plaza, all three (3) City owned golf courses and City parks activity omits

second quarter Convention & Tourism activity and modifies the Modesto Centre Plaza report to show revenues earned by the facility and DoubleTree Hotel.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the *Destination Modesto* Report – First and Second Quarter Fiscal Year 2016-17.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-30

RESOLUTION AUTHORIZING THE GROUNDWATER SUSTAINABILITY AGENCY MEMORANDUM OF UNDERSTANDING, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING, AND PREPARE AND SUBMIT NOTICE OF THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY'S ELECTION TO BE THE GROUNDWATER SUSTAINABILITY AGENCY FOR THE MODESTO SUB-BASIN TO DEPARTMENT OF WATER RESOURCES

WHEREAS, in September of 2014, Governor Edmund G. Brown signed into law, the Sustainable Groundwater Management Act of 2014 (SGMA), which changed the method for groundwater management, and

WHEREAS, SGMA is a comprehensive three bill package that sets the framework for statewide sustainable groundwater management by local agencies, and

WHEREAS, SGMA requires the formation of Groundwater Sustainable Agencies (GSA) and the preparation of Groundwater Sustainability Plans (GSP) with a focus on long-term sustainability, and

WHEREAS, formation of a GSA must occur no later than June 30, 2017, and development and adoption of a GSP must be adopted no later than January 31, 2022, for high and medium priority basins not currently in critical overdraft, and

WHEREAS, the Modesto Sub-basin (designated basin number 5-22.02 in DWR's CASGEM groundwater basin system) is designated as a high-priority basin, and

WHEREAS, SGMA authorizes a local agency, or a combination of local agencies, overlying a groundwater basin to form a GSA, and

WHEREAS, multi-agency GSAs may be formed through either a Memorandum of Understanding (MOU) or other legal agreement, and

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA) member agencies are all local agencies, pursuant to SGMA's definition, and

WHEREAS, the STRGBA member agencies include the cities of Oakdale, Riverbank, Modesto, and Waterford; Stanislaus County; Oakdale Irrigation District; and Modesto Irrigation District, and

WHEREAS, since its inception in 1994, STRGBA has provided a forum for local agencies to work cooperatively to provide for coordinated planning in the pursuit of effective and sustainable management of the Modesto Sub-basin, and

WHEREAS, the STRGBA member agencies believe that the sustainable management of the Modesto Sub-basin pursuant to SGMA may best be achieved through the cooperation of the Member Agencies operating through the GSA MOU, and

WHEREAS, SGMA requires formal procedures be followed to become a GSA, and

WHEREAS, each of the local agencies electing to be a GSA must hold a noticed public hearing to receive public comment on the local agency's decision to become the GSA for the Basin, and

WHEREAS, at the conclusion of this public hearing, it is anticipated that the governing board for each local agency will authorize the execution of the **attached** GSA MOU and adopt the **attached** resolution forming the GSA for the Basin,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizing the Groundwater Sustainability Agency Memorandum of Understanding, and authorizing the City Manager, or his designee, to execute the Memorandum of Understanding, and prepare and submit notice of the Stanislaus and

Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's election to be the Groundwater Sustainability Agency for the Modesto Sub-basin to Department of Water Resources.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said Memorandum of Understanding on behalf of the City, and prepare and submit notice of the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency's election to be the Groundwater Sustainability Agency for the Modesto Sub-basin to Department of Water Resources.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of January, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MEMORANDUM OF UNDERSTANDING FORMING THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY

January 24, 2017

1. **PARTIES**. The Parties to this Memorandum of Understanding (MOU) are: the County of Stanislaus, a political subdivision of the State of California; the Oakdale Irrigation District, a California irrigation district; the City of Oakdale, a California public agency; the City of Riverbank, a California public agency; the City of Modesto, a California public agency; the City of Waterford, a California public agency; and the Modesto Irrigation District, a California irrigation district (each referred to individually as a "Party" or collectively as the "Parties").

2. **RECITALS**. This MOU is entered into with regard to the following facts and circumstances, among others:

2.1 Groundwater and surface water resources within the Modesto Sub-basin of the San Joaquin Valley Groundwater Basin (DWR Bulletin 118 No. 5-22.02) ("Sub-basin") are vitally important resources, in that they provide the foundation to maintain and fulfill current and future environmental, agricultural, domestic, municipal and industrial needs, and to maintain the economic viability, prosperity, and sustainable management of the Sub-basin.

2.2 Agriculture has been prominent in making Stanislaus County one of the world's foremost agricultural areas, and has played a major role in the development of the economy of Stanislaus County; in an era of increasing competition for the area's finite water resources, it is important to understand and plan for the local area's economic well-being.

2.3 Although each of the Parties overlies and has rights to extract groundwater from the Sub-basin, each Party's individual surface and groundwater rights, historical groundwater production, and groundwater recharge and conveyance activities vary greatly from one another.

2.4 The California Legislature has adopted, and the Governor has signed into law, the Sustainable Groundwater Management Act ("SGMA"), which authorizes local agencies to manage groundwater in a sustainable fashion.

2.5 The Parties intend to enter into this MOU in order to ensure that the Sub-basin remains locally and sustainably managed.

2.6 SGMA requires groundwater basins designated as either medium or high-priority to be managed by one or more Groundwater Sustainability Agencies ("GSA") by June 30, 2017 and that GSAs adopt a groundwater sustainability plan ("Plan") by January 31, 2022.

2.7 The Sub-basin is currently designated as a high-priority basin, and thus must comply with the deadlines in the previous recital.

2.8 Pursuant to SGMA, a combination of local agencies may form a GSA through a memorandum of understanding or other legal agreement.

2.9 Each of the Parties overlies a portion of the Sub-basin and is a local agency as defined by SGMA.

2.10 In order to coordinate groundwater management activities and to comply with SGMA, the Parties desire to form a GSA for the portion of the Sub-basin that lies within their collective jurisdictions.

2.11 This MOU is intended to be an agreement for formation of a GSA as authorized by section 10723.6(a)(2) of the Water Code.

2.12 The Parties further intend and will work cooperatively to develop a separate operating agreement for the Stanislaus and Tuolumne River Groundwater Basin Association ("STRGBA") GSA ("STRGBA GSA").

2.13 The Parties believe that cooperative and coordinated actions by local agencies and users within the Sub-basin will result in the continued sustainable use of the groundwater within the Sub-basin.

3. DEFINITIONS. The following terms, whether in the singular or the plural, and when used herein with initial capitalization, shall have the meanings specified below:

3.1 **Annual Budget.** The GSA budget developed annually, pursuant to Section 6.2, to fund certain project(s) to advance the goals and objectives of this MOU.

3.2 **Committee.** That body, consisting of one representative from each of the Parties, which governs the GSA, as established pursuant to Section 4.3 of this MOU.

3.3 **Coordinator.** The individual appointed by the Committee pursuant to Section 5.

3.4 **Funding Percentage.** A Party's Funding Percentage as set forth in Section 7.1 of this MOU.

3.5 **Governing Bodies.** The governing entities of the Parties to this MOU.

3.6 **GSA.** A Groundwater Sustainability Agency created pursuant to SGMA.

3.7 **MOU.** This Memorandum of Understanding creating the STRGBA GSA.

3.8 **Parties.** Each of those entities named in Section 1 of this MOU, or those Parties added pursuant to Section 4.5 of this MOU.

3.9 **Plan.** A Groundwater Sustainability Plan developed and adopted pursuant to SGMA.

3.10 **SGMA.** The Sustainable Groundwater Management Act of 2014.

3.11 **Stanislaus and Tuolumne River Groundwater Basin Association GSA or STRGBA GSA.** The GSA created pursuant to this MOU to manage the Sub-basin.

3.12 Sub-basin. The Modesto Sub-basin of the San Joaquin Valley Groundwater Basin (DWR Bulletin 118 No. 5-22.02), which is geographically defined as that area in the State of California bounded on the west by the San Joaquin River; on the north by the Stanislaus River, on the east by the base of the Sierra Nevada foothills; and on the south by the Tuolumne River, and includes the area of land overlying that Sub-basin and all tributaries therein as defined by the then-current Department of Water Resources Bulletin 118.

3.13 Voting Percentage. A Party's Voting Percentage as set forth in Section 7.3 of this MOU.

4. THE GSA.

4.1 Creation of GSA. The Parties hereby establish the STRGBA GSA to manage the portion of the Sub-basin within the Parties' collective jurisdictions.

4.2 Purposes and Powers. The purposes and powers of the STRGBA GSA are as follows:

4.2.1 This MOU is entered into by and between the Parties to, consistent with SGMA, exert local control over the management of the Sub-basin and to facilitate a cooperative and ongoing working relationship that will allow compliance with SGMA and state law, as amended from time to time.

4.2.2 The STRGBA GSA shall act on behalf of its members to coordinate the Parties' activities and actions to further the sustainable management of the Sub-basin and facilitate compliance with SGMA. It shall in no way determine or modify the surface water rights or groundwater rights, if any, of any Party.

4.2.3 The STRGBA GSA shall determine and evaluate the Sub-basin's existing groundwater supply;

4.2.4 The STRGBA GSA shall promote coordination of groundwater management planning activities within the Sub-basin;

4.2.5 The STRGBA GSA shall evaluate the Sub-basin's need for additional or improved water extraction, storage, delivery, conservation, and recharge facilities;

4.2.6 The STRGBA GSA shall provide and share information and guidance for the management, preservation, protection and enhancement of groundwater quality and quantity in the Sub-basin; and

4.2.7 The STRGBA GSA shall have the powers and authorities granted to GSAs under SGMA.

4.3 Committee. The STRGBA GSA shall be governed by a Committee whose membership and responsibilities are set forth herein.

4.3.1 Each Party shall designate one staff person to serve as a member of the Committee, and one or more alternates. The names of the member and alternates will be submitted to the Coordinator. Each member of the Committee, and each alternate, shall serve at the pleasure of the Party appointing such member. A Party's alternate may serve in the place of that Party's member in the absence of such member and, in such case, the alternate shall have the powers of the member.

4.3.2 The Committee shall elect a chair and vice chair from its members at the first meeting of each calendar year. The chair shall be responsible for presiding over meetings of the Committee, and shall notify members and the Coordinator of meetings of the Committee. The Committee shall establish a date, time and place for its regular meetings, and may hold special meetings when required for the proper transaction of business. All meetings of the Committee will be held in accordance with the provisions of the Brown Act, California Government Code Section 54950 et seq. The Committee shall prescribe such procedures for the conduct of its business as it deems appropriate.

4.3.3 A quorum will consist of a simple majority of the Parties, subject to the provisions of section 6.5, except that less than a quorum may adjourn meetings of the Committee from time to time. Alternatively, the Coordinator may adjourn a meeting of the Committee to a specified time, date and place if there is less than a quorum of members present for a meeting.

4.3.4 The Committee shall have the following duties and responsibilities:

a. Develop and implement activities designed to achieve the objectives of SGMA.

b. Designate a Party that will enter into contracts, and approve all amendments thereto, for and on behalf of the STRGBA GSA, necessary to carry out the powers and duties of the STRGBA GSA.

c. Establish an Annual Budget for the STRGBA GSA, and approve proposed revisions to such budget, provided that no action of the STRGBA GSA shall be deemed to bind any party to contribute such funds absent approval of each Party's Governing Body.

d. Recommend for approval by each Party's Governing Body's Annual Budget(s) necessary to carry out proposed project(s).

e. Establish such committees as may be necessary or desirable to carry out the purposes of the STRGBA GSA, and to exercise general supervision over such committees.

4.3.5 Except for actions for which a different approval standard is set forth in this MOU, all actions of the Committee will be approved by a majority of the members present.

4.4 **Staff.** The staff of the STRGBA GSA shall be composed of staff from each Party. The STRGBA GSA shall also have the authority to hire or retain agents, contractors and consultants as the Committee shall determine necessary and appropriate.

4.5 **New Parties.** New parties may join the STRGBA GSA, provided that they meet the requirements set forth below:

4.5.1 Any county or local public agency that meets the definition of "local agency" as set forth in SGMA.

4.5.2 Application for membership will be subject to simple majority approval by the Committee.

4.5.3 As a condition of admission to the STRGBA GSA, any new Party to this MOU shall agree to be subject to the terms of this MOU and shall be required to first pay its proportionate share of back contributions or as otherwise determined appropriate by the Committee.

5. COORDINATOR.

5.1 **Appointment.** The Committee shall appoint a one of the Committee members as the Coordinator, who shall have the duties and responsibilities set forth in this Section 5.

5.2 **Duties and Responsibilities.** The Coordinator will have the following duties and responsibilities:

5.2.1 Develop and submit for review and approval by the Committee a work plan and schedule of activities designed to comply with the requirements of SGMA, or as may be otherwise directed by the Committee.

5.2.2 Propose an Annual Budget, and from time to time such revisions as the Coordinator may feel necessary or desirable, to the Committee for its review and approval.

5.2.3 Submit to the Committee, as directed by the Committee, a progress report as to the STRGBA GSA's activities and a report which compares actual expenditures with the Annual Budget, as adopted.

5.2.4 Execute and administer contracts as directed by the Committee.

5.2.5 Maintain proper records and accounts of work performed by the Committee.

5.2.6 Receive and disburse funds at or under the direction of the Committee.

5.2.7 Act as secretary/treasurer to the STRGBA GSA, and acting in that capacity, prepare, record and distribute minutes of all Committee meetings.

5.2.8 Perform such other actions as may be necessary or desirable to promote the work of the Committee and the STRGBA GSA.

6. GSA BUDGET AND COSTS.

6.1 Budget Cycle. The budget cycle of the STRGBA GSA shall be on a calendar year basis.

6.2 Annual Budget. The Coordinator shall prepare an Annual Budget for each calendar year that the Committee determines certain projects are necessary. The Coordinator's draft Annual Budget for the following year shall be delivered to the Committee members no later than June 1 of each year. The Committee shall approve or revise the draft Annual Budget and distribute the draft Annual Budget to each Party no later than July 1 of each year. The Committee shall meet to review input from the Parties' Governing Bodies no later than August 1 of each year, and shall approve a final budget no later than September 1 of each year for the following year. The respective Governing Bodies of the Parties shall review the Annual Budget no later than October 1 of each year and notify the Coordinator that it has allocated or appropriated its respective contribution to the Annual Budget no later than October 15 of each year. The Committee shall adopt and approve the Annual Budget and have it in place and effect by January 1 of each year, or as approved by the Parties.

6.3 Allocation of Funds. Within the Annual Budget adopted pursuant to Section 6.2, the Committee shall have the authority to make minor adjustments in the allocation of funds between budget categories; provided, however, that the cumulative change in the budget category does not exceed ten percent (10%) of the amount authorized in the Annual Budget and the total amount of the Annual Budget is not increased. Other budget adjustments require approval of the Governing Bodies.

6.4 Budget Increases. Increases in the total amount of a budget must be approved by the Governing Bodies of a simple majority of the Parties.

6.5 Failure to Pay. If any Party fails to pay its respective share of any Annual Budget or budget increase when due, whether or not that Party's Governing Body approved the Annual Budget or the budget increase, then that Party shall be ineligible to vote on any subject or issue unless such failure is excused by the Committee through formal action and majority approval of the Committee. During any period of time during which a Party is ineligible to vote on a matter by reason of the application of this Section 6.5, such Party shall not be counted as a Party in determining a quorum, or in determining a "majority" with regard to the approval of any action. In order to restore its eligibility to vote, a Party must be current on all amounts due, including any expenditures approved by the Committee while such Party was ineligible to vote.

6.6 **Expenditures.** STRGBA GSA funds may be properly expended for all costs approved by the Committee and properly incurred in the performance of the work approved by the Committee, or under such authority as may be delegated to the Coordinator by the Committee.

6.7 **Non Reimbursable Costs.** Costs incurred by any Party in connection with any functions of the STRGBA GSA, or any committee established by the Committee, and expenses of a Party's personnel including, without limitation, the regular and alternate members appointed by a Party to any committee while performing such functions, shall not be reimbursed by the STRGBA GSA except through formal action and majority approval of the Committee provided that a Party shall be reimbursed for the services performed by such Party's employees while serving as staff to the STRGBA GSA as approved through the Annual Budget process.

7. FUNDING AND VOTING PERCENTAGES.

7.1 **Funding Percentage.** Each Party shall be responsible for its proportionate share of the funding requirements of the STRGBA GSA. The proportionate shares of each Party shall be determined by dividing the funding requirements of the STRGBA GSA by the number of Parties. During Committee approval of certain projects that beneficially affect the Parties disproportionately, equitable project funding shall be determined through formal action and majority approval of the Committee.

The Parties shall provide funding consistent with the Annual Budget adopted by the Committee on the schedule set forth in such budgets, or pursuant to the Coordinator's discretion. Funding needs of the STRGBA GSA payable by the Parties shall be determined by the Committee, and such funds shall be transmitted by the Party to the Coordinator within sixty (60) days of project approval. Upon receipt, the Coordinator will immediately deposit funds in an interest-bearing bank account, separate from other accounts of the Parties. The funds in such account shall remain the property of each contributing Party until spent, and interest earned thereon shall belong to each contributing Party.

7.2 **Payment Reduction.** Each Party agrees that the Parties' respective obligations to make payments hereunder shall not be subject to any reduction, whether by offset, counter claim, recoupment or otherwise. A Party's funding contributions to the STRGBA GSA, or a portion thereof, may be reimbursed upon termination of that Party's participation in the STRGBA GSA and approval by a simple majority vote of the Committee.

7.3 **Voting Percentage.** Each Party's representative on the Committee shall be entitled to one vote; provided however, that if a matter being decided by the Committee will have a disproportionate effect on the financial obligations of one or more Parties, as contemplated in Section 7.1, each Party shall be entitled to a weighted vote proportionate to the financial obligation or benefit of the Parties. The Voting Percentages set forth in this Section shall remain in effect only until voting percentages are established in the operating agreement for the STRGBA GSA.

7.4 Modification by Party. Funding Percentages and/or Voting Percentages may be changed only upon simple majority approval of the Committee.

8. RELATIONSHIPOFPARTICIPANTS.

8.1 Each Party's Action Independent. The obligation of each Party to make payments under Section 7.1 of this MOU is an individual and several obligation and not a joint obligation of the Parties. Each Party shall be individually responsible for its own covenants, obligations and liabilities under this MOU. No Party shall be under the control of or shall be deemed to control any other Party or the Parties collectively. No Party shall be the agent of or have the right or power to bind any other Party without such Party's express written consent, except as expressly provided in this MOU.

8.2 Indemnity. No Party, nor any officer or employee of a Party, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by another Party under or in connection with this MOU. The Parties further agree, pursuant to Government Code Section 895.4, that each Party shall fully indemnify and hold harmless each other Party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such Party under this MOU.

In no event, except for any claim, demand, liability, loss or damage arising out of or resulting from any action taken or not taken by one Party at the direction of its directors, officers, or employees of management or administrative responsibility, which is knowingly or intentionally taken or not taken with conscious indifference to the consequences thereof or with the intent that injury or damage would result or would probably result therefrom, shall a Party be liable to any other Party for any indirect or consequential damage claim, demand, liability, loss, expense (including attorney's fees), or damage arising out of or in any way connected with this MOU, including any negligence in connection therewith.

8.3 No Creation of a Joint Powers Authority. The Parties agree that by this MOU they do not intend to provide for the creation of an agency or entity which is separate from the Parties pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, relating to the joint exercise of powers.

9. TERMOFTHISMOU. The term of this MOU shall commence once all named parties have executed this MOU and shall remain in effect unless terminated by the mutual written consent of all Parties. Upon termination of this MOU, the Committee shall determine the assets and liabilities of the STRGBA GSA, make every effort to satisfy all obligations within sixty (60) days of the termination of this MOU, and equitably distribute any remaining fund balance to each Party in proportion to each Party's Funding Percentage.

10. GENERALPROVISIONGOVERNINGMOU.

10.1 Severability. In the event that any of the terms, covenants or conditions of this MOU or the application of any such term, covenant or condition shall be held

invalid as to any Party, person or circumstance by any court of competent jurisdiction, all other terms, covenants or conditions of this MOU and their application shall not be affected thereby, but shall remain in full force and effect unless any such court holds that those provisions are not separable from all other provisions of this MOU.

10.2 No Third Party Beneficiaries. This MOU is for the sole benefit of the Parties and shall not be construed as granting rights to any person other than the Parties or imposing obligations on any person other than another Party.

10.3 Good Faith. Subject to the right of a Party to withdraw or terminate its membership in the STRGBA GSA, each Party shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of this MOU and the satisfactory performance of the terms and provisions contained herein.

10.4 Withdrawal or Termination of Membership. Except in the event of the termination of this MOU pursuant to Section 9, a Party who withdraws or terminates its membership in the STRGBA GSA shall not be entitled to a refund of its funding contributions. Any Party may terminate membership and withdraw from the STRGBA GSA upon thirty (30) days written notice of termination to the STRGBA GSA. If a Party withdraws from the STRGBA GSA when the Party is in arrears as to complying with its Funding Percentage, that Party's entitlement to use any groundwater model or other work product of the STRGBA GSA as provided for herein shall be determined by the Committee. Whenever a Party withdraws from the STRGBA GSA, it is the intent of the Parties and of the STRGBA GSA that the withdrawal shall remove the area within the Party's water service area from further management by the STRGBA GSA, provided that the withdrawal shall be in accordance with the requirements of SGMA and shall leave no area within the Basin unmanaged.

10.5 Amendment. Unless provided otherwise, this MOU may be amended upon the affirmative vote of the Governing Bodies of a simple majority of the Parties.

10.6 Counterpart Execution. This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

10.7 Governance. This MOU is made under and shall be governed by the laws of the State of California. Venue of any action arising from this MOU shall be in the County of Stanislaus.

10.8 Reasonable Delivery of Documents. The Parties agree to act in good faith to promptly execute any documents that are necessary, or may become necessary, to implement activities approved by the Governing Bodies in the Annual Budget, subject to the authority and the right of the Governing Bodies to terminate participation in this MOU.

10.9 Attorney Fees. If any action at law or in equity, including action for declaratory relief, is brought to enforce or interpret provisions of this MOU, the prevailing Party shall be entitled to reasonable attorney's fees and costs that may be set by

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Memorandum of Understanding forming the Stanislaus and Tuolumne Rivers Groundwater Basin Association Groundwater Sustainability Agency in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2017-30, adopted by the Council of the City of Modesto on the 24th day of January, 2017.

CITY OF MODESTO,
A municipal corporation

By _____
JAMES N. HOLGERSSON, City Manager

ATTEST:

By _____
STEPHANIE LOPEZ, City Clerk

(Seal)

APPROVED AS TO FORM:
ADAM U. LINDGREN, City Attorney

By _____
JOSE M. SANCHEZ, Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-31

Print

RESOLUTION ACCEPTING THE RESIGNATION OF RICHARD MAGGARD FROM THE CITY OF MODESTO'S CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the Citizens' Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs, and

WHEREAS, on February 23, 2016, by Resolution No. 2016-65, Richard Maggard was appointed to the City of Modesto's Citizens' Housing and Community Development Committee, and

WHEREAS, Richard Maggard submitted his resignation on January 9, 2017 as he will no longer be able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council accepts the resignation of Richard Maggard from the City of Modesto's Citizens' Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-32

RESOLUTION APPOINTING JAY LOMELI AND JACOB EDWARDS TO THE DISABLED ACCESS APPEALS BOARD WITH A TERM EXPIRATION OF JANUARY 1, 2021

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

WHEREAS, the Appointments Committee, met on January 12, 2017, and recommended the appointment of Jay Lomeli and Jacob Edwards to the Disabled Access Appeals Board,

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

1: Jay Lomeli is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 2021.

2: Jacob Edwards is hereby appointed to the Disabled Access Appeals Board with a term expiration of January 1, 2021.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-33

RESOLUTION ACCEPTING THE RESIGNATION OF WILLIAM GAINES FROM THE CITY OF MODESTO EQUAL OPPORTUNITY/DISABILITY AND HUMAN RELATIONS COMMISSION, EFFECTIVE MARCH 15, 2016

WHEREAS, WILLIAM GAINES was appointed to serve on the Equal Opportunity/Disability Commission, and

WHEREAS, WILLIAM GAINES has tendered his resignation from the Equal Opportunity/Disability and Human Relations effective March 15, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of WILLIAM GAINES is accepted with regret.

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

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-34

Print

RESOLUTION APPOINTING DOUGLASS PARMAN TO THE EQUAL OPPORTUNITY/DISABILITY AND HUMAN RELATIONS COMMISSION FOR A TERM TO EXPIRE ON AUGUST 11, 2017

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

WHEREAS, the Appointments Committee met on August 24, 2016, and recommended appointment of Douglass Parman to serve jointly on the Equal Opportunity/ Disability Commission and Human Relations Commission.

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

I. Douglass Parman is hereby appointed to serve jointly on the Equal Opportunity/Disability and Human Relations Commission with a term expiration of August 11, 2017.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-35

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE ROSELLE AVENUE WIDENING PROJECT, ACCEPTING THE BID, APPROVING THE CONTRACT WITH DSS COMPANY (DBA KNIFE RIVER CONSTRUCTION) OF STOCKTON, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONSTRUCTION AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY, IN THE AMOUNT OF $3,249,779.40

WHEREAS, plans and specifications have been prepared for the Roselle Avenue Widening Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Roselle Avenue Widening Project were publicly opened at 11:00 a.m. on December 20, 2016 for the consideration of the Council, and

WHEREAS, in 2009 the City Council approved an Initial Study, Environmental Assessment No. EA/PW 2009-13, which concluded that the potential effects of the project have been adequately addressed within the context of the previously-certified Village One Program EIR (SCH No. 90020181), and that no further environmental review is required, and

WHEREAS, all applicable mitigation measures contained within the previously-certified Village One Program EIR will be applied to the project, and

WHEREAS, the Director of Community and Economic Development and the City Manager have recommended that the bid of $3,249,779.40 received from DSS Company dba Knife River Construction of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to DSS Company dba Knife River Construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Roselle Avenue Widening Project.

BE IT FURTHER RESOLVED, that the Council accepts the bid of DSS Company dba Knife River Construction of Stockton, California and approves the contract with DSS Company dba Knife River Construction of Stockton, California for the Roselle Avenue Widening Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the construction agreement, in a form approved by the City Attorney, in the amount of $3,249,779.40.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-36

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET TO TRANSFER A TOTAL OF $213,234 FROM THE FOLLOWING LINE ITEMS: CONSTRUCTION (CON) AND LAND ACQUISITION (LA) TO CONSTRUCTION ADMINISTRATION (CA), CITY CONSTRUCT FORCE (CFF), CONTINGENCY (CTGY), AND ENGINEERING/DESIGN/ ADMINISTRATION (EDA) LINE ITEMS

WHEREAS, certain budgetary transactions are necessary in the amounts shown in **Exhibit A**, in order to fund construction, contingency, construction administration and engineering support during construction for the Roselle Avenue Widening Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto, in order to transfer a total of $213,234 from the following line items: Construction (CON) and Land Acquisition (LA) to Construction Administration (CA), City Construct Force (CFF), Contingency (CTGY), and Engineering/Design/Administration (EDA) line items.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A			
100106 – CED – Roselle Avenue between Sylvan/Floyd			
EXPENSES	Available Current Budget	Increase / Decrease	Revised Budget
CA - Construction Administration	$221,329	$103,649	$324,978
CCF - City Construct Force	-$6,701	$16,701	$10,000
CON - Construction	$3,488,700	-$188,801	$3,299,899
CTGY - Contingency - CIP	$300,000	$89,974	$389,974
EDA - Eng/Design/Admin	-$2,910	$2,910	$0
LA - Land Acquisition	$24,433	-$24,433	$0
Total	$4,024,851	$0	$4,024,851

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-37

Print

RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITIES TO ISSUE CHANGE ORDERS ON THE ROSELLE AVENUE WIDENING PROJECT, IN THE TOTAL AMOUNT OF $389,974 (12% OF THE ORIGINAL CONTRACT PRICE)

WHEREAS, On July 19, 1994, City Council adopted by Resolution No. 94-443, a Change Order Approval Policy which provides Director authority to issue change orders in an amount of 8% for any single contract of at least $1,000,000, but less than $10,000,000, and

WHEREAS, the Change Order Approval Policy also states that variance from limitations may be requested at time of bid award for unforeseen conditions which may arise in the field, and

WHEREAS, the contingency cost for Roselle Avenue Widening Project has been estimated to be $389,974, 12% of the original contract price, due to unusually poor soil conditions and the complexity of existing conditions in the project area, and

WHEREAS, the Director of Utilities is requesting authority to approve change orders up to the cumulative amount of $389,974.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders on the Roselle Avenue Widening Project in the total amount of $389,974 (12% of the original contract price).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-38

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR CONSTRUCTION OF THE DRY UTILITIES RELOCATION FOR THE FUTURE COURTHOUSE PROJECT, AND APPROVING A CONTRACT WITH R&R PACIFIC CONSTRUCTION OF WOODLAND, CALIFORNIA IN THE AMOUNT OF $217,850 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE THE AGREEMENT, IN A FORM TO BE APPROVED BY THE CITY ATTORNEY

WHEREAS, on November 19, 2014 a Property Acquisition Agreement was signed between the City of Modesto and the Judicial Council of California, and

WHEREAS, the agreement required the city to relocate the utilities from the property being sold to the state, and the funds to relocate the utilities are being held in an escrow account until 45 days after the utilities have been relocated, and

WHEREAS, the City has until May 15, 2017 to complete the project per an agreement between the City and the Judicial Council of California , and

WHEREAS this project will relocate the overhead utilities that are located in the alley located between G and H Streets and 9th and 10th Streets, and

WHEREAS, staff advertised this project for bid on December 23, 2016, and

WHEREAS, the bids received for the Dry Utilities Relocation for the Future Court House Project were opened at 11:00 a.m. on January 17, 2017 for the consideration of the Council, and

WHEREAS, the City Manager has recommended that the bid of $217,850 received from R&R Pacific Construction, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to R&R Pacific Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of $217,850 and awards R&R Pacific Construction of

Woodland, CA, the contract for the Dry Utilities Relocation for the Future Court House Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-39

Print

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR OF UTILITIES AUTHORITY TO ISSUE CHANGE ORDERS FOR THE DRY UTILITIES RELOCATION FOR THE FUTURE COURTHOUSE PROJECT FROM $25,000 TO 25% ($54,463) OF THE CONSTRUCTION CONTRACT PRICE OF $217,850 WITH R&R PACIFIC CONSTRUCTION, OF WOODLAND, CALIFORNIA

WHEREAS, on February 7, 2017, the City Council is concurrently awarding a $217,850 contract to R&R Pacific Construction of Woodland, California for the construction of the Dry Utilities Relocation for the Future Courthouse Project, and

WHEREAS, this project will relocate the overhead utilities that are located in the alley located between G and H Streets and 9th and 10th Streets, and

WHEREAS, there are many unknowns under the street that may require unforeseen additional work, and

WHEREAS, this project is under a tight time frame to complete this work per an agreement with the Judicial Council of California and will not have time to return to council to request addition funds, and

WHEREAS, City staff is requesting authorization to increase the Director's Authority to 25% to provide for additional material and/or labor that may be needed for this project, and

WHEREAS, the additional costs could exceed the Director's authority of $25,000 cumulative change orders for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Dry

Utilities Relocation for the Future Courthouse Project from $25,000 to 25% ($54,463) of the construction contract price of $218,850 with R&R Pacific Construction of Woodland, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-40

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 NON - CAPITAL PROGRAM MULTI YEAR BUDGET (PROJECT # 100859) IN THE AMOUNT OF $367,000 TO BE TEMPORARILY TRANSFERRED INTO THE PROJECT FROM GENERAL FUND RESERVES IN ORDER TO FULLY FUND THE PROJECT UNTIL THE ESCROW FUNDS ARE RELEASED AND REIMBURSED TO THE GENERAL FUND RESERVES

WHEREAS, certain budgetary transactions are necessary in the amount of $367,000, in order to fund construction, contingency, and City construction forces for the Dry Utilities Relocation for the Future Courthouse Project, and

WHEREAS, the City of Modesto entered into an agreement to sell property to the Judicial Council of California, and

WHEREAS, the agreement placed $367,000 into an escrow account until the utilities located on the property were relocated and the alley abandoned, and

WHEREAS, the escrow funds will not be released until 45 days after the utilities are fully relocated, and

WHEREAS, it could take up to 60 days to relocate the utilities after the conduit is placed, and

WHEREAS, the contractor that installed the conduit for the utility relocation will need to be paid before the utilities can be relocated and the escrow funds released, and

WHEREAS, the Fiscal Year 2016-2017 Non - Capital Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Non - Capital Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction funds being held in an escrow account and not being released until the utilities are fully relocated around the property purchased by the Judicial Council of California from the City of Modesto, funds need to be temporarily transferred from General Fund Reserves to pay for construction work required prior to the utilities relocating their services, line item increases/decreases are necessary for Fiscal Year 2016-17 Non - Capital Program Multi Year Budget (project # 100859) and the total project costs need to be increased by $367,000.

To fund the above account, $367,000 will be transferred from General Fund Reserves into Fiscal Year 2016-17 Non - Capital Program Multi Year Budget (project # 100859). Once the $367,000 of escrow funds are released they will be deposited into the General Fund Reserves.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-41

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is to recognize and appropriate revenue received that exceeded the initial project budget amounts. The revenue received is from the State Department of Courts and is being used for the relocation expenses required by the agreement with the State of California. This adjustment will recognize $172,302 in additional revenue to for the project and appropriate the same amount in expense budget under the Professional Services account in project 100859 (Courthouse Project).

A Budget Adjustment is necessary to add unspent Emergency Solutions Grant (ESG) funds in the amount of $57,262.64 to the Fiscal Year 2016-2017 Operating Budget for Fund 1180. ESG grantees have 24 months to expend these funds.

PUBLIC WORKS

A budget adjustment is necessary to recognize $743,000 of unbudgeted Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Revenue for Project # 100982, MAX Intelligent Transportation System Equipment Purchase and Installation, in Fund 4510, Bus Fixed Route, and reallocate said funds to the project's discretionary accounts for the purchase and installation of Intelligent Transportation Systems equipment for the City's MAX bus fleet.

UTILITIES

A budget adjustment of $1,000,000 is necessary to create and establish the operating budget for the Council approved Water Rate Assistance Program (WRAP). These funds will come from Water Fund revenue collected by the City Utility Billing and Collections Division as late payments and delinquency charges on City utility bills.

A budget adjustment is necessary to reduce the General Fund expense budget in account 54425 (Senior/Disabled Discount Charges) by $210,000. An adjustment will then increase the expense budget in cost center 41410 (Water General) by $210,000 to fund the Senior/ Disabled Low Income Discount program with revenue collected by the City Utility Billing and Collections Division as late payments and delinquency charges on City utility bills.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-42

Print

RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL, RANCHO CORDOVA, CA, FOR DESIGN AND CONSTRUCTION SERVICES FOR THE REPLACEMENT WELL 226 PROJECT, IN AN AMOUNT NOT TO EXCEED $175,197 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $17,520 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $192,717, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, City water supply Well 226, located at the northwest corner of Conant and Brenner Avenues, was taken offline in 2006 due to elevated arsenic and nitrate concentrations, and

WHEREAS, Well 226 was originally drilled in 1954, and is strategically located near the Highway Village neighborhood, and

WHEREAS, on April 7, 2009, by Resolution 2009-149, Council approved a short-list of hydrogeologists to be used on a rotating, as-needed basis, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, Brown and Caldwell (B&C) was selected as the most qualified to provide design services for well remediation at Well 226, and

WHEREAS, on November 24, 2009, by Resolution No. 2009-554, Council approved an agreement with B&C for Design Services for Well Remediation at Well 226, and

WHEREAS, a new, deeper well was proposed to be drilled on the existing site, built to current well construction standards, and

WHEREAS, Well 226 was over 60 year's old, shallow at 270 feet, and drilled using a method that cannot isolate specific water layers, and

WHEREAS, in 2011, plans and specifications for removal and replacement of Well 226 were prepared, but the project was deferred due to lack of funding, and

WHEREAS, the agreement with B&C was subsequently closed, and

WHEREAS, on June 28, 2016, by Resolution 2016-270, Council approved the specifications for destruction of certain water wells, and awarded a contract to Howk Systems of Modesto, CA, and

WHEREAS, Well 226 was destroyed as part of this work, and

WHEREAS, in the interest of efficiency and due to the fact that B&C was previously selected to provide design services for the replacement of Well 226, a further selection process was not deemed necessary, and

WHEREAS, at the Utilities Department staff request, B&C submitted a proposal to update the plans and specifications to meet the City's current operational needs and current standards, and to provide bid and construction services, and

WHEREAS, B&C's proposal cost and scope were reviewed and determined to be reasonable to provide design and construction services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Revise well drilling design; 2) Well equipping design; 3) Bid period services; 4) Engineering support during construction; and 5) Permitting support, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement, and

WHEREAS, therefore, staff recommends approval of the agreement with B&C for design and construction services for the Replacement Well 226,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Resolution approving an Agreement with Brown and Caldwell, Rancho Cordova, CA, for design and construction services for the Replacement Well 226 Project, in an amount not to exceed $175,197 for the identified scope of services, plus $17,520 for additional services (if needed), for a maximum total amount of $192,717.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-43

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., PLEASANTON, CA, FOR ON-CALL HYDRAULIC WATER SYSTEM MODELING SUPPORT SERVICES FOR A TERM OF TWO YEARS WITH TWO ONE-YEAR EXTENSIONS AT THE SOLE DISCRETION OF THE CITY, NOT TO EXCEED $75,000 PER YEAR FOR A TOTAL COST OF $300,000 OVER THE TERM OF THE AGREEMENT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO, ONE-YEAR EXTENSIONS

WHEREAS, Utilities Department staff has developed a hydraulic model of the City's water distribution system, and

WHEREAS, the model has been used over time to analyze the current system and evaluate proposed improvements, and

WHEREAS, on September 2, 2014, by Resolution 2014-336, City Council approved an agreement with West Yost Associates, Inc., for consultant services to develop a Water Master Plan, and

WHEREAS, the scope of work included recalibrating the City's current hydraulic model and reallocating system demands based on new meter data, and

WHEREAS, modeling support is needed for timely analysis related to design of water infrastructure and to assist/optimize water system operations, and

WHEREAS, West Yost Associates, Inc. (West Yost), has been providing water system hydraulic modeling support for several years, typically related to a specific task, such as the Water Engineer's Report and Water Master Plan, and

WHEREAS, West Yost was previously selected as being the most qualified to provide services that included updating the hydraulic model of the water system, and is

also deemed most qualified to provide the necessary on-call hydraulic water system modeling support, and

WHEREAS, West Yost has the hardware and software, including an updated version of the City's current water system infrastructure, and

WHEREAS, establishing an on-call service agreement will provide a method of timely support, and

WHEREAS, when on-call hydraulic water system modeling services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete the specific task, and

WHEREAS, there are no fiscal impacts at this time, and to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific Capital Improvement Program (CIP) project account as the task is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Engineering Design Division staff, and

WHEREAS, costs for on-call hydraulic water system modeling services will not exceed the allotted amount for each year for two years with two, one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call hydraulic water system modeling support services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until Engineering Design Division management has approved the proposed specific task order and a written

Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement, and

WHEREAS, total cost for four years is not to exceed $300,000, and

WHEREAS, therefore, staff recommends approval of the above on-call consultant agreement for hydraulic water system modeling support services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc., Pleasanton, CA, for On-Call Hydraulic Water System Modeling Support Services for a term of two years with two one-year extensions at the sole discretion of the City, not to exceed $75,000 per year for a total cost of $300,000 over the term of the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, and up to two, one-year extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-44

RESOLUTION APPOINTING JULIE SHERER AND FRANCISCO JAVIER TO THE CITY OF MODESTO CULTURE COMMISSION AS MODESTO RESIDENTS AND ATHENS ABELL AS A STANISLUAS COUNTY RESIDENT WHO DOES NOT LIVE IN THE CITY OF MODESTO WITH A TERM EXPIRATION OF JANUARY 1, 2021

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

WHEREAS, the Appointments Committee met on January 30, 2017 and recommended appointment of Athens Abell, Julie Sherer and Francisco Javier to the Modesto Culture Commission.

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

SECTION 1. Julie Sherer and Francisco Javier are hereby appointed to the Modesto Culture Commission as City of Modesto residents with a term expiration of January 30, 2021.

SECTION 2. Athens Abell is hereby appointed to the Modesto Culture Commission as a Stanislaus County Resident who does not reside in the City of Modesto with a term expiration of January 30, 2021.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-45

Print

RESOLUTION APPOINTING AMEET BIRRING TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2021

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

WHEREAS, the Appointments Committee met on January 30, 2017 and recommended appointment of Ameet Birring to the Modesto Planning Commission.

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

SECTION 1. Ameet Birring is hereby appointed to the Modesto Planning Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-46

RESOLUTION REAPPOINTING ROSA ESCUTIA-BRAATON TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2021

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

WHEREAS, the Appointments Committee met on January 30, 2017 and recommended reappointment of Rosa Escutia-Braaton to the Modesto Planning Commission.

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

SECTION 1. Rosa Escutia-Braaton is hereby reappointed to the Modesto Planning Commission with a term expiration of January 1, 2021.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-47

RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL FOR THE FURNISHING OF METRO ETHERNET SERVICES TO COMCAST BUSINESS COMMUNICATIONS, LLC, PHILADELPHIA, PA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT FOR AN ESTIMATED THREE (3) YEAR TOTAL $417,000

WHEREAS, The City Manager authorized the Purchasing Manager to issue a formal Request for Proposals (RFP) for the furnishing of metro Ethernet services for the Information Technology Department, and

WHEREAS, the Purchasing Division issued RFP 1516-15 Metro Ethernet Services on the City's website under the commodity code for computer hardware, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, and

WHEREAS, two (2) companies chose to download the RFP document, one of which is a local company, and

WHEREAS, proposals were formally opened in the City Clerk's office and two (2) companies chose to respond, and

WHEREAS, the two (2) companies responding each provided a responsive and responsible proposal, and

WHEREAS, an evaluation committee comprised of three (3) City staff members evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the furnishing of metro Ethernet services to Comcast Business Communications, LLC, Philadelphia, PA, for an estimated three (3) year annual cost of $417,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid and the award of proposal for the furnishing of metro Ethernet services to Comcast Business Communications, LLC, Philadelphia, PA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2016-17 in the Information Technology Fund, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal for the furnishing of metro Ethernet services to Comcast Business Communications, LLC, Philadelphia, PA.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to issue a purchase agreement for an estimated three (3) year cost of $417,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-48

Print

RESOLUTION AUTHORIZING THE AWARD OF BID FOR THE PURCHASE OF ENTERPRISE RESOURCE PLANNING SYSTEM HARDWARE UPGRADE EQUIPMENT TO SOLID NETWORKS INC., SALIDA, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED COST OF $476,000

WHEREAS, The City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for Enterprise Resource Planning System Hardware Upgrade Equipment, and

WHEREAS, the Purchasing Division issued RFB 1617-18 ERP System Hardware Upgrade Equipment on the City's website under the commodity codes for computer hardware, consulting and computer management services and

WHEREAS, prospective proposers were noticed online of the bid opportunity, and

WHEREAS, nineteen companies chose to download the RFB document and

WHEREAS, on December 20, 2016, bids were formally opened in the City Clerk's office. One (1) company chose to respond and provided a responsive and responsible bid, and

WHEREAS, the bid received was provided by a local vendor, and

WHEREAS, based on providing a responsive and responsible bid, City staff recommends the award of bid for the purchase of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, for an estimated cost of $476,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be

formally bid. The award of bid for the furnishing of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, funds are budgeted in Fiscal Year 2016-17, in Appropriation Unit: 5230-17810-57005 (Information Technology Replacement Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the furnishing of Enterprise Resource Planning System Hardware Upgrade Equipment to Solid Networks Inc., Salida, CA.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to issue a purchase agreement for an estimated cost of $476,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-49

RESOLUTION REJECTING ALL BIDS FOR THE SANDERS AND FREEDOM NEIGHBORHOOD PARKS RENOVATION PROJECT

WHEREAS, the Sanders and Freedom Neighborhood Parks Renovation Project will remove and replace the existing rubber play surfacing and selected play equipment at Sanders and Freedom Neighborhood Parks; basketball court restriping at Sanders Park and replacement of lighted steel bollards at Freedom Park, and

WHEREAS, the one bid received for the Sanders and Freedom Neighborhood Parks Renovation Project was publicly opened at 11:00 a.m. on November 29, 2016, and later tabulated by the Utilities Department for the consideration of the Council, and

WHEREAS, Dossett Construction of Modesto, California was the sole and apparent low bidder at 53.38% above the engineer's estimate, and

WHEREAS, the Parks Planning and Development Division staff determined that the lack of bids was due to another bid opening on the same date and the high cost was associated with the one bidder providing a bid for a larger scope than required by the bid documents, and

WHEREAS, City staff recommends that the City reject the bids, make modifications to the scope of work and re-advertise the project for bid in early 2017 with the intention of attracting a higher number of contractors and more competitive bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bids received for the Sanders and Freedom Neighborhood Parks Renovation Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-50

RESOLUTION ACCEPTING GRANT FUNDING FROM THE URBAN STREAMS RESTORATION PROGRAM ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF WATER RESOURCES IN THE AMOUNT OF $412,918 TO PARTIALLY FUND THE REMOVAL OF THE REMNANT DENNETT DAM AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD FROM THE URBAN STREAMS RESTORATION PROGRAM FOR THE CONSTRUCTION COSTS FOR THE REMOVAL PROJECT OF THE REMNANT DENNET DAM

WHEREAS, the City of Modesto and Tuolumne River Preservation Trust (TRT) have received a grant award from the Urban Streams Restoration Program (USRP) of $412,918 (four hundred twelve thousand nine hundred and eighteen dollars) for removal of the Remnant Dennett Dam, and

WHEREAS, on June 14, 2016 the City Council approved a Memorandum of Understanding (MOU) with TRT to fund the construction to remove project, and

WHEREAS, removal of the Remnant Dennett Dam benefits the City of Modesto and TRT by restoring instream habitat and fish passage conditions, improving native riparian habitat and creating safe recreational boating opportunities, and

WHEREAS, the TRT staff is continuing the pursuit of additional grant funding opportunities to obtain the necessary construction funding of approximately $1 million (one million dollars) anticipated to begin Summer 2017, and

WHEREAS, the City will be the financial agent that houses the grant funding obtained by the TRT staff for the construction to remove project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the grant funding from the Urban Streams Restoration Program in the

amount of $412,918 to partially fund the construction to remove the Remnant Dennett Dam.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to accept and utilize the grant award from the Urban Streams Restoration Program for the construction costs for the removal project of the Remnant Dennett Dam.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-51

RESOLUTION AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 MULTI-YEAR OPERATING BUDGET TO ESTABLISH A NEW NON-CAPITAL PROJECT #100993, IN AN AMOUNT NOT TO EXCEED $412,918 IN REVENUE; TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO PARTIALLY FUND THE REMOVAL OF THE REMNANT DENNETT DAM; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ESTABLISH A GRANT FUNDED NON-CAPITAL PROJECT FOR THE CONSTRUCTION COSTS FOR THE REMOVAL PROJECT OF THE REMNANT DENNETT DAM

WHEREAS, the Tuolumne River Preservation Trust (TRT) has received a grant award from the Urban Streams Restoration Program (USRP) of $412,918 (four hundred twelve thousand nine hundred eighteen dollars) for construction costs to remove the Remnant Dennett Dam, and

WHEREAS, the City Council entered into a Memorandum of Understanding (MOU) with TRT on June 14, 2016, and

WHEREAS, the City Council shall consider approving and amending the 2016/17 Multi-year Operating Budget to establish a new Non-Capital project with the grant award to fund the construction removal project in an amount not to exceed $412,918, and

WHEREAS, additional grant funding avenues are being pursued by TRT staff to obtain the necessary construction funding of approximately $1 million, and

WHEREAS, the City will be the financial agent that houses the grant funding for the project proposed to be established.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is amending the Multi-Year Operating Budget to establish a Non-Capital project for the removal of the Remnant Dennett Dam in an amount not to exceed $412,918 and to

budget expenditures as outlined in **Attachment A**, **attached** hereto, to partially fund the Removal of the Remnant Dennett Dam.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to establish a grant funded Non- Capital project for the construction costs for the removal project of the Remnant Dennett Dam.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A – Budget Adjustment for Non-Capital Project 100993 (Removal of Remnant Dennett Dam)

Fund 1341 – Grants – Operation Grants Reimbursed:

Expense:	Increase/ (Decrease)
To:	
MY-100993-Appr. C – Construction Admin	$76,335
MY-100993-Appr. C – Construction	$153,379
MY-100993-Appr. C – Contingency - CIP	$76,335
MY-100993-Appr. C – Eng/Design/Admin	$106,869

Revenue:	Increase/ (Decrease)	Description of Account
To:		
MY-1341-39998-42210-100993	$412,918	Intergov – State – Dept. of Water Resources

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-52

RESOLUTION AUTHORIZING AWARD FOR THE PURCHASE AND INSTALLATION OF A REAL TIME CRIME CENTER DASHBOARD SOLUTION FOR THE MODESTO POLICE DEPARTMENT TO CYBERTECH SYSTEMS AND SOFTWARE INC., OAK BROOK, IL, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT FOR AN ESTIMATED FIVE (5) YEAR TOTAL CONTRACT COST OF $502,549

WHEREAS, the Modesto Police Department completed the construction phase of the Real Time Crime Center (RTCC) in August 2016, and

WHEREAS, the RTCC is equipped with tools to assist field staff in real-time by immediately researching, monitoring, analyzing, and disseminating important crime bulletins and/or trends, and

WHEREAS, the RTCC has access to numerous law enforcement, department, and public databases, but the need still exists to provide field staff this information in an organized and easy to use manner, thus creating the need for a Real Time Crime Center Dashboard Solution, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Proposals (RFP) for the purchase of a Real Time Crime Center Dashboard Solution, and

WHEREAS, the Purchasing Division issued RFP 1617-04, with fifteen (15) companies downloading the RFP document, and

WHEREAS, three (3) companies provided responsive and responsible proposalsto RFP 1617-04 and an evaluation committee comprised of seven (7) City staff members evaluated the proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal for the purchase of a Real Time Crime Center Dashboard Solution to CyberTech Systems and Software, Inc., Oak Brook, IL, for an estimated five (5) year total cost of $502,549.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and agreement for the purchase and installation of a Real Time Crime Center Dashboard Solution for the Modesto Police Department, to CyberTech Systems and Software, Inc., Oak Brook, IL, for an estimated five (5) year total contract cost of $502,549.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-53

RESOLUTION AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO APPROPRIATE EXPENDITURES OF APPROXIMATELY $167,217 FOR THE MODESTO POLICE DEPARTMENT'S PURCHASE OF A RTCC DASHBOARD SOLUTION AND SYSTEM COMPONENTS

WHEREAS, the Modesto Police Department completed the construction phase of the Real Time Crime Center (RTCC) in August 2016, and

WHEREAS, the RTCC has the need for a Real Time Crime Center Dashboard Solution to efficiently and effectively access and disseminate in-progress crime information and other useful multiagency data to officers and staff in the field, and

WHEREAS, the City Manager authorized the Purchasing Manager issued Request for Proposals (RFP) 1617-04 for the purchase of a Real Time Crime Center Dashboard Solution, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal for the purchase of a Real Time Crime Center Dashboard Solution to CyberTech Systems and Software, Inc., Oak Brook, IL, for an estimated five (5) year total cost of $502,549, and

WHEREAS, the expenses for the initial purchase of the Real Time Crime Center Dashboard Solution ($106,549) as well as the costs associated with other system components including the purchase of three (3) servers ($32,213) and professional services for the installation and deployment of the entire ESRI ArcGIS Enterprise stack ($28,455) will come from existing appropriations in the Police Department's Operating Budget for FY2016-17, and

WHEREAS, included in the agreement is an annual software subscription and system maintenance support costs of approximately $99,000 for each of the remaining four (4) years, which will be incorporated into the Police Department's annual budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets to appropriate expenditures for the first year of approximately $167,217 for the Modesto Police Department's purchase of a RTCC Dashboard Solution and system components.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to amend the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets in conformance with this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-54

Print

RESOLUTION APPROVING AN INCREASE TO THE EXISTING PURCHASE AGREEMENT WITH TTI POLYGRAPH TO INCREASE THE CONTRACT AMOUNT FROM $45,000 TO $131,250 ANNUALLY, UNTIL SUCH TIME THAT THE MODESTO POLICE DEPARTMENT CAN COMPLETE A FORMAL COMPETITIVE BID PROCESS

WHEREAS, the City of Modesto Police Department utilizes polygraph services as part of the recruitment process, and

WHEREAS, in January 2016, the Modesto Police Department went through an informal bid process for such services, anticipating processing approximately forty (40) candidate polygraphs, and

WHEREAS, on February 2, 2016, the Modesto Police Department entered into a three (3) year contract with TTI Polygraph for their polygraph screening services for approximately forty (40) screenings at a rate of $375 per screening for an anticipated annual total of $15,000, and

WHEREAS, from February 2016 until December 2016, the Modesto Police Department conducted 147 polygraph screenings through TTI Polygraph, with an anticipated fifty (50) more screenings needed through the end of the first contract year on January 31, 2017, and

WHEREAS, the increased need for polygraph screenings during the first contract year was a result of vacancies created by staff retirements and resignations beyond those anticipated, coupled with additional position allocations approved in the adopted Operating Budget for Fiscal Year 2016/2017, and the award of the COPS Hiring grant in October 2016, and

WHEREAS, the current purchase agreement does not have a limit to the number of polygraph services that the City can request, the Modesto Police Department is requesting that Council approve the increase in the allowable annual contract amount to $131,250, with TTI Polygraph because the annual usage will exceed the $50,000 threshold, and

WHEREAS, the Modesto Police Department intends to complete a formal competitive bid process for polygraph services according to Modesto Municipal Code Section 8-3.203 in six (6) months, and

WHEREAS, there are exceptions to the rule set forth in the Modesto Municipal Code Section 8-3.204(c), wherein the Purchasing Manager, at his or her discretion, has the authority to make the determination that calling for bids on a competitive bid basis is undesirable due to exigent circumstances to ensure that polygraph services are not interrupted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the increase to the existing purchase agreement with TTI Polygraph to increase the funding associated with polygraph services to $131,250 annually, until such time the Modesto Police Department can complete a competitive bid process.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-55

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., PLEASANTON, CA, FOR DESIGN SERVICES FOR THE REPLACEMENT WELL 229 PROJECT, IN AN AMOUNT NOT TO EXCEED $329,836 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $32,984 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $362,820 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, City water supply Well 229, located near Sutter and Rouse Avenues, was taken offline in early 2016 due to elevated nitrate concentrations, and

WHEREAS, Well 229 was originally drilled in 1950 and is strategically important, located in southwest Modesto. Well 229 is more than 65 years old, shallow at a depth of 230 feet, and originally drilled using a method that cannot isolate specific water layers, and

WHEREAS, a new, deeper well is proposed to be drilled on the existing site, built to current well construction standards, and

WHEREAS, on June 28, 2016, by Resolution 2016-270, Council approved the specifications for destruction of certain water wells, and awarded a contractor to Howk Systems of Modesto, CA, and

WHEREAS, Well 229 was destroyed as part of this work, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to five (5) pre-qualified consultants for engineering design services for water Capital Improvement Program projects, and

WHEREAS, on December 13, 2016, staff received and distributed five (5) proposals to a selection committee consisting of Utilities engineering and operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined West Yost Associates, Inc. (West Yost) to be the most qualified and responsive, and

WHEREAS, West Yost's sealed proposal costs were opened after the selection ranking had been finalized, and

WHEREAS, West Yost's proposal cost and scope were reviewed and determined to be reasonable to provide design and bid period services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Design of production well including subsurface design; 2) Hydrogeological support during drilling of production well; and 3) Design of above-grade facilities, and

WHEREAS, the design and bid period services for Replacement Well 229 fall within the scope of services of West Yost's proposal, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204 Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore exempt from the bid requirement, and

WHEREAS, staff however still went through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with West Yost for design and bid period services for the Replacement Well 229 Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc., Pleasanton, CA,

for design services for the Replacement Well 229 Project, in an amount not to exceed $329,836 for the identified scope of services, plus $32,984 for additional services (if needed), for a maximum total amount of $362,820.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-56

RESOLUTION APPROVING THE FOOD SERVICE ESTABLISHMENT COST SHARE PROGRAM

WHEREAS, Title 5, Chapter 6, Article 10 of the City of Modesto Municipal Code, requires all Food Service Establishments (FSEs) be connected to a grease interceptor/trap that removes Fats, Oil and Grease (FOG), prior to discharge to the City of Modesto sewer system, and

WHEREAS, the FSEs are responsible for the installation, maintenance, and repair of any and all grease interceptors/traps, and

WHEREAS, new or current owners of FSEs may be required to install or retrofit grease interceptors/traps if there has been a substantial change in operation, menu, or owner, if the current operation requires extensive cleaning of City sewer line as a result of FOG, or if FOG from the FSEs has caused a sewer overflow into the public right of way, and

WHEREAS, in July 2016, the City adopted Resolution 2016-181, which adjusted the sewer rate structure to properly fund the utility, ensuring revenues were sufficient to meet future operational and capital improvement projects, in accordance with Proposition 218, and

WHEREAS, as a result of this rate change, FSEs that are operating without an approved grease interceptor/trap are billed as a Commercial Group 4 business with biochemical oxygen demand (BOD) and total suspended solids (TSS) loading greater than 1401 mg/l, and

WHEREAS, proper installation of a grease interceptor/trap has the potential to decrease BOD and TSS loading to less than 1000 mg/l which would put them into a different Commercial Group, therefore, FSEs would see a decrease in their sewer bill from $8.06 per 1,000 gallons to $6.42 to $5.05 per 1,000 gallons, a reduction of 20% to 37%, and

WHEREAS, for some FSEs, the installation of a grease interceptor/trap can be an additional hardship, therefore, a Cost Share Program (CSP) will be funded through the Wastewater Fund and with an annual budget of $100,000, and

WHEREAS, through the CSP, owners of FSEs that do not have a grease interceptor/trap are eligible to receive reimbursement for up to 50% of the cost to purchase either a grease interceptor or trap with the owners of FSEs responsible for cost of installation, maintenance and repairs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the Food Service Establishment Cost Share Program,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-57

RESOLUTION AMENDING FISCAL YEAR 2016-17 ENVIRONMENTAL SERVICES OPERATING BUDGET FOR AN AMOUNT OF $100,000 FROM WASTEWATER FUND RESERVES

WHEREAS, Title 5, Chapter 6, Article 10 of the City of Modesto Municipal Code, requires all Food Service Establishments (FSEs) be connected to a grease interceptor/trap that removes Fats, Oil and Grease (FOG), prior to discharge to the City of Modesto sewer system, and

WHEREAS, the FSEs are responsible for the installation, maintenance, and repair of any and all grease interceptors/traps, and

WHEREAS, for some FSEs, the installation of a grease interceptor/trap can be an additional hardship, therefore, a Cost Share Program (CSP) will be funded through the Wastewater Fund and with an annual budget of $100,000, and

WHEREAS, through the CSP, owners of FSEs are eligible to receive reimbursement for up to 50% of the cost to purchase a grease interceptor/trap with the owners of FSEs responsible for cost of installation, maintenance and repairs, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the transfer of $100,000 from Wastewater Reserves to the Environmental Services budget (4210-44113-53300) for the Food Service Establishment Cost Share Program,

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-58

RESOLUTION APPROVING A UTILITIES DEPARTMENT POLICY REGARDING PROCEDURES TO DEFINE PROJECT SCOPE ON MAJOR CAPITAL IMPROVEMENT PROGRAM PROJECTS

WHEREAS, the City's adopted Capital Improvement Program (CIP) often contains projects for which the project scope has not been fully developed, and

WHEREAS, this is due to the fact that it is not possible to fully develop a project's scope until the design development phase of the project has been comprehensively evaluated, and

WHEREAS, this leads to the risk of a project scope changing significantly between the time it is initially approved by Council and the time the design is fully completed, and

WHEREAS, scope changes are legitimate and justifiable, and are needed to address issues that become apparent during the development of the project, and

WHEREAS, however, these scope changes may result in significant modifications in project budget and schedule, and

WHEREAS, on September 26, 2006, by Resolution No. 2006-624, Council approved a Major Scope Policy that applied to CIP projects with a total project budget of $1 million or more, and

WHEREAS, the purpose of the policy was to help establish a clear focus of project scope, provide Council with information at specific milestones during project development, and allow Council the opportunity to make informed decisions concerning a project's budget and scope before significant investment in final design and construction of the project, and

WHEREAS, the policy required preparation of a Preliminary Design Report (PDR) to fully define the scope for major CIP projects, and

WHEREAS, PDRs would include completion of a 35% level design, which encompasses project development, alternatives analysis, cost estimates, and recommendations for implementation, and

WHEREAS, based on experience with the current policy, staff determined improvements can be realized, and developed a scope policy specific to Major Utility CIP projects that is cost effective, improves internal efficiencies, and provides clarity, and

WHEREAS, the 2006 policy defined major CIP projects as those with a total project budget of $1 million and above, and

WHEREAS, project costs have increased significantly since 2006, making the $1 million threshold outdated and inefficient, and

WHEREAS, the 2006 policy adds additional time, effort and costs, for projects with budgets ranging from $1 million to $3 million, without any added benefit, and

WHEREAS, the 2006 policy also extends the project schedule by four to six months, resulting in increased costs, and

WHEREAS, many water and wastewater projects currently scheduled consist of replacement or rehabilitation of existing infrastructure and have budgets ranging from $2 million to $8 million each, and

WHEREAS, for these types of projects, the scope is well defined, and

WHEREAS, preparation of PDRs does not add any significant value in terms of scope definition and may delay the construction of needed improvements while increasing the project cost, and

WHEREAS, the same applies to projects consisting of new facilities that cost under $3 million, and

WHEREAS, for example, most new water wells and wastewater lift stations have total project costs under $3 million; and a scope that is clearly defined, based on predetermined or established hydraulic studies and City standards, and

WHEREAS, the proposed scope policy for Major Utility CIP projects focuses on clarifying the definition of major projects as well as revising the original procedure to a more condensed and efficient process, and

WHEREAS, the proposed policy shall apply to Utility CIP projects only and all other non-Utility CIP projects shall continue to adhere to the 2006 policy, and

WHEREAS, adoption of the proposed policy will formalize a process that provides Council an opportunity to make informed decisions regarding a project's scope and budget at appropriate times in the project development process, and

WHEREAS, for the purpose of this policy, a major project is being changed from the original policy definition of a Public Works project with a total project budget of $1 million or more to a Utilities project involving either: 1) new facilities with an approved CIP budget of $3 million or more, or 2) existing facilities involving replacement or rehabilitation with approved CIP budgets of $10 million or more, and

WHEREAS, the said revised Scope Policy for Utilities Major Capital Improvement Program Projects is **attached** hereto as **Exhibit "A"**, and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Scope Policy for Utilities Major Capital Improvement Program Projects as defined by the **attached** revised policy.

BE IT FURTHER RESOLVED that the Director of Utilities, or his designee, is hereby authorized to execute the policy.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

SCOPE POLICY FOR UTILITIES MAJOR CAPITAL IMPROVEMENT PROGRAM PROJECTS

Issued: February 14, 2017

Policy #_____

Background:

During the development of a major Capital Improvement Program (CIP) for Utilities projects, there is the potential that the scope of the project may change to the extent it significantly exceeds the original scope of work approved by Council. Most often scope changes are legitimate and justifiable changes that are needed to address issues that become apparent during the development of the project. However, these changes in scope may involve significant changes in project budget and schedule. The purpose of the policy is to provide direction in establishing a clear focus of project scope and to provide Council with information at specific milestones during project development to allow Council the opportunity to make informed decisions concerning a project's budget and scope before significant investment in final design and construction of utilities projects. For all other City CIP projects, (non-Utilities), Policy 2006-624 prevails. This Policy _____ pertains solely to Utilities CIP projects.

For the purpose of this policy a major project is defined as a project involving new facilities with an approved CIP budget $3 million or more, or a replacement or rehabilitation project with an approved CIP budget $10 million or more.

Policy:

In order to fully define the scope for major Utilities CIP projects, a Preliminary Design Report (PDR) shall be prepared to clearly define the scope of work of the project to the greatest extent possible. The PDR shall define the issues related to the project including environmental, Utilities, right of way, and technical issues. The report shall include an opinion of probable cost for the project including appropriate contingencies based on the identified issues.

All major Utilities CIP projects shall conform to the procedure outlined below.

1. Following consultant selection procedures, under Administrative Directive 3.1, a firm shall be selected to provide preliminary design services for the project which include preparation and completion of a PDR. A contract for these preliminary design services shall be presented to Council for approval.

2. Once the PDR is completed, staff shall present it to Council for approval prior to proceeding with final design.

3. Following approved procedures, a firm shall be selected to provide final design services for the project based on the PDR. Staff may recommend use of the same firm that completed the PDR for final design services. A contract for final design services shall be presented to Council for approval.

4. If during the course of final design the scope of the project changes by more than 30% for previously unforeseen reasons, a report of the scope change shall be presented to Council as soon as practical once the extent of the scope change is known.

Nothing in this policy is intended to restrict what work staff can perform. Any of the above work may be performed by City staff, if appropriate.

_____ _____

Larry Parlin, Director of Utilities Date

EXHIBI
T A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-59

RESOLUTION ACCEPTING THE EMERALD LIFT STATION REHABILITATION PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $3,100,286 TO AZTEC CONSULTANTS OF SAN RAMON, CA

WHEREAS, the Emerald Lift Station Rehabilitation Project has been completed by Aztec Consultants of San Ramon, CA in accordance with the contract agreement dated July 9, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emerald Lift Station Rehabilitation Project is hereby accepted as complete from said contractor, Aztec Consultants of San Ramon, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $3,100,286, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14t^{h} day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-60

RESOLUTION ACCEPTING THE EMERGENCY SEWER AND STORM DRAIN REPAIRS AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND AUTHORIZE PAYMENTS TOTALING $188,570 TO ROLFE CONSTRUCTION COMPANY OF ATWATER, CALIFORNIA

WHEREAS, recent rain events exposed areas of vulnerability with the sewer and storm drain collection systems, which required emergency repair, and

WHEREAS, City staff initiated an expedited process to secure a Contractor to perform the repairs, and

WHEREAS, Section 8-3.102.(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the three locations of Roseburg Avenue and McHenry Boulevard, Creekside Golf Course and Scenic Road required urgent repair in order to protect residents from potential harms as well as provide continued service to residents, and

WHEREAS, the City Manager reported the circumstances of the emergency to City Council within ten days of the emergencies, and

WHEREAS the Emergency Sewer and Storm Drain Repairs have been completed by Rolfe Construction Company of Atwater.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emergency Sewer and Storm Drain Repairs are hereby accepted as complete from said contractor, Rolfe Construction Company of Atwater, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling $188,570, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-61

RESOLUTION ACCEPTING THE EMERGENCY SEWER REPAIRS AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND AUTHORIZE PAYMENTS TOTALING $87,000 TO GATEWAY PACIFIC CONTRACTORS, INC. OF SACRAMENTO, CALIFORNIA

WHEREAS, recent rain events exposed areas of vulnerability with the sewer and storm drain collection systems, which required emergency repair, and

WHEREAS, City staff initiated an expedited process to secure a Contractor to perform the repairs, and

WHEREAS, Section 8-3.102.(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the Calaveras Sewer subtrunk required urgent repair in order to protect residents from potential harms as well as provide continued service to residents, and

WHEREAS, the City Manager reported the circumstances of the emergency to City Council within ten days of the emergency, and

WHEREAS, the Emergency Sewer Repairs have been completed by Gateway Pacific Contractors, Inc. of Sacramento.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Emergency Sewer Repairs are hereby accepted as complete from said contractor, Gateway Pacific Contractors, Inc. of Sacramento, Ca, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and authorize payments totaling $87,000, as is authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-62

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT, ACCEPTING THE BID, AND APPROVING AWARD OF CONSTRUCTION CONTRACT TO CONCO-WEST, INC., MANTECA CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT, IN A FORM APPROVED BY THE CITY ATTORNEY, IN THE AMOUNT OF $9,076,000

WHEREAS, this project will construct a 4-million gallon (MG) water storage concrete reservoir, a 12-million gallon per day (MGD) booster pump station and retention basin with a 1 MG holding capacity, and

WHEREAS, the project will increase service reliability of the City of Modesto's water system in southeast industrial area of Modesto, and

WHEREAS, the project site is located on 5.3 acres on the south side of Modesto Irrigation District Lateral No. 1 on the west side of Codoni Avenue, approximately half a mile south of Yosemite Boulevard, and

WHEREAS, plans and specifications have been prepared for the Industrial Tank 13 and Pump Station Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Industrial Tank 13 and Pump Station Project were publicly opened at 11:00 a.m. on November 15, 2016 for the consideration of the Council pursuant to Modesto Municipal Code section 8-3.403, and

WHEREAS, the Director of Utilities and the City Manager recommend that the bid of $9,076,000 received from Conco-West, Inc., of Manteca, California, be accepted as the lowest responsible and responsive bid and the construction contract be awarded to Conco-West, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Industrial Tank 13 and Pump Station Project and awards the construction contract to Conco-West, Inc. of Manteca, California.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney, in the amount of $9,076,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-63

RESOLUTION APPROVING AN AGREEMENT WITH NV5, INC., MANTECA, CA, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED $1,014,544.97 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $132,000 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $1,146,544.97, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project will construct a 4-million gallon (MG) water storage concrete reservoir, a 12-million gallon per day (MGD) booster pump station and retention basin with a 1 MG holding capacity, and

WHEREAS, the project will increase service reliability of the City of Modesto's water system in southeast industrial area of Modesto, and

WHEREAS, the project site is located on 5.3 acres on the south side of Modesto Irrigation District Lateral No. 1 on the west side of Codoni Avenue, approximately half a mile south of Yosemite Boulevard, and

WHEREAS, due to the size and complexity of this project, along with City staff workload, staff recommends utilizing a consultant to provide construction management and inspection services for the anticipated 15-month construction phase, and

WHEREAS, the selection process followed the City's policy, Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, and

WHEREAS, for the construction management and inspection services, a Request for Qualifications (RFQ) and Request for Proposals (RFP) was issued to both local and non-local firms for construction management and inspection services for this project, and

WHEREAS, staff received qualifications and proposals from four interested firms, and

WHEREAS, after careful review and evaluation by the selection committee, NV5 Inc. (NV5) was selected as the most qualified firm for the Project, and

WHEREAS, NV5 demonstrated experience with multiple projects similar in scope and size, including successfully providing similar construction management services on a previous City project (West Tank 12), and

WHEREAS, NV5 will be the main point of contact for all construction activities and reporting during this project, and

WHEREAS, City staff recommends approving an agreement with NV5, for construction management and inspection services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with NV5 Inc. for Construction Management and Inspection Services for the Industrial Tank No. 13 and Pump Station Project in an amount not to exceed $1,014,544.97 for the identified scope of services, plus $132,000 for additional services (if needed), for a maximum total amount of $1,146,544.97.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-64

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., SACRAMENTO, CA, FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT IN AN AMOUNT NOT TO EXCEED $291,488 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $29,149 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $320,637, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project will construct a 4-million gallon (MG) water storage concrete reservoir, a 12-million gallon per day (MGD) booster pump station and retention basin with a 1 MG holding capacity, and

WHEREAS, the project will increase service reliability of the City of Modesto's water system in southeast industrial area of Modesto, and

WHEREAS, the project site is located on 5.3 acres on the south side of Modesto Irrigation District Lateral No. 1 on the west side of Codoni Avenue, approximately half a mile south of Yosemite Boulevard, and

WHEREAS, Carollo Engineers, Inc. (Carollo) is the design engineering consultant and is the Engineer-of-Record for the Industrial Tank No. 13 and Pump Station project, and

WHEREAS, the design support services from Carollo are required to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, Carollo will provide support to City staff, NV5 and Conco West by reviewing submittals, requests for information, and initial startup of the tank and pump station, and

WHEREAS, due to the size and complexity of the project, construction support services from Carollo are required to facilitate construction activities and promote timely and successful completion of the project, and

WHEREAS, the scope of services for the Engineering Support During Construction (ESDC) agreement includes: 1) Project Administration; 2) Construction Progress Meetings; 3) Responding to Requests for Information (RFIs); 4) Submittal Reviews; 5) Project Changes / Change Orders; 6) Commissioning and Start Up; and 7) As-Built Drawings, and

WHEREAS, Carollo was selected through the review processes outlined in the City's Administrative Directive 3.1 and City staff recommends approving an agreement with Carollo for ESDC services for the Industrial Tank No. 13 and Pump Station Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, Inc., Sacramento, CA, for Design Support During Construction for the Industrial Tank No. 13 and Pump Station project in an amount not to exceed $291,488 for the identified scope of services, plus $29,149 for additional services (if needed), for a maximum total amount of $320,637.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-65

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,430,224 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE INDUSTRIAL TANK NO. 13 AND PUMP STATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$1,430,224**, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Industrial Tank No. 13 and Pump Station Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100475 "Industrial Tank No. 13 and Pump Station", and the total project costs need to be increased by $1,430,224. This would be done by adjusting Construction Admin by $455,705, City Construction Forces by $30,000, Construction by $776,000, Contingency-CIP by <$103,920>, and Eng/Design/Admin by $272,439.

To fund the above account, $1, 430,224 will be transferred from Water Fund Reserves into CIP Project 100475 for the Industrial Tank No. 13 and Pump Station Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-66

RESOLUTION FINDING THAT MAINTENANCE OF THE 7TH STREET BRIDGE IS NO LONGER ECONOMICALLY FEASIBLE; SUPPORTING ALTERNATIVE 2B AS THE PREFERRED ALTERNATIVE REPLACEMENT FOR THE 7TH STREET BRIDGE; AND REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS ADOPT A MITIGATION MEASURE TO INCLUDE IN THE EIS / EIR FOR THE 7TH STREET BRIDGE PROJECT, REQUIRING AN INTERPRETIVE PLAZA TO PRESERVE HISTORIC AND AESTHETIC FEATURES OF THE EXISTING 7TH STREET BRIDGE

WHEREAS, by Resolution No. 19 adopted on November 18, 1991, the Landmark Preservation Commission recommended designation of the 7th Street Bridge as a Modesto Landmark Preservation site, and

WHEREAS, by Resolution No. 92-186 adopted on April 28, 1992, the City Council designated the 7th Street Bridge as a Modesto Landmark Preservation site, and

WHEREAS, subsequent evaluations of the 7th Street Bridge determined it has structural deficiencies, functional deficiencies, and load restrictions that make rehabilitating the bridge financially infeasible and that will result in the loss of its historical integrity, and

WHEREAS, the Stanislaus County Department of Public Works has prepared an Environmental Impact Report (SCH #2013092059) evaluating the impacts of several alternatives, and

WHEREAS, the Landmark Preservation Commission of the City of Modesto, at its November 28, 2016 meeting, recommended City Council request the Board of Supervisors include in the Draft Environmental Impact Statement / Environmental Impact Report a mitigation measure for the construction of an interpretive plaza and giving the

Landmark Preservation Commission oversight of the preservation of elements of the 7th Street Bridge to reduce project impacts on historic resources, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 14, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed project, and

WHEREAS, after said public hearing the Council supports Alternative 2B as the preferred alternative conditioned on the inclusion of a mitigation measure to retain and interpret the historic and aesthetic qualities of the existing bridge and of information available to the City of Modesto at this time and with the understanding that the public will have the opportunity to comment on the Environmental Impact Report up to the time it is certified by the Stanislaus County Board of Supervisors.

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

1. The physical condition of the 7th Street Bridge is such that maintenance is no longer economically feasible.

2. Alternative 2B, which best meets the project objectives of improving safety for all users, eliminating structural and hydraulic problems, increasing load and vehicular capacity, and preserving the historic structure and qualities, is the preferred alternative design for the new bridge.

3. A mitigation measure preserving and interpreting the historic and aesthetic qualities of the existing bridge must be included in the certified Environmental Impact Report in order to reduce impacts on historic resources. As part of this mitigation measure, the Modesto Landmark Preservation Commission will have oversight of the preservation of elements of the 7th Street Bridge that demonstrate both the engineering significance of the bridge and its aesthetic qualities and their interpretation of these elements in a plaza, which will be incorporated into the design of a replacement bridge. This is a feasible mitigation measure, is desirable, and will promote historical education and retention of the site as a landmark.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-67

RESOLUTION APPOINTING MICHELLE HARRIS TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND THE HUMAN RELATIONS COMMISSION TO COMPLETE A TERM SET TO EXPIRE ON AUGUST 11, 2017

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

WHEREAS, the Appointments Committee met on January 12, 2017, and recommended appointment of MICHELLE HARRIS to serve jointly on the Equal Opportunity/ Disability Commission and Human Relations Commission.

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

I. MICHELLE HARRIS is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of August 11, 2017.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-68

Print

RESOLUTION APPOINTING SAMUEL GONZALES TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND THE HUMAN RELATIONS COMMISSION FOR A TERM OF JANUARY 1, 2017 THROUGH JANUARY 1, 2021

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

WHEREAS, the Appointments Committee met on January 12, 2017, and recommended appointment of SAMUEL GONZALES to serve jointly on the Equal Opportunity/ Disability Commission and Human Relations Commission.

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

I. SAMUEL GONZALES is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of January 1, 2021.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the reappointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-69

RESOLUTION OF THE CITY OF MODESTO REQUESTING FROM THE STANISLAUS COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE CITY OF MODESTO GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017, REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS, ELECTIONS DIVISION OF THE COUNTY OF STANISLAUS TO CONDUCT THE ELECTION ON BEHALF OF THE CITY OF MODESTO AND THE MODESTO CITY SCHOOLS BOARD OF EDUCATION

WHEREAS, the City of Modesto will hold an election on November 7, 2017 for the purpose of electing three (3) Councilmembers (District 2, 4 and 5), and four (4) Modesto City Schools Board of Education members (four year terms); and

WHEREAS, the City of Modesto respectively requests that the Stanislaus County Registrar of Voters, Elections Division, furnish all other services, facilities, supplies, equipment, etc. necessary for the election; and

WHEREAS, the City of Modesto City Clerk's Office will be responsible for issuing/collecting election information, publishing the Notice of Election and the Nominees for Public Office; and

WHEREAS, the City of Modesto will reimburse the County of Stanislaus for all actual costs for services performed to conduct the municipal election on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby formally requests from the Board of Supervisors of Stanislaus County, California, to consolidate the City of Modesto's Municipal Election with the County's General Election to be held on November 7, 2017, requesting the services of the Registrar of Voters, Elections Division of the County of Stanislaus to conduct the election on behalf of the City of Modesto and Modesto City Schools Board of Education.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-70

RESOLUTION RATIFYING AN EMERGENCY PROCLAMATION ISSUED BY THE CITY MANAGER REGARDING FLOODING

WHEREAS, Section 3-4.06 of the Modesto Municipal Code empowers the Director of Emergence Services (City Manager) to proclaim the existence or threatened existence of a local emergency when the City of Modesto is affected of likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City of Modesto caused by a flooding commencing on or about February 17th, 2017, at which time the City Council of the City of Modesto was not in session; and

WHEREAS, the City Manager of the City of Modesto did proclaim the existence of a local emergency within the City of Modesto on February 21, 2017, and

WHEREAS, the Modesto City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency,

WHEREAS, these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Modesto.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Modesto hereby ratifies the Emergency Proclamation issued by the City Manager on February 21, 2017.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-71

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR FIORE ESTATES SUBDIVISION, LOCATED AT 908 ROSE AVENUE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, WINPAC-ROSE AVE, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land situated in the City of Modesto, consisting of 5.54 acres, known as the FIORE ESTATES SUBDIVISION ("SUBDIVISION"), and

WHEREAS, the Public Works Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, the SUBDIVIDER will assume maintenance responsibilities of the PRIVATE IMPROVEMENTS as described in the Covenants, Conditions and Restrictions (CC&R's), and

WHEREAS, the SUBDIVIDER has stated that fees for maintaining the improvements are currently being collected into an Home Owner's Association (HOA) fund, and

WHEREAS, the Public Works Department will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, the sewer main, City street trees, sidewalk and ADA ramps along Rose Avenue, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Letter of Credit in the amount of $681,939.65 and a Payment Letter of Credit in the amount of $340,969.83, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bond in the amount of $68,193.97, and

WHEREAS, the developer has requested that the improvements be accepted and the letters of credit be released, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete, authorize the City Clerk to file a Notice of Completion, and to release the securities upon expiration of the statutory periods.

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

1. The said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Letter of Credit in the amount of $681,939.65, upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the Faithful Performance Letter of Credit in the amount of $340,969.83, upon recordation of the Notice of Completion.

4. The City Clerk is hereby authorized to release the Warranty Bonds in the amount of $68,193.97 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-72

Print

RESOLUTION APPROVING THE FINAL MAP OF LINCOLN PARKS SUBDIVISION, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH MODESTO MABLE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, MODESTO MABLE, LLC, a California limited liability company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.52 acres, known as the LINCOLN PARKS SUBDIVISION ("SUBDIVISION"), in the Village One specific plan and the precise plan number 18, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on December 15, 2014 with conditions of approval as noted in Planning Commission resolution Number 2014-22, and

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

WHEREAS, the project is currently under construction and the public improvements have not yet been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision

Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Manager or his designee be authorized to execute the Subdivision Agreement in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-73

Print

RESOLUTION DESIGNATING THE COMMUNITY DEVELOPMENT MANAGER AS THE "ENGINEER OF WORK" AND DIRECTING STAFF TO PREPARE AND FILE THE 2017-2018 ANNUAL ENGINEER'S REPORT FOR CITY OF MODESTO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 (LMAD No. 1) to provide funding for the landscape maintenance in the public right-of-way, street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, LMAD No. 1 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 et. seq. of the Streets and Highways Code requires the legislative body (the City Council) adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and orders the preparation and filing of the report, and

WHEREAS, the annual assessment for LMAD No. 1 has remained the same since 1996, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby designates the Community Development Manager as the "Engineer of Work" for LMAD No. 1, and directs staff to prepare and file an annual report in

accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-74

RESOLUTION DESIGNATING THE COMMUNITY DEVELOPMENT MANAGER AS THE "ENGINEER OF WORK" AND DIRECTING STAFF TO PREPARE AND FILE THE 2017-2018 ANNUAL ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 (LMAD No. 2) to provide funding for the landscape maintenance in the public right-of-way, street medians, and areas adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivisions Units 1 and 2, and

WHEREAS, LMAD No. 2 was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly, and

WHEREAS, the annual assessment for LMAD No. 2 has gradually increased since July 2000, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby designates the Community Development Manager as the "Engineer of

Work" for LMAD No. 2, and directs staff to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-75

Print

RESOLUTION DESIGNATING THE COMMUNITY DEVELOPMENT MANAGERS AS THE "ENGINEER OF WORK" FOR THE SHACKELFORD, LLD AND DIRECTING STAFF TO PREPARE AND FILE THE 2017-2018 ANNUAL ENGINEER'S REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus formed the Shackelford Landscape and Lighting District (Shackelford LLD) for the purpose of administering and maintaining seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 496 lots with both residential and commercial development, and is bounded by Crows Landing Road on the west, East Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on July 1, 2012, the City of Modesto assumed jurisdiction of the Shackelford Landscape and Lighting District from the County of Stanislaus, and

WHEREAS, Section 22620 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and direct staff to prepare and to file a report accordingly,

WHEREAS, the annual assessment for the Shackelford LLD has gradually increased since June 1999, and

WHEREAS, staff does not anticipate any new improvements or substantial changes in existing improvements.

NOW, THEREFORE, BE IT RESOLVED that the Community Development Manager is designated by this Council as the "Engineer of Work" for the Shackelford LLD, and is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-76

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

POLICE DEPARTMENT

A budget adjustment is necessary to recognize $269,181 of unbudgeted Supplement Law Enforcement Services Fund (SLESF) Revenue for Project # 100901, 2015-16 SLESF, in Fund 1341, Grants – Operation Grants Reimbursed, and reallocate said funds to the project's discretionary accounts.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-77

RESOLUTION ACCEPTING THE FISCAL YEAR 2014-2015 MODESTO CONVENTION AND VISITORS BUREAU AUDIT REPORT

WHEREAS, the Cities external auditors Macias, Gini & O'Connel, LLP, prepared the Fiscal Year ending June 30, 2015 Modesto Convention and Visitors Bureau audit report,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the audit report for Fiscal Year ending June 30, 2015 prepared by external auditors Macias, Gini & O'Connell, LLP, as shown in **Exhibit A** and **Exhibit B**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

MODESTO CONVENTION AND VISITORS BUREAU

Financial Statements
(With Independent Auditor's Report Thereon)

June 30, 2015

Certified
Public
Accountants

MODESTO CONVENTION AND VISITORS BUREAU

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

Board of Directors
Modesto Convention and Visitors Bureau
Modesto, California

We have audited the accompanying financial statements of the Modesto Convention and Visitors Bureau (the Bureau) (a nonprofit organization), which comprise the statement of financial position as of June 30, 2015, and the related statements of activities, functional expenses and cash flows for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Bureau's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Bureau's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Modesto Convention and Visitors Bureau as of June 30, 2015, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

The Bureau receives substantially all of its support and revenue from the City of Modesto, California. As discussed in Note 8 to the financial statements, as of July 1, 2015, the City ceased funding the Bureau in order to perform the services directly.

Macias Gini & O'Connell LLP

Sacramento, California
June 10, 2016

Macias Gini & O'Connell LLP
3000 S Street, Suite 300
Sacramento, CA 95816

MODESTO CONVENTION AND VISITORS BUREAU
Statement of Financial Position
Year Ended June 30, 2015

ASSETS		
Current Assets		
Cash and cash equivalents	$	36,564
Accounts receivable		143,904
Prepaid expenses		6,122
Equipment, net		6,533
Total assets	$	193,123
LIABILITIES		
Current Liabilities		
Accounts payable and accrued expenses	$	6,753
Accrued compensated absences		11,378
Deferred rent		411
Capital lease		6,650
Total liabilities		25,192
NET ASSETS - Unrestricted		167,931
Total liabilities and net assets	$	193,123

See accompanying notes to financial statements.

MODESTO CONVENTION AND VISITORS BUREAU
Statement of Activities
Year Ended June 30, 2015

SUPPORT AND REVENUE		
City contract revenue	$	271,187
Other income		3,000
Interest		10
Total revenues		274,197
EXPENSES		
Program services		155,088
Support services		92,059
Total expenses		247,147
CHANGE IN NET ASSETS		27,050
Net assets - beginning of year		140,881
Net assets - end of year	$	167,931

Se e accompanying notes to financial statements.

MODESTO CONVENTION AND VISITORS BUREAU
Statement of Functional Expenses
Year Ended June 30, 2015

	Program Services	Support Services	Total
Payroll and related expenses	$ 59,026	$ 52,848	$ **111,874**
Marketing	76,927	-	**76,927**
Rent	11,008	9,840	**20,848**
Meetings	2,751	5,996	**8,747**
Telephone	-	4,786	**4,786**
Accounting services and payroll processing	-	4,102	**4,102**
Dues and fees	3,694	-	**3,694**
Utilities	-	3,363	**3,363**
Insurance	-	2,529	**2,529**
Temporary staffing services	-	2,197	**2,197**
Office supplies	-	2,054	**2,054**
Copier maintenance	-	1,953	**1,953**
Website	1,682	-	**1,682**
Equipment lease	-	951	**951**
Security	-	552	**552**
Depreciation	-	467	**467**
Computer equipment	-	238	**238**
Interest	-	101	**101**
Bank charges	-	82	**82**
Total functional expenses	$ 155,088	$ 92,059	$ **247,147**

See accompanying notes to financial statements.

MODESTO CONVENTION AND VISITORS BUREAU
Statement of Cash Flows
Year Ended June 30, 2015

Cash inflows (outflows) from:		
OPERATING ACTIVITIES:		
Change in net assets	$	27,050
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Depreciation		467
Change in:		
Accounts receivable		(81,179)
Prepaid expenses		(2,673)
Accounts payable and accrued expenses		4,854
Accrued compensated absences		1,665
Deferred rent		(204)
Net cash used in operating activities		(50,020)
FINANCING ACTIVITY:		
Payment of capital lease obligation		(350)
Net cash used in financing activity		(350)
Decrease in cash		(50,370)
Cash and cash equivalents - beginning of year		86,934
Cash and cash equivalents - end of year	$	36,564

See accompanying notes to financial statements.

NOTE 1 – NATURE OF ACTIVITIES

The Modesto Convention and Visitors Bureau (the Bureau) is the primary marketing organization for the City of Modesto, California (the City) and is dedicated to enhancing the community's economic and social vitality through the development and execution of creative, one-of-a-kind initiatives designed to drive incremental business to local merchants, restaurants, hotels and attractions. The Bureau's efforts target media, travel, trade and consumers in the United States and internationally.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Presentation:

The financial statements have been prepared on the accrual basis of accounting.

Asset Restrictions:

The accompanying financial statements include assets, net assets, and financial activities of the Bureau prepared in accordance with Financial Accounting Standard Board (FASB) Accounting Standard Codification No. 958 (ASC 958) "*Not-for-Profit Entities*." This statement requires that the Bureau report gifts of cash and other assets as restricted support if they are received with donor stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statement of activities as net assets released from restrictions.

The characteristics of the types of net assets that are required to be reported under ASC No. 958 "*Revenue Recognition - Contributions Received*" are as follows:

Unrestricted Net Assets: Unrestricted net assets represent resources over which the Board of Directors has discretionary control and are used to carry on the operations of the Bureau in accordance with its bylaws.

Temporarily Restricted Net Assets: Temporarily restricted net assets represent resources currently available for use, but expendable only for those operating purposes specified by the donor. Resources of this class of net assets originate from contributions, grants, bequests and investment income earned by the restricted assets. The Bureau currently has no temporarily restricted net assets.

Permanently Restricted Net Assets: Permanently restricted net assets are maintained as an endowment which represents net assets that are subject to restrictions of gift instruments requiring, in perpetuity, that the principal be invested and permits the organization to use all or part of the income earned for general or specific purposes. The Bureau currently has no permanently restricted net assets.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Cash:

The Bureau considers deposits that can be redeemed on demand to be cash. As of June 30, 2015, the Bureau's cash was deposited in one financial institution.

Equipment:

Equipment is recorded at cost, less accumulated depreciation. Depreciation is provided on the straight-line basis over the estimated useful life of the asset, which is five years.

Income Taxes:

The Bureau is exempt from federal income and California franchise taxes under Internal Revenue Code Section 501(c)(6) and California Revenue and Taxation Code Section 23701(e), respectively.

The Bureau files income tax returns in the U.S. federal and California jurisdictions. As of June 30, 2015, no material uncertainties exist regarding positions taken in the Bureau's tax returns that would have any effect on the Bureau. The Bureau is no longer subject to U.S. federal examinations by tax authorities for fiscal years ending before 2012, and state examinations by tax authorities for fiscal years ending before 2011.

Support and Revenue:

The Bureau receives substantially all of its support and revenue from the City.

Functional Allocation of Expenses:

The costs of providing the various programs and activities have been summarized on a functional basis in the accompanying statement of functional expenses. Accordingly, certain costs have been allocated among the programs and supporting services benefited based on management's estimates.

Use of Estimates:

In preparing financial statements in conformity with accounting principles generally accepted in the United States of America, management is required to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and revenues and expenses during the reporting period. Actual results could differ from those estimates.

NOTE 3 – EQUIPMENT, NET

The Bureau financed the purchase of a printer/copy machine through a five-year capital lease. The useful life of the copier is five years. Depreciation expense was $467 for the year ended June 30, 2015. On July 1, 2015, the Bureau transferred the copier and its related lease to the City.

NOTE 4 – CAPITAL LEASE

The Bureau entered into a lease for a printer/copy machine expiring February 2020. The assets and liabilities under this capital lease are recorded at lower of the present value of the minimum lease payments or the fair value of the assets. On July 1, 2015, the Bureau transferred the copier to the City. The City assumed the responsibility of the related capital lease for the remaining term and payments.

NOTE 5 – OPERATING LEASE

The Bureau leases its office facility pursuant to an operating lease agreement with the Double Tree Hotel owned and operated by Modesto Hospitality, LLC expiring in February 2016. Rent expense was $20,848 for the year ended June 30, 2015. Deferred rent is calculated on a straight-line basis over the term of the lease. On July 1, 2015, the City assumed responsibility of the office lease for the remaining term.

NOTE 6 – CONTRACT WITH CITY OF MODESTO

In 2005, the Bureau and the City entered into a contract whereby the Bureau will provide promotional, publicity, and advertising services for the benefit of the City. The aforementioned contract called for City funding in an amount equal to 13.33% of the City's annual Transient Occupancy Tax (TOT) receipts less than $2,475,613, plus 5% of any annual TOT receipts exceeding $2,475,613.

NOTE 7 – CONCENTRATIONS OF CREDIT RISK

All of the Bureau's cash balances are maintained in one financial institution. These balances are insured by the Federal Deposit Insurance Corporation (FDIC) up to $250,000. At June 30, 2015, the Bureau's cash balance was fully insured by the FDIC coverage. The Bureau has not experienced any losses in such accounts.

NOTE 8 – SUBSEQUENT EVENTS

The Bureau has evaluated subsequent events through June 10, 2016, which is the date these financial statements were issued. All subsequent events requiring recognition as of June 30, 2015 have been incorporated into these financial statements.

As of July 1, 2015, the City ceased funding the Bureau in favor of performing the services directly. The outstanding receivable was paid to the Bureau and the Bureau's equipment and office space were transferred to the City.

mgo Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

June 10, 2016

Board of Directors
Modesto Convention and Visitors Bureau
Modesto, California

In planning and performing our audit of the financial statements of the Modesto Convention and Visitor's Bureau (Bureau) as of and for the year ended June 30, 2015, in accordance with auditing standards generally accepted in the United States of America, we considered the Bureau's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Bureau's internal control. Accordingly, we do not express an opinion on the effectiveness of the Bureau's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to error or fraud may occur and not be detected by such controls. However, as discussed below, we identified certain deficiencies in internal control that collectively we consider to be a material weakness.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Bureau's financial statements will not be prevented, or detected and corrected, on a timely basis. We consider the deficiencies in the Bureau's internal control described as items 1through 3 in the attachment to collectively be a material weakness in internal control over financial reporting.

This communication is intended solely for the information and use of the Board of Directors and management of the Bureau, and is not intended to be, and should not be, used by anyone other than these specified parties.

Macias Gini & O'Connell LLP

Sacramento, California

MODESTO CONVENTION AND VISITOR'S BUREAU
Summary of Material Weakness
June 30, 2015

1) Internal controls and Accounting policies and procedures

Professional auditing standards define "internal control" as a process-effected by an entity's board of directors, management, and other personnel-designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

(a) reliability of financial reporting

(b) effectiveness and efficiency of operations, and

(c) compliance with applicable laws and regulations.

Internal control over financial reporting is generally considered to consist of five interrelated elements:

1. Control environment: The tone of an organization, which influences the control consciousness of its employees. This environment is what provides a foundation of discipline and structure to other elements of internal control.
2. Risk assessment: This is the entity's identification of risks that may affect the integrity of the financial reporting system. This forms the basis for controls that reduce the risk of financial reporting errors.
3. Control activities: These are practices, policies, and procedures that reduce the possibility of errors entered into the financial reporting system (preventive controls), or that detect errors that are made (detective controls).
4. Information and communication: These are processes aimed at identifying, capturing, and exchanging information, to ensure the availability of complete and reliable information.
5. Monitoring: This is the process of testing the quality of internal control over time. This may include an internal audit function, or testing by outside auditors.

During our audit, we noted that the Bureau does not have a manual of accounting and financial reporting policies and procedures. The purpose of such a manual is to ensure that control activities are documented and communicated throughout the Bureau to ensure consistency of application to prevent and/or detect errors in financial reporting. Additionally, an element of effective internal controls is the proper segregation of duties. The basic premise of segregating duties is to prevent situations where an employee has the ability to perpetrate an error or irregularity and to conceal it as well. Proper segregation of duties provides for a system of checks and balances such that the functions of one employee are subject to review through the performance of the interrelated functions of another employee.

We recommend that the Bureau develop a comprehensive accounting policies and procedures manual. A well-written accounting manual will assist management in delegating and segregating duties. The manual should include, at a minimum:

- An organizational chart
- Job descriptions, outlining duties and responsibilities
- Descriptions of methods, procedures, and accounting principles to be followed, including explanations and examples of principle transactions, such as monthly review of internally generated reports, polices related to cash which would include preparation of bank reconciliations, controls over cash disbursements and cash receipts, etc.

- A chart of accounts containing adequate explanation of account purpose, use and content
- Desired list of standard forms used in the Bureau with detailed explanations of their purpose and preparation

2) Accrual Basis of Accounting

The Bureau maintains its accounting records on the cash basis of accounting and prepares annual adjustments to prepare the financial statements on the accrual basis of accounting in accordance with accounting principles generally accepted in the United States of America. The Bureau's personnel does not have the professional knowledge necessary to prepare the year-end closing entries without assistance from its external auditors. During the audit we noted several adjustments to properly reflect the activities of the Bureau's financial statements, such adjustments resulted in an increase in reported assets of $92,917, an increase in reported liabilities of $24,987, an increase in reported revenues of $20,198 and an increase in reported expenses of $6,331.

We recommend that the Bureau evaluate its financial reporting function and provide personnel with training to adequately perform their job functions and/or engage a third-party with sufficient knowledge to provide guidance and management over the financial reporting process, with the oversight of the Board of Directors.

3) Recording expenses on a functional basis

According to Financial Accounting Standards Board Accounting Standards Codification topic 958-225-05, *Not-for-Profit Entities, Income Statement*, the primary purpose of a statement of activities is to provide relevant information about how resources are used in providing various programs and supporting services. During our audit, we noted that the Bureau does not have a method for reporting its expenses on a functional basis. We recommend that the Bureau develop policies and procedures, including a methodology for allocating expenses to properly reflect program activity related to the marketing of the City of Modesto and administrative support. During the audit we noted an adjustment of $70,034, which was necessary to properly allocate expenses among the program and supporting services benefited.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-78

RESOLUTION APPROVING A LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO FIRE FIGHTERS ASSOCIATON (MCFFA) AMENDING THE MEMORANDUM OF UNDERSTANDING FOR THE PERIOD OF JULY 1, 2013 TO JUNE 30, 2018 TO CHANGE LANGUAGE IN SECTION 5, MEDICAL CERTIFICATION ALLOWANCE AND SECTION 6, PARAMEDIC PROGRAM; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE THE NECESSARY ADMINISTRATIVE ACTION TO IMPLEMENT THE AGREEMENT

WHEREAS, the current Memorandum of Understanding (MOU) between the City of Modesto (CITY) and the Modesto Fire Fighters Association (MCFFA) expires on June 30, 2018, and

WHEREAS, representatives of the CITY and the MCFFA have met and conferred in good faith concerning incentive pays, and

WHEREAS, the CITY and MCFFA have reached agreement on language changes for a Letter of Agreement (LOA) which, upon execution, shall be attached hereto and made a part hereof, and

RESCINDED
APR - 9 2019
THE ABOVE RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION
2019-164

WHEREAS, the LOA provides as follows:

PARAMEDIC DIFFERENTIAL: Qualified individuals shall receive a total Paramedic differential of ten percent (10%). The ten percent (10%) differential is a combination of the current six percent (6%) differential and an additional four percent (4%). There are currently eighteen (18) employees eligible for the new differential amount.

TECHNICAL RESCUE: There are thirty-three (33) assigned employees to the Technical Rescue program at any time. Each assigned Technical Rescue shall receive a five percent (5%) differential in compensation for participation in the program. Bidding

for the program shall be every two (2) years and individuals shall participate in the program for a six (6) year period of time. Individuals will need to obtain the requisite coursework on their own time in order to participate in the program. The Department will update the current Standard Operating Procedure to reflect these changes.

WHEREAS, this contract amendment shall become effective upon ratification by the MCFFA and adoption by the City Council,

WHEREAS, the Council considered this matter at its meeting February 28, 2017

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Letter of Agreement between the City of Modesto and the Modesto Fire Fighters Association (MCFFA), amending Section 5 of the Memorandum of Understanding which covers a term from July 1, 2013 through June 30, 2018, and upon execution of same, a copy of the LOA will be on file in the office of the City Clerk.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Kenoyer, Ridenour
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-79

RESOLUTION AUTHORIZING THE SUBMITAL OF AN APPLICATION FOR GRANT FUNDS FROM THE CALIFORNIA DIVISION OF BOATING AND WATERWAYS (DBW) NON-MOTORIZED BOATING FACILITY GRANT FUNDING PROGRAM IN THE AMOUNT OF $731,120 TO FUND DESIGN AND CONSTRUCTION OF THE NEECE DRIVE BOAT LAUNCH AND RIVER ACCESS FACILITY IN TUOLUMNE RIVER REGIONAL PARK (TRRP) AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO PREPARE THE NECESSARY DATA AND EXECUTE THE APPLICATION

WHEREAS, the City of Modesto, as managing partner, on behalf of the TRRP Joint Power Authority (TRRP JPA) has the authority to construct, operate, and maintain the Neece Drive Boat Launch and River Access Facility, and

WHEREAS, the possibility of constructing a Tuolumne River boating access facility would be a positive opportunity and would offer regional residents water-based recreational opportunities on the Tuolumne River through Modesto as well as improved emergency river access, and

WHEREAS, the City of Modesto on behalf of the TRRP JPA desires to construct and maintain the Neece Drive Boat Launch and River Access Facility to meet the needs of watercraft users and provide other public amenities to those utilizing the facility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto authorizes the submittal of an application be made to the State of California, Department of Parks and Recreation, Division of Boating and Waterways for grant funding pursuant and subject to all of the terms and provisions of the Harbors and Watercraft Revolving Fund program, in the amount of $731,120 to fund design and construction of the Neece Drive Boat Launch and River Access Facility in the Tuolumne River Regional Park.

BE IT FURTHER RESOLVED, that the City Manager of the City of Modesto, or his designee, is hereby authorized and directed to cause the necessary data to be prepared and application to be signed and filed with the Division of Boating and Waterways.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-80

RESOLUTION ACCEPTING GRANT FUNDING FROM THE HOUSING-RELATED PARKS PROGRAM (HRPP) ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN THE AMOUNT OF $782,150 TO FULLY FUND THE RENOVATION OF GARRISON AND J.M. PIKE NEIGHBORHOOD PARKS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD FROM THE HRPP FOR THE RENOVATION OF GARRISON AND J.M. PIKE NEIGHBORHOOD PARKS

WHEREAS, Both Garrison and J.M. Pike Neighborhood Parks were constructed more than 60 years ago and are in need of renovations to the irrigation system and other park amenities, and

WHEREAS, the renovation of Garrison and J.M. Pike Neighborhood Parks will benefit Modesto residents and update these two parks to current State water ordinance and Americans with Disabilities Act requirements, and

WHEREAS, on March 1, 2016 the City Council approved Resolution 2016-69 authorizing the submission of an application to the Department of Housing and Community Development, and

WHEREAS, the City of Modesto has received a grant award from the Housing-Related Parks Program (HRPP) of $782,150 for the renovation of Garrison and J.M. Pike Neighborhood Parks, and

WHEREAS, time is of the essence in these projects as there is a two year window to utilize these funds and construction is anticipated to begin in fall 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the grant funding from the Housing-Related Parks Program (HRPP) administered by the California Department of Housing and Community Development in

the amount of $782,150 to fully fund the renovation of Garrison and J.M. Pike Neighborhood Parks.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to accept and utilize the grant award from the HRPP for the renovation of Garrison and J.M. Pike Neighborhood Parks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-81

Print

RESOLUTION AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW CAPITAL PROJECT #100989 FOR GARRISON PARK RENOVATION AND A NEW CAPITAL PROJECT #100955 FOR PIKE PARK RENOVATION IN AN AMOUNT NOT TO EXCEED $782,150 IN REVENUE AND TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO FULLY FUND THE RENOVATION OF GARRISON AND J.M. PIKE NEIGHBORHOOD PARKS

WHEREAS, Both Garrison and J.M. Pike Neighborhood Parks were constructed more than 60 years ago and are in need of renovations to the irrigation system and other park amenities, and

WHEREAS, the renovation of Garrison and J.M. Pike Neighborhood Parks will benefit Modesto residents and update these two parks to current State water standards and Americans with Disabilities Act requirements, and

WHEREAS, on March 1, 2016 the City Council authorized the submission of an application to the Department of Housing and Community Development, and

WHEREAS, the City of Modesto has received a grant award from the Housing-Related Parks Program (HRPP) of $782,150 for the renovation of Garrison and J.M. Pike Neighborhood Parks, and

WHEREAS, time is of the essence in these projects as there is a two year window to utilize these funds and construction is anticipated to begin in fall 2017, and

WHEREAS, The City Council shall consider amending the 2016/2017 Capital Improvement Program Budget to establish two new Capital projects with the grant award to fund the renovation of Garrison and J.M. Pike Neighborhood Parks in an amount not to exceed $782,150 as outlined in **Attachment A, attached hereto.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Deputy City Manager, or his designee, to amend the Fiscal Year 2016/2017 Capital Improvement Program Budget to establish a new capital project #100989 for Garrison Park Renovation and a new capital project #100955 for Pike Park Renovation in an amount not to exceed $782,150 in revenue.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to budget expenditures as outlined in **Attachment A** to fully fund the renovation of Garrison and J.M. Pike Neighborhood Parks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A

Budget Adjustment for Capital Project 100989 (Garrison Park Renovation)

Fund 3150 – Capital Grants – Parks CIP Projects:

Expense:	Increase/ (Decrease)
To:	
3150-39999-100989 – Construction Admin	$18,000
3150-39999-100989 – Construction	$203,000
3150-39999-100989 – Contingency - CIP	$16,000
3150-39999-100989 – Eng/Design/Admin	$18,000

Revenue:	Increase/ (Decrease)	Description of Account
To:		
3150-39999-42145-100989	$255,000	Intergov - State - Housing and Community Development - Housing Policy Development

Budget Adjustment for Capital Project 100995 (Pike Park Renovation)

Fund 3150 – Capital Grants – Parks CIP Projects:

Expense:	Increase/ (Decrease)
To:	
3150-39999-100995 – Construction Admin	$38,000
3150-39999-100995 – Construction	$417,150
3150-39999-100995 – Contingency - CIP	$34,000
3150-39999-100995 – Eng/Design/Admin	$38,000

Revenue:	Increase/ (Decrease)	Description of Account
To:		
3150-39999-42145-100995	$527,150	Intergov - State - Housing and Community Development - Housing Policy Development

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-82

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO RESCINDING CITY COUNCIL RESOLUTION #2016-411 AND APPROVING THE APPLICATION FOR YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM GRANT FUNDS IN AN AMOUNT OF $1,000,000 TO FUND DEVELOPMENT AND CONSTRUCTION OF A PORTION OF THE CARPENTER ROAD PLANNING AREA SOCCER COMPLEX AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT

WHEREAS, on October 11, 2016, the City Council approved Resolution 2016-411 authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program and City Staff submitted an application for this grant program by November 1, 2016; and

WHEREAS, the resolution that was approved by the City Council in October 2016 did not include all the wording required by the State and was considered to be unacceptable for this grant program; and

WHEREAS, in order to ensure that the grant application is considered for funding Resolution 2016-411 must be rescinded; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Youth Soccer and Recreation Development Program, setting up necessary procedures governing the application; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby: Approves the filing of an application for the Carpenter Road Planning Area Soccer Complex, and

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

2. Certifies that if the project is awarded the Applicant has or will have sufficient funds to operate and maintain the project, and

3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

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

5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

BE IT FURTHER RESOLVED That Resolution 2016-411 is hereby rescinded

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the Resolution adopted by the following vote:

Ayes:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Noes:	Councilmembers:	None
Absent:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-83

RESOLUTION REAFFIRMING THE COMMITMENT OF THE CITY OF MODESTO TO SUPPORT THE CONTINUED OPERATION AND MAINTENANCE OF THE TUOLUMNE RIVER REGIONAL PARK, INCLUDING THE CARPENTER ROAD PLANNING AREA SOCCER COMPLEX, FOR A PERIOD OF AT LEAST 30 YEARS FROM THE DATE OF THE GRANT AGREEMENT OR THE ISSUANCE OF GRANT FUNDS, WHICHEVER PROVIDES FOR THE LATER DATE.

WHEREAS, the City Council approved the submittal of an application to the Youth Soccer and Recreation Grant Program and City Staff submitted an application for this grant program by November 1, 2016; and

WHEREAS, a provision of the grant is to provide evidence satisfactory to the State that the project will be operated and maintained as public open space for a minimum of 30 years; and

WHEREAS, the Tuolumne River Regional Park (TRRP) is operated under a Joint Powers Authority (JPA) comprised of the County of Stanislaus, the City of Modesto and the City of Ceres; and

WHEREAS, the intent of the JPA is to operate and maintain TRRP, including the Carpenter Road Planning Area Soccer Complex, as a public access facility for use by citizens of Stanislaus County and the general public; and

WHEREAS, in the unlikely event that the JPA desires to dissolve, the area known as the Carpenter Road Planning Area Soccer Complex will continue to be cared for in a manner consistent with the rest of TRRP by the City of Modesto; and

WHEREAS, in order to be eligible to receive funding from the Youth Soccer and Recreation Grant Program administered by the California State Department of Parks and Recreation, the City of Modesto must reaffirm its commitment to continue to maintain

TRRP, and the Carpenter Road Planning Area Soccer Complex, as public open space for a period of no less than 30 years from the date of the grant agreement or issuance of grant funds, whichever provides for the later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby reaffirms the commitment of the City of Modesto to support the continued operation and maintenance of TRRP, including the Carpenter Road Planning Area Soccer Complex, should the TRRP JPA dissolve, as a public access facility for use by the citizens of Stanislaus County and the general public for a period of time ending no later than 30 years from the date of the grant agreement or issuance of grant funds, whichever provides for the later date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the Resolution adopted by the following vote:

Ayes:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
Noes:	Councilmembers:	None
Absent:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-84

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING, INC., MODESTO, CA, FOR DESIGN SERVICES FOR THE STRENGTHEN AND REPLACE WATERLINES HIGHWAY VILLAGE PROJECT, IN AN AMOUNT NOT TO EXCEED $101,988 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $10,199 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $112,187 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four (4) pre-qualified local consultants for Civil Engineering Services for Capital Improvement Program Projects, and

WHEREAS, on January 5, 2017, staff received and distributed three (3) proposals to a selection committee consisting of Utilities engineering and operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined that O'Dell Engineering, Inc. (O'Dell), to be the most qualified and responsive, and

WHEREAS, O'Dell's sealed cost proposal was opened after the selection ranking had been finalized, and

WHEREAS, O'Dell's proposal cost and scope were reviewed and determined to be reasonable to provide design services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Project Management; 2) Meetings with City Staff; 3) Topographic Survey; and 4) Preparation of Plans and Specifications, and

WHEREAS, the design services for the Strengthen and Replace Highway Village project falls within the scope of services of O'Dell's proposal, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, however, staff still went through a RFP process pursuant to Administrative Directive 3.1., and

WHEREAS, staff recommends approval of the agreement with O'Dell for design services for the Strengthen and Replace Highway Village Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O'Dell Engineering, Inc., Modesto, CA, for design services for the Strengthen and Replace Highway Village Project, in an amount not to exceed $101,988 for the identified scope of services, plus $10,199 for additional services (if needed), for a maximum total amount of $112,187.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-85

RESOLUTION ADOPTING THE TERMS FOR A DOWNTOWN PARKING AGREEMENT WITH AMERICAN SPECIALTY HEALTHCARE, AUTHORIZING STAFF TO PREPARE A PARKING AGREEMENT CONSISTENT WITH THIS RESOLUTION AND COUNCIL DIRECTION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, promoting new and expanding businesses through targeted incentives is a strategic economic objective to enhance the City's revenue base, and

WHEREAS, American Specialty Healthcare has committed to establish a corporate headquarters to house approximately 181 employees in downtown Modesto, and

WHEREAS, American Specialty Healthcare has expressed concern over the cost of parking for these employees, and

WHEREAS, American Specialty Healthcare indicated that they cannot justify locating downtown unless parking spaces were made available, and

WHEREAS, IMPLAN calculations provided by Opportunity Stanislaus show that 100 new health-sector employees downtown are expected to generate approximately 203 jobs, and about $24 million in goods and services in the greater Modesto area economy, and

WHEREAS, if paid parking is displaced during the five years of the parking agreement, the parking system will be made whole by tax revenues collected from economic activity generated from this corporate headquarters locating downtown, and

WHEREAS, the terms of a Parking Agreement with American Specialty Healthcare are proposed to be as follows:

1. No charge for employee parking for five years for up to 150 employees. One hundred (100) employee parking spaces will be allocated in the 11th Street Garage, and fifty (50) employee parking spaces will be allocated at the 9th/I Streets surface lot between the hours of 6:00 a.m. and 6:00 p.m.
2. The City and American Specialty Healthcare will agree to a five year parking agreement with an option to extend for an additional five years.
3. American Specialty Healthcare will agree to retain the 150 jobs at the downtown corporate headquarters location, and provide the City with an annual written report of the number of jobs and annual salary rate of the jobs to be retained at this location.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the terms for a proposed downtown parking agreement with American Specialty Healthcare, authorizing staff to prepare a parking agreement consistent with the Resolution and Council direction, and authorizing the City Manager to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-86

RESOLUTION APPROVING A CITYWIDE HIRING AND PROMOTION/ADVANCEMENT FREEZE AND MEASURES RELATED TO UNBUDGETED PURCHASES TO MAINTAIN THE FISCAL SUSTAINABILITY OF THE CITY AND DIRECTING THE CITY MANAGER TO RETURN TO COUNCIL WITH SPECIFIC INFORMATION RELATIVE TO THE FISCAL SUSTAINABILITY MEASURES

WHEREAS, since 2008, the City has made every effort to maintain fiscal sustainability including making significant changes to staffing and employee benefits, such as eliminating 200 positions, restructuring employee benefits and reorganizing the City to ensure the most efficient and effective operations while still providing quality services to our citizens; and

WHEREAS, despite these changes, and even with major reductions in workforce and other short and long-term financial strategic actions that have resulted in significant progress in fiscal sustainability as recognized by our AA Fitch bond rating, the City continues to project challenges to sustained fiscal health given rising expenses and relatively flat revenue growth; and

WHEREAS, recent changes approved by the CalPERS Board have made the City more cognizant of the impending significant negative impact on future budgets and to redouble the City's commitment to fiscal sustainability; and

WHEREAS, staff is only projecting moderate growth to city revenue including flat sales tax which is the City's largest source of revenue; and

WHEREAS, staff also anticipates that a recession will likely occur and will further impact the City's revenues. At this time, staff is unable to predict the magnitude

RESCINDED
JUN 27 2017
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-249

and the timing of any potential recession, but past experience and current research indicates that one is likely at some point in the next several years; and

WHEREAS, the City desires to maintain financial health and to prepare for future challenges to avoid more drastic measures in the future.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it approves the implementation of the following measures to maintain fiscal sustainability of the City:

1. Instituting a citywide hiring and promotion/advancement freeze of all city positions, excluding the hiring of the 22 police officer position previously authorized by the Council and other essential positions as approved by City Council.
2. All purchases that have been budgeted in FY 2016/17, but not yet implemented, will require City Manager's Office (CMO) approval. Any new request will also require CMO approval.

BE IT FURTHER RESOLVED that the City Manager is directed to return to Council with specific information relative to the positions that will be impacted, effect those positon have on City operations, and further details related to other mitigating measures.

BE IT FURTHER RESOLVED that the previsions of this Resolution are made subject to compliance with all applicable State and City laws.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 28th day of February, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-87

RESOLUTION APPROVING THE APPOINTMENT OF CHRIS VIERRA, CITY OF CERES, TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT – STANISLAUS CITY SEAT

WHEREAS, Health and Safety Code Section 40600.5 created by a Special City Selection Committee for the appointment of city members of the San Joaquin Valley Air Pollution Control District (District) Governing Board; and

WHEREAS, the Special City Selection Committee has adopted procedures for making their appointments, based upon the adopted procedures, a city councilmember representing a City with a population of less than 100,000 from Stanislaus County shall be appointed to the District Governing Board; and

WHEREAS, in selecting a nominee for appointment by the Special City Selection Committee to the District Governing Board, the City Council considered the application materials from the eligible applicant(s); and

WHEREAS, the vote to select a candidate took place as an item on the publicly noticed agenda and was discussed during the normal City Council meeting with time for public comment.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto nominates Chris Vierra to the Special City Selection Committee for appointment to the District Governing Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-88

RESOLUTION APPROVING AN AGREEMENT WITH ALTA PLANNING + DESIGN INC., OAKLAND CA, FOR DESIGN SERVICES FOR THE CLAUS ROAD PAVEMENT REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED $61,856 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $6,185 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $68,041, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Claus Road Pavement Rehabilitation project incorporates pavement rehabilitation and a Class IV bike path, and

WHEREAS, the Class IV bike path is listed as a priority project on the 2006 City of Modesto Non-Motorized Transportation Master Plan, and

WHEREAS, as part of project design it has been identified that bicycle signal and protected intersection design features are necessary to guide and protect cyclists at street intersections, and

WHEREAS, City staff has determined there is a need to hire a professional consultant to design the bicycle signal and protected intersection design features, and

WHEREAS, City staff has determined it is in the best interest of the public and the City of Modesto to hire Alta Planning + Design Inc. for design services as the most qualified,

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the fact that this contract is fully funded with Capital Facilities Fees (Streets) and is connected with a federally-funded pavement rehabilitation project that is to be constructed this summer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Alta Planning + Design for design services for the Claus Road Class IV Bike Path Project, in an amount not to exceed $61,856 for the identified scope of services, plus $6,185 for additional services (if needed), for a maximum total amount of $68,041.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-89

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVID J. CUTLERAND JUDITH A. CUTLER, AS TRUSTEES OF THE 2014 CUTLER FAMILY TRUST, TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT 2100 BLUE GUM AVENUE (APN: 081-022-005), AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO THE SIGN THE WILL SERVE LETTER AND EXECUTE THE AGREEMENT

WHEREAS, David J. Cutler and Judith A. Cutler , as Trustees of the 2014 Cutler Family Trust, own a Residential property located at 2100 Blue Gum Avenue which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at 2100 Blue Gum Avenue, is not connected to City's sewer system and is requesting a sewer connection due to a failing septic system, and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002, and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval, and

WHEREAS, the property located at 2100 Blue Gum Avenue is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property due to health and safety concerns, and

WHEREAS, consistent with adopted LAFCO Policy 15, the extension of sewer service is proposed to remedy a health and safety concern in an area with failing septic system, and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system, and

WHEREAS, the property owner has executed an Outside Service Agreement for sewer service with the City as required to receive sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for sewer service for the property located at 2100 Blue Gum Avenue (APN: 081-022-005) in Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to approve the Will Serve letter and execute the Outside Service Agreement for sewer service.

The foregoing documents were introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-90

Print

RESOLUTION AUTHORIZING THE SUBMISSION OF THE CITY'S LOCAL TRANSPORTATION FUND (LTF) CLAIM FOR NON-MOTORIZED PURPOSES IN THE AMOUNT OF $154,330 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG)

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, this Claim for Non-motorized Purposes is the formal request by the City to StanCOG to release its apportionment of LTF funds for non-motorized purposes during the current fiscal year, and

WHEREAS, LTF funds provide the required local match for Federal funds received for the purpose of non-motorized projects, and

WHEREAS, two percent (2%) of all LTF funds available to StanCOG are designated to be used for bicycle and pedestrian projects, and

WHEREAS, the City has prepared its LTF Claim for Fiscal Year 2016-2017, **attached** hereto, pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by the rules and regulations governing the Transportation Development Act Funds, including StanCOG's approved Transit Cost Sharing Procedures, before any LTF funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submission of the City's Local Transportation Fund Claim for

Fiscal Year 2016-2017 Non-motorized Funds, in the amount of $154,330, to the Stanislaus Council of Governments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

TRANSPORTATION DEVELOPMENT ACT
LOCAL TRANSPORTATION FUND
CLAIM FOR FISCAL YEAR 2016/17 OTHER PURPOSES

TO: Stanislaus Council of Governments
1111 I Street, Suite 308
Modesto, CA 95354

FROM:

Applicant: City of Modesto

Address: 1010 10th Street

City: Modesto, CA Zip: 95354

Contact Person: Maria Garnica/Bill Sandhu Phone: 209-577-5249

E-mail Address: mgarnica@modestogov.com Fax: 209-491-5992

The City of Modesto hereby requests, in accordance with the Transportation Development Act and applicable rules and regulations, that its claim for other purposes be approved in the amount of $ 154,330 for fiscal year 2016/17, to be drawn from the Local Transportation Fund.

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms contained in the approving resolution to the Stanislaus Council of Governments.

The claimant certifies that this Local Transportation Fund claim and the financial information contained therein is reasonable and accurate to the best of my knowledge and conforms with the requirements of the Transportation Development Act and applicable rules and regulations.

Submitted by: _____

Title: _____

Date: _____

StanCOG Board of Directors:

Date of approval: _____

Resolution #: _____

_____
StanCOG Approving Authority

CLAIMANT: City of Modesto

LOCAL TRANSPORTATION FUND
CLAIM FOR OTHER PURPOSES
FY 2016/17

TABLE 1

1.	Planning, Local --PUC 99262/99402	$ -
2.	Transit _____ *	$ -
3.	Streets and Roads --PUC 99400 (a)	$ -
4.	Nonmotorized - 2% LTF funds --PUC 99233.2/99234	$ 154,330
5.	Nonmotorized - Other LTF funds --PUC 99233.2/99234	$ -
6.	**TOTAL CLAIM**	**$ 154,330**

This table is to be filled out by StanCOG staff

City of Modesto
Total LTF available to be claimed for other purposes:

FY 2016/17 Nonmotorized apportionment	$	153,925
FY 2015/16 Nonmotorized supplemental	$	405
Total 2% Nonmotorized	$	154,330
FY 2016/17 Other Purposes apportionment		
FY 2015/16 Other Purposes supplemental		
Total Other Purposes	$	-
Total available to be claimed at this time	**$**	**154,330**

*** If you have proposed transit expenditures, please fill in the appropriate PUC Code.**

CLAIMANT: City of Modesto

NONMOTORIZED PROJECTS
FY 2016/17
(Use additional forms if necessary)

TABLE 2
BREAKDOWN BY PROJECT

BRIEFLY DESCRIBE PROJECTS AND EXPENDITURES INCLUDED IN THE 3 YEAR PERIOD BELOW										
		MODE			FOR BIKE PROJECTS ONLY					
ID	PROJECT TITLE	BIKE	PED	PLAN	PROJECT IN StanCOG's BIKE PLAN *	PROJECT IN CITY/CO BIKE PLAN *	2014/15 ACTUAL EXPENDITURES	2015/16 ESTIMATED EXPENDITURES	2016/17 CLAIM	ACTUAL / ESTIMATED EXPENDITURES FOR 3 YEAR PERIOD
100692	Bike Lane Striping	X			YES		$17,961.00	$4,722.00	$125,000.00	$147,683.00
100813	Virginia Corridor Phase VII	X			YES		$4,767.00	$1,399.00	$872,225.00	$878,391.00
100599	TRRP Gateway Phase 2	X				YES	$0.00	$24,293.00	$143,802.00	$168,095.00
							$0.00	$0.00	$0.00	$0.00
							$0.00	$0.00	$0.00	$0.00
TOTAL FUNDS APPROPRIATED TO PROJECTS							**$22,728.00**	**$30,414.00**	**$1,141,027.00**	**$1,194,169.00**

TABLE 3
BREAKDOWN BY CATEGORY

RECORD LTF FUNDS ONLY							
	% of Total Expenditures	2012/13 Actual	2013/14 Actual	2014/15 Actual	2015/16 Estimate	2016/17 Claim	5 Year Total
Bicycle facilities	86.34%	$17,888.00	$18,433.00	$22,728.00	$6,121.00	$997,225.00	$1,062,395.00
Pedestrian facilities	13.66%	$0.00	$0.00	$0.00	$24,293.00	$143,802.00	$168,095.00
Preparation of Bicycle Plan	0.00%	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTAL AMOUNT OF BIKE/PED EXPENDITURES		**$17,888.00**	**$18,433.00**	**$22,728.00**	**$30,414.00**	**$1,141,027.00**	**$1,230,490.00**

DOES THIS CLAIM MEET THE MINIMUM 50% BICYCLE EXPENDITURE STANCOG PERFORMANCE STANDARD? YES

StanCOG 50% bicycle expenditure requirement: The 5 year bicycle expenditures must be 50% or greater.

TABLE 4
FUNDS HELD IN RESERVE AT JURISDICTION

RECORD LTF FUNDS ONLY				
	2012/13	2013/14	2014/15	2015/16
Fiscal year beginning fund balance	$326,129.00	$588,721.00	$720,707.00	$855,109.00
Plus fiscal year 2% nonmotorized claim	$278,945.00	$150,499.00	$153,796.00	$153,047.00
Plus interest	$1,535.00	($80.00)	$3,334.00	$8,955.00
Minus nonmotorized expenditures	($17,888.00)	($18,433.00)	($22,728.00)	($30,414.00)
Fiscal year ending fund balance	**$588,721.00**	**$720,707.00**	**$855,109.00**	**$986,697.00**

1. Prior year(s) LTF carryover held by jurisdiction applied towards FY 2016/17 Nonmotorized claim (TABLE 4)	$977,742
2. Interest earned on previously paid LTF funds held by jurisdiction (required by State law) (TABLE 4)	$8,955
3. FY 2016/17 Nonmotorized 2% funds applied towards FY 2016/17 projects (must match Page 2, Line 4)	$154,330
4. FY 2016/17 Other LTF funds applied towards Nonmotorized claim (must match Page 2, Line 5)	$0
5. FY 2016/17 Nonmotorized 2% funds to be held at StanCOG	$0
6. Total of lines #1 through #5 above	$1,141,027

*** SEE PAGE 3b FOR NONMOTORIZED REGULATIONS/POLICIES AND NOTES**

NONMOTORIZED PROJECTS
FY 2016/17
(Continued)

NONMOTORIZED REGULATION/POLICY REMINDERS:

A. State law allows a jurisdiction to use LTF to update a Bicycle Action Plan once every five years (PUC 99234(h)).

B. State law allows a jurisdiction to use up to 20% of the amount available each year to restripe Class II bicycle lanes (PUC 99234(h)).

C. State law allows a jurisdiction to use up to 5% of the amount available each year to supplement moneys from other sources to fund bicycle safety education programs, but the funds shall not be used to fully fund the salary of any one person (PUC 99233.3).

D. All funds must be spent within five years of receipt. Over the five-year period shown in Table 3, at least 50% of funds must be spent for bicycle purposes. StanCOG will not allocate funds to any jurisdiction which is in violation of these policies.

NOTES:

* By StanCOG policy, all bike projects must appear in either StanCOG's Bicycle Action Plan, or in a City or County bicycle plan, to be eligible for LTF funding.

** Beginning with FY 2003/04, nonmotorized funds will only be allocated by StanCOG for specific projects. If no project is identified, funds will be held in reserve at StanCOG for eventual use by that jurisdiction.

CLAIMANT: City of Modesto

ANNUAL PROJECT AND FINANCIAL PLAN

PROJECTS FOR OTHER PURPOSES
FY 2016/17

(Use additional forms as necessary)

TABLE 5

Briefly describe all proposed projects and indicate proposed project expenditures

Project Title & Brief Description	Will this Project add new travel lanes? **Yes or No**	Will this Project use Federal Funds? **Yes or No**	Is this Project consistent with the RTP **Yes or No**	Total Project Cost	LTF Funds Utilized
TOTAL				-	-

1. LTF carryover applied towards FY 2016/17 Other Purposes
2. Interest earned on LTF carryover (required by State law)
3. FY 2016/17 apportionment applied towards FY 2016/17 Other Purposes
4. Total of Lines 1, 2 and 3 above -

STANISLAUS COUNCIL OF GOVERNMENTS
RESOLUTION 15-39
A RESOLUTION APPROVING THE TRANSPORTATION DEVELOPMENT ACT APPORTIONMENTS FOR FY 2016/17 FOR TRANSIT AND OTHER PURPOSES

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO), and the designated Council of Governments for Stanislaus County; and

WHEREAS, StanCOG has been designated as the Regional Transportation Planning Agency with the responsibility to administer the Transportation Development Act (TDA), including the apportionment and allocation of the Local Transportation Fund (LTF) and the State Transit Assistance (STA) Fund; and

WHEREAS, on February 17, 2016, the StanCOG Policy Board approved STA apportionments totaling $2,303,250 for FY 2015/16, plus the LTF needed for TDA administration and transportation planning, along with 2% by jurisdiction for Nonmotorized (bicycle and pedestrian) purposes; and

WHEREAS, from the remaining LTF balance of $19,192,320, the Transit Cost Sharing Committee recommended that LTF in the amount of $18,069,038 is needed for transit in FY 2016/17, leaving a balance of $1,123,282 available to be apportioned for Other purposes.

NOW THEREFORE, BE IT RESOLVED that based on the Rules and Regulations governing the Transportation Development Act funds, including StanCOG's approved Transit Cost Sharing Procedures, the Stanislaus Council of Governments hereby approves the apportionments for Local Transportation Funds for transit and Other purposes as presented in Schedule 3.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments, on the 15th day of June, 2016. A motion was made and seconded to adopt the foregoing Resolution. Motion carried and Resolution adopted.

MEETING DATE: June 15, 2016

VITO CHIESA, CHAIR

ATTEST:

ROSA DE LEON PARK, EXECUTIVE DIRECTOR

EXHIBIT C

STANISLAUS COUNCIL OF GOVERNMENTS
TRANSPORTATION DEVELOPMENT ACT (TDA) APPORTIONMENTS
FY 2016/17
AS PROPOSED FOR POLICY BOARD ADOPTION ON JUNE 15, 2016

Claimant	COLUMN 1 TDA Admin NOTE 1	COLUMN 2 Transp. Planning NOTE 1	COLUMN 3 Bike/ Ped NOTE 1	COLUMN 4 Transit	COLUMN 5 Regional Transit Projects	COLUMN 6 Other Purposes	COLUMN 7 Total LTF		COLUMN 8 Total STA		COLUMN 9 Total TDA
StanCOG	204,000	612,000			36,000		852,000	+		=	852,000
CTSA				500,000			500,000	+		=	500,000
Ceres			34,576	989,982		121,363	1,145,921	+	4,288	=	1,150,209
County			82,462	6,609,799		451,603	7,143,864	+	21,325	=	7,165,189
Hughson			5,314			52,453	57,767	+		=	57,767
Modesto			153,925	8,661,288			8,815,213	+	2,272,290	=	11,087,503
Newman			7,912			53,676	61,588	+		=	61,588
Oakdale			16,021			67,267	83,288	+		=	83,288
Patterson			15,522			64,221	79,743	+		=	79,743
Riverbank			17,281			68,091	85,372	+		=	85,372
Turlock			52,276	1,271,969		191,882	1,516,127	+	5,347	=	1,521,474
Waterford			6,391			52,726	59,117	+		=	59,117
Total	204,000	612,000	391,680	18,033,038	36,000	1,123,282	20,400,000	+	2,303,250	=	22,703,250
						FY 2016/17 LTF Estimate	20,400,000				
							0				

NOTE 1: Approved by the Policy Board on 2/17/16

STANISLAUS COUNCIL OF GOVERNMENTS
RESOLUTION 16-12
APPROVING THE REVISED FY 2015/16
LOCAL TRANSPORTATION FUND (LTF) SUPPLEMENTAL APPORTIONMENT

WHEREAS, the Stanislaus Council of Governments (StanCOG) is a Regional Transportation Planning Agency (RTPA) and a Metropolitan Planning Organization, pursuant to State and Federal designation; and

WHEREAS, the Stanislaus Council of Governments (StanCOG), as the RTPA, is responsible for administering the Transportation Development Act, including the apportionment and allocation of the Local Transportation Fund (LTF); and

WHEREAS, StanCOG approved an LTF funding apportionment for FY 2015/16 of $19,900,000; and

WHEREAS, LTF funds of $20,660,586 were received for FY 2015/16; and

WHEREAS, the excess LTF funds of $760,586 are available for a supplemental apportionments, which were approved by StanCOG Policy Board Resolution 16-06 on September 21, 2016.

WHEREAS, Resolution 16-06 for Local Transportation Fund Supplemental Apportionment, authorized on September 21, 2016 is revoked.

WHEREAS, the deficit of STA funds of $707,388 decrease the amount available for Supplemental Apportionments.

WHEREAS, that per Transportation Development Act (TDA) guidelines LTF Article 4 – Transit Funds are distributed before Article 8 - Other Purposes for jurisdictions for the FY 2015/16 LTF claims.

WHEREAS, that LTF funds be distributed to Transit Operators to offset the deficit of STA funds as represented in their respective FY 2015/16 approved transit claims.

WHEREAS, the revised excess LTF funds of $53,198 are available for a supplemental apportionment.

NOW, THEREFORE, BE IT RESOLVED, that based on the Rules and Regulations governing the Local Transportation Fund, the Stanislaus Council of Governments approves the Revised FY 2015/16 Local Transportation Fund (LTF) Supplemental Apportionment as shown in the table below.

FY 2015/16 Proposed Supplemental Apportionments

Jurisdiction	StanCOG Planning	Nonmotorized	Other Purposes	Total
StanCOG	$ 1,596			$ 1,596
Ceres		$ 91	$ 6,025	$ 6,116
County		$ 217	$ 22,406	$ 22,623
Hughson		$ 14	$ 1,005	$ 1,019
Modesto		$ 405		$ 405
Newman		$ 21	$ 1,511	$ 1,532
Oakdale		$ 42	$ 3,021	$ 3,063
Patterson		$ 41	$ 2,898	$ 2,939
Riverbank		$ 46	$ 3,068	$ 3,114
Turlock		$ 138	$ 9,514	$ 9,652
Waterford		$ 17	$ 1,122	$ 1,139
Total	$ 1,596	$ 1,032	$ 50,570	$ 53,198

BE IT FURTHER RESOLVED, that the Executive Director, or the Policy Board Chair of StanCOG, or his/her designee, is hereby authorized and empowered to execute in the name of Stanislaus Council of Governments all necessary administrative changes to implement and carry out the purposes specified in this resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Executive Director, or his/her designee, is authorized to issue an allocation instruction to the County Auditor and issue disbursement instructions to honor claimant invoices as funds become available.

The foregoing Resolution was introduced at a regular meeting of the Stanislaus Council of Governments, on the 16th day of November 2016. A motion was made and seconded to adopt the foregoing Resolution. The motion carried and the Resolution was adopted.

MEETING DATE: November 16, 2016

VITO CHIESA, CHAIR

ATTEST:

ROSA DE LEÓN PARK, EXECUTIVE DIRECTOR

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-91

RESOLUTION AUTHORIZING AWARD OF PROPOSAL FOR THE PURCHASE OF A SCHEDULING AND TIME-KEEPING MANAGEMENT SOFTWARE SYSTEM FOR THE MODESTO POLICE DEPARTMENT TO INTIME SOLUTIONS, INC. VANCOUVER, BC CANADA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT FOR AN ESTIMATED FIVE (5) YEAR TOTAL CONTRACT COST OF $222,452

WHEREAS, the Modesto City Council approved the purchase of Kronos Telestaff scheduling software for the Modesto Police Department on September 10, 2013, with the intent to have the software be a personnel scheduling and tracking mechanism for employees at the Police Department with the ability to integrate with the Oracle Applications payroll module, and

WHEREAS, Telestaff has been unable to interface with the Oracle payroll module during the last three years, creating the need for employees to continue to produce paper timesheets and manually enter time into the payroll system in addition to the systems inability to provide a 30 day scheduling view needed in projecting accurate and efficient staffing levels, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue a formal Request for Proposals (RFP) for the purchase of a Scheduling and Time-Keeping Software System, and

WHEREAS, the Purchasing Division issued RFP 1516-41, with eighteen (18) companies downloading the RFP document, and

WHEREAS, two (2) companies responded to RFP 1516-41 and an evaluation committee comprised of five (5) City staff members evaluated the responsive and responsible proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal for the purchase of a Scheduling and Time-Keeping Management Software System to InTime Solutions, Inc. Vancouver, BC Canada, for a five (5) year contract for an estimated total cost of $222,452, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the need of the Police Department to have an interactive scheduling and time-keeping management software system that provides for a 30 to 90 day employee scheduling view, in order to ensure that minimum staffing levels are met at all times. Additionally, this system will eliminate the need for dual entry in multiple systems to process time exceptions for payroll purposes and will allow the department to migrate to a paperless time entry system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and agreement for the purchase and installation of a Scheduling and Time-Keeping Management Software System to InTime Solutions, Inc. Vancouver, BC Canada.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement for an estimated five (5) year total contract cost of $222,452.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-92

Print

RESOLUTION AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE MULTI-YEAR NON-CIP BUDGET TO APROPRIATE EXPENDITURES OF APPROXIMATELY $137,363 FOR THE MODESTO POLICE DEPARTMENTS PURCHASE OF A SCHEDULING AND TIME-KEEPING MANAGEMENT SOFTWARE SYSTEM

WHEREAS, the Modesto Police Department currently uses Kronos Telestaff scheduling software as approved by the Modesto City Council on September 10, 2013, and

WHEREAS, Telestaff has been unable, for the last three years, to interface with the Oracle payroll module, requiring staff to continue to produce paper timesheets and payroll staff to manually enter time into the system, along with the systems inability to provide a 30 day scheduling view, and

WHEREAS, the City Manager authorized the Purchasing Manager issued Request for Proposals (RFP) 1516-41 for the purchase of a Scheduling and Time-Keeping Management Software System, and

WHEREAS, based on being ranked highest in total evaluation criteria, the evaluation committee recommended the award of proposal for the purchase of a Scheduling and Time-Keeping Management Software System to InTime Solutions, Inc. Vancouver BC, Canada, for an estimated five (5) year total cost of $222,452, and

WHEREAS, the expenses for the purchase of the Scheduling and Time-Keeping Management Software System will come from existing appropriations in the 2015-16 State Law Enforcement Supplemental Funds (SLESF) Grant residing in the Operations Block Grant Fund for a total of $137,363.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Deputy City Manager, or his designee, to amend the Multi Year Non-CIP Budget to appropriate expenditures of approximately $137,363 for the Modesto Police Department's purchase of a Scheduling and Time-Keeping Management Software System.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-93

RESOLUTION APPROVING A GRANT DEED FROM THE COUNTY OF STANISLAUS FOR A PROPERTY CONSISTING OF 30,550 SQUARE FEET (0.70 ACRES), LOCATED AT 124 PECOS AVE, IN MODESTO, (APN: 038-032-040), AT NO COST TO THE CITY, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CERTIFICATE OF ACCEPTANCE AND GRANT DEED

WHEREAS, the City of Modesto, in 2012, annexed an area in south Modesto known as the Shackelford Neighborhood, and

WHEREAS, as a result of the annexation the City acquired title to the public roadways, and

WHEREAS, the Shackelford Storm Drainage Basin collects storm water runoff from the public roadways, and

WHEREAS, a Grant Deed is required to transfer title from the County to the City for the Shackelford Storm Drainage Basin, and

WHEREAS, the Grant Deed requires the signature of the City of Modesto, and

WHEREAS, City staff is recommending the City accept the Grant Deed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed from the County of Stanislaus for a parcel of 30,550 square feet (0.70 acres) for a storm drainage basin, located at 124 Pecos Avenue (038-032-040), for the Shackelford Storm Drainage Basin.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, that the City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance for the Grant Deed for the parcel located at 124 Pecos Avenue, in Modesto, (APN 038-032-040) to be conveyed to the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and accept the Grant Deed, and all related documents required to record the Grant Deed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-94

Print

RESOLUTION AUTHORIZING A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR THE SOLE SOURCE PROCUREMENT OF UV LAMPS WITH XYLEM WATER SOLUTIONS USA INC., CHARLOTTE, NC, FOR AN ESTIMATED ANNUAL COST OF $39,392 AND OVER FIVE YEARS OF $198,556, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE PURCHASING AGREEMENT

WHEREAS, the City of Modesto, Utilities Department, Wastewater Services Division, utilizes Tertiary Treatment for the treatment of the City of Modesto Wastewater, and

WHEREAS, Phase 1 of the Tertiary Treatment process is the disinfection of the wastewater by UV lamps which must be replaced after 12,000 hours of operation, and

WHEREASE, the UV lamps are a specialized system component that must be purchased and contracted from a Wedeco Distributor to maintain equipment performance standards, and

WHEREAS, the local exclusive manufacturer representative is Xylem Water Solutions USA, Inc., and

WHEREAS, it is anticipated that each year 120 lamps will need to be replaced to ensure the efficiency of the disinfection process, and

WHEREAS, staff has negotiated with Xylem Water Solutions USA, Inc., to freeze the cost of the lamps for two years; for the following three years there will be an increase not to exceed the Consumer Price Index, and

WHEREAS, to maintain the equipment guarantee for the Tertiary equipment, staff finds that the justification meets the City's sole source criteria as identified under the Modesto Municipal Code 8-3.204(b), and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, on March 2, 2017, the City Manager's Office approved an exception to this freeze for this procurement based upon the specific need for these lamps to utilize Tertiary treatment of Wastewater, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the procurement of UV lamps and approving a sole source agreement with Xylem Water Solutions USA, Inc., Charlotte, NC , for five years at an annual cost of $39,392 and a cost over five years of $198,556.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the purchase agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-95

Print

RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE STANDARD PROGRAM SUPPLEMENTAL AGREEMENTS, FUND EXCHANGE AGREEMENTS, AND/OR FUND TRANSFER AGREEMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY, ON A PROJECT BY PROJECT BASIS BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR AUGMENTATION TO THE MASTER AGREEMENT FOR THE USE OF STATE FUNDS

WHEREAS, the City of Modesto uses various state funded programs for transportation related projects, and

WHEREAS, these funds are controlled by the State of California through Caltrans, and

WHEREAS, examples of these state funded programs include, but are not limited to, the Highway Safety Improvement Program (HSIP), Active Transportation Program (ATP), and Systematic Safety Analysis Report Program (SSARP), and

WHEREAS, the terms and conditions for the use of these grant funds are established by a Master Agreement, Program Supplemental Agreements, Fund Exchange Agreements and/or Funds Transfer Agreements between the City and State of California (Caltrans), and

WHEREAS, on May 2, 2000, by Resolution 2000-195 Council authorized the City Manager to execute a Master Agreement between the City of Modesto and the State of California for administering state funded transportation projects, and

WHEREAS, by Resolution 2000-196 Council authorized the City Manager to execute Program Supplements on a project-by-project basis between the City of Modesto and the State of California for augmentation to the Master Agreement for the use of State Transportation Improvement Program (STIP) funding only, and

WHEREAS, after discussion with Caltrans, it has been brought to staff's attention, that a Resolution approved by the City Council is needed authorizing the City Manager or his designee to execute Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements for all state funded transportation related projects,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or his designee to execute the Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements between the City of Modesto and the State of California for administering all transportation related State funded projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-96

Print

RESOLUTION APPROVING A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR THE SOLE SOURCE PROCUREMENT OF COLILERT-18™ BRAND PRODUCTS AND VARIOUS LABORATORY SUPPLIES WITH IDEXX DISTRIBUTION, INC., WESTBROOK, MA, FOR AN ESTIMATED ANNUAL COST OF $12,257 AND OVER FIVE YEARS OF $61,285, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Wastewater Division, Laboratory Services, performs bacteriological analysis for both water and wastewater samples using a presence/absence method, and

WHEREAS, the Lab has utilized Colitag™ in the past but has currently found Colilert-18™ from IDEXX to be more accurate, and

WHEREAS, the general method requires pre-packaged reagents that can be purchased in the form of Colitag™ (CPI International) or Colilert-18™ (IDEXX), and

WHEREAS, Colilert-18™ is the best overall confirming agent of total coliform and E. coli bacteria with 99.5% accuracy, and

WHEREAS, Colitag™ is a similar product to Colilert-18™ but has an accuracy of only 52.3% and requires duplicate analysis of all individual samples to yield the same results and accurately confirm the presence or absence of bacteria, and

WHEREAS, if the duplicate Colitag™ results are not in agreement, re-sampling would be required, and

WHEREAS, after researching other testing supply companies, staff found that there is no competition for Colilert-18™ and therefore, IDEXX is the only vendor that can supply this item, and

WHEREAS, considering the requirement of duplicated analysis with Colitag™, IDEXX has the overall lowest per unit cost when compared to Colitag™, and

WHEREAS, in addition, Colilert-18™ is the only reagent EPA-approved for fecal coliform detection in wastewater, and

WHEREAS, the Director of Finance, acting as Purchasing Manager, has determined that the purchase of Colilert-18™ is appropriate as a sole source purchase due to the cost savings of staff time and the limited number of competitors for this product, and

WHEREAS, the sole source award of an agreement to IDEXX Distribution, Inc., Westbrook, MA, will conform to MMC Section 8-3.204(d), and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City , and

WHEREAS, on March 6, 2017, the City Manager's Office approved an exception to this freeze for this procurement based upon the need for the WQC Laboratory to have testing supplies that provide accurate results.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two year Agreement with three one-year extension options for the sole source procurement of Colilert-18™ brand products and various laboratory supplies with IDEXX Distribution, Inc., Westbrook, MA for an estimated annual cost of $12,257 and over five years of $61,285.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-97

RESOLUTION ACCEPTING THE FISCAL YEAR 2015-2016 ANNUAL AUDIT REPORTS FOR THE CITY OF MODESTO, ITS COMMUNITY FACILITIES DISTRICTS, VARIOUS JOINT POWERS AGENCIES AND GRANT PROGRAMS

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Macias, Gini & O'Connell, LLP has completed its audit of the City's financial statements for the fiscal year ended June 30, 2016, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of nine Community Facilities Districts and various Joint Powers Agencies, as required by their respective enabling legislations, and for which the City of Modesto serves as the financial administrator,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2015-2016 annual audit reports for the City of Modesto, its nine Community Facilities Districts, and various Joint Powers Agencies, as listed below and as **attached** in **Exhibit A**, which is incorporated by reference herein.

City of Modesto:

1. Comprehensive Annual Financial Report
2. Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder)
3. Community Facilities District Number 2002 (Coffee-Claratina)
4. Community Facilities District Number 1998-1 (Enterprise Business Park)
5. Community Facilities District Number 2003-1 (Fairview Village)

6. Community Facilities District Number 2007-2 (Kiernan Business Park West)
7. Community Facilities District Number 1997-1 (North Beyer Park)
8. Community Facilities District Number 2002-1 (Northpointe)
9. Community Facilities District Number 2004-1 (Village One #2)
10. Community Facilities District Number 1996-1 (Village One)

Other Agencies:

11. Stanislaus Drug Enforcement Agency (SDEA)
12. Abandoned Vehicle Abatement (AVA)
13. Transportation Development Agency (TDA)
14. Industrial Fire Joint Powers Agency
15. Tuolumne River Regional Park (TRRP

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

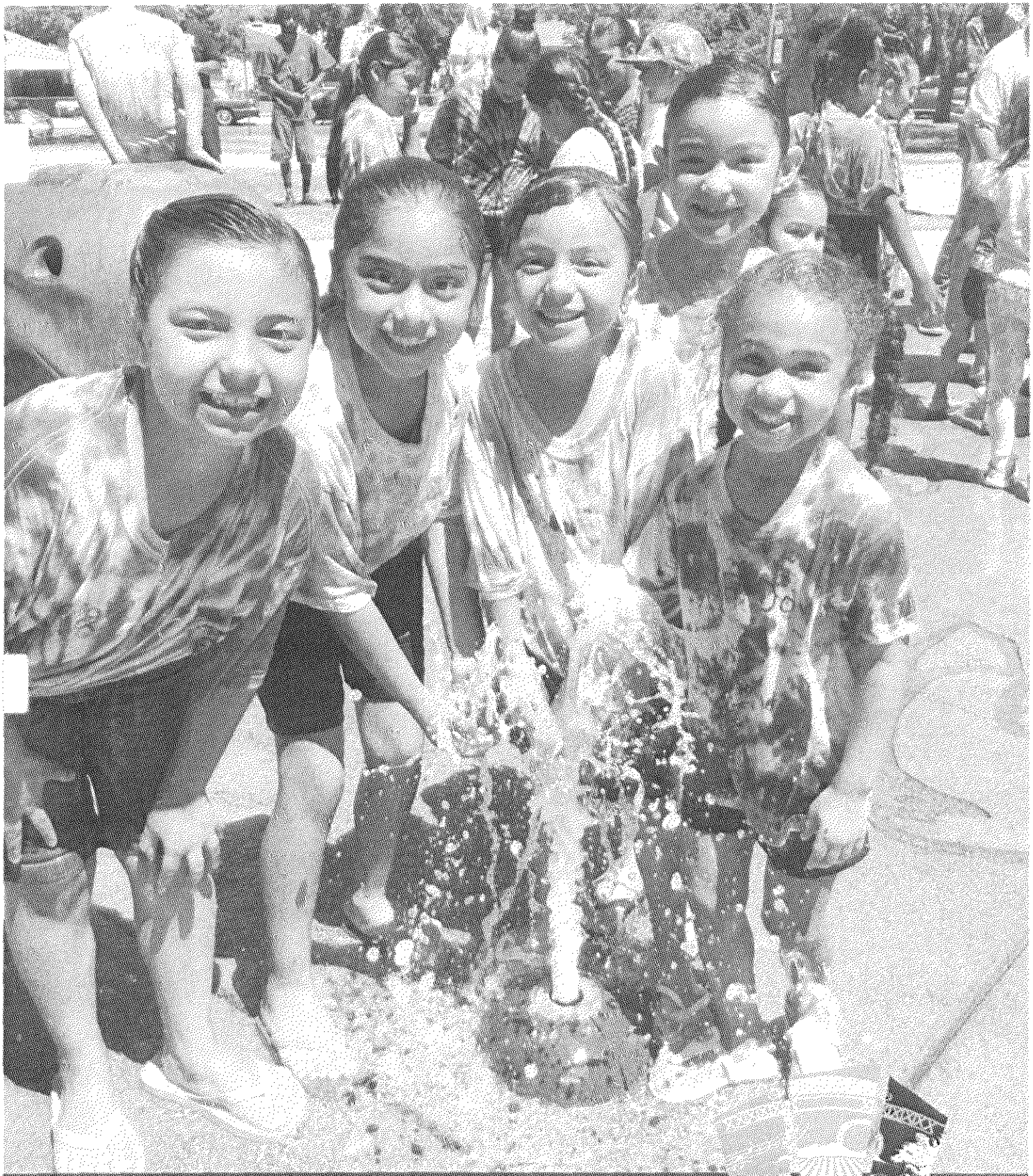
AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney



City of Modesto

Comprehensive Annual Financial Report

FY 2015-2016 | Fiscal Year Ended June 30, 2016

CITY OF MODESTO CALIFORNIA

CITY OF

Modesto, California

COMPREHENSIVE ANNUAL FINANCIAL REPORT
Fiscal Year Ended June 30, 2016

Prepared by
Finance Department

CITY OF MODESTO
June 30, 2016
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INTRODUCTORY
DIVIDER

INTRODUCTORY SECTION

MODESTO
CALIFORNIA

City of Modesto
1010 Tenth Street
P.O. Box 642
Modesto, CA 95353
209/577-5369

Hearing and Speech Impaired Only
TDD 209/526-9211

December 15, 2016

To the Honorable Mayor, Members of the City Council, and Citizens of the City of Modesto:

We are pleased to present to you the Comprehensive Annual Financial Report (CAFR) for the City of Modesto (City). The City of Modesto City Charter and Municipal Code require that a complete CAFR, which is comprised of financial statements and report on the finances of the City, be submitted to the City Council at the end of each fiscal year. This report fulfills that requirement for the year ended June 30, 2016.

City management assumes full responsibility for the completeness and reliability of the information contained in this report. We believe the data fairly represents the financial position and results of operations of the City. The disclosures necessary to enable the reader to understand the City's financial affairs have been included. The City's accounting system has been developed and maintained with due consideration given to the adequacy of internal controls. Because the cost of internal controls should not exceed the anticipated benefits, the objective is to provide reasonable, rather than absolute, assurance that the financial statements are free of any material misstatements. The evaluation of the costs and benefits of a particular control requires estimates and judgments by management.

The Modesto City Charter also requires an annual audit be performed by an independent certified public accountant selected by the Modesto City Council. The accounting firm of Macias Gini & O'Connell LLP was selected in 2015 to perform the City's annual financial audits. The auditors have issued an unmodified ("clean") opinion on the financial statements for the fiscal year ended June 30, 2016, which is presented on page 3. In addition to meeting the City Charter audit requirements, the audit was also designed to meet the requirements of the federal Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). The auditor's reports related specifically to the Single Audit will be presented separately at a later date.

Management's discussion and analysis (MD&A) immediately follows the independent auditor's report and provides a narrative introduction, overview, and analysis of the basic financial statements. The MD&A is designed to be read in conjunction with this transmittal letter.

City of Modesto Profile

Modesto is located in the heart of California's San Joaquin Valley and is the County Seat of Stanislaus County. It is also the retail, service and financial center of Stanislaus County. The City currently occupies a land area of 37.4 square miles and serves a population of 211,903. The City has a diverse economy and population with a strong sense of community pride.

Incorporated as a municipal city in 1884, the City adopted its City Charter on March 12, 1951, with a Council-Manager form of government. The Modesto City Council (Council) is the City's legislative body and is made up of seven elected officials serving overlapping 4-year terms. The Mayor is elected at-large by the entire City; while the six Councilmembers are elected by district and are limited to two terms.

The Council sets policy and tax rates, approves budgets, and passes ordinances and resolutions, which govern the City. The Council also appoints citizens to advisory boards, committees and commissions as well as appoints the City Manager, City Attorney, City Clerk and City Auditor. The City Manager is responsible for carrying out Council policy and managing the day-to-day affairs of the City.

The City is a "full-service" city including police and fire; public works; water and sewer; community and economic development; parks, recreation and neighborhoods; public transportation; and cultural and convention visitor services.

The City's financial reporting entity includes all funds and activities of the City as the primary government and its component units, which are legally separate entities that operate under the auspices of the City and provide services that supplement City services. The City's component units are blended into the City's funds because there is a financial benefit/burden relationship with the City or management has operational responsibility over the component unit. These component units are the Modesto Public Financing Authority and the City of Modesto Community Facilities Districts.

The annual operating budget serves as the foundation for City's financial planning and control. The proposed budget is adopted annually prior to July 1, by City Council ordinance. The Council's legally adopted budget level is at the fund level. Throughout the fiscal year, the budget may be modified. The City Council has also adopted fiscal policies that delineate the delegated budget control authority to the following parties: the City Council, the City Manager and the Director of Finance.

Local Economy

Modesto is the county seat for fast-growing Stanislaus County. A major center for local commerce, the City attracts thousands to its environs for work, shopping and entertainment. Major employment sectors include manufacturing, healthcare, education and retail. Modesto and its surrounding communities contain canneries, packing plants and warehouses which ship agricultural products across the nation and the world. An active farm to table movement has been spearheaded by the area's large production of nuts, dairy, poultry and other locally grown products.

The unemployment rate within the county-wide Modesto Statistical Area decreased during the 2015-2016 fiscal year. As of June 30, 2016, the MSA's unemployment rate was recorded at 9.1%, which is down from the 9.3% rate of a year ago. The total non-farm employment in the MSA is projected to reach 182,800 jobs by 2022. The industry sector consisting of private educational service, health care, and social assistance is expected to increase by 32.4 percent during this projection period with the health care and social assistance subsector contributing 8,500 jobs. Leisure and hospitality is expected to grow by almost 30 percent, adding 4,400 jobs in the area. Retail trade anticipates job gains of 3,200, led by a job growth of 900 jobs in general merchandise stores.

The 2016-17 Stanislaus County assessment roll, on which property taxes are based, is $44.3 billion, which is an increase of nearly 6 percent over the previous year. The 2016 median home sales price in Modesto is approximately $265,000 or $166 per square foot, up from a square foot price of $147 a year ago. Modesto building permit activity during fiscal year 2015-2016 ended with a total of 4,939 permits issued with a valuation of $92,768,634.

Modesto is a prime and central location for business, and has attracted both start-ups and expanding firms. Specialized health care facilities like HealthSouth and Central Valley Specialty Hospital have chosen to expand their services and operations in Modesto. There is also a strong culture of entrepreneurship and innovation. Datapath, a technology management company with headquarters in Modesto, has been recognized by Inc. Magazine as one of the fastest-growing private companies in America. E&J Gallo Winery, also based in Modesto, is the world's largest privately owned winery and the leading US exporter of California wines. The Gallo Glass Company is a state of the art glass manufacturer and a leading producer of wine and spirits glass bottles in the US.

The median sales price for a home in the City is approximately $325,000 or $204/square foot, which reflects an increase of approximately 22% when compared to the prior year.

Entertainment and Tourism

Modesto is the home of the Modesto Nuts baseball team, which is an affiliate of major league team, the Seattle Mariners.

Downtown Modesto features a Third Thursday Art Walk with local artists displaying art for sale, artist demos, and local gallery shows. Downtown Modesto is also home of the Modesto Historic Graffiti Cruise Route, the Legends of the Cruise Walk of Fame, and the Classic Community Mural series of large scale art celebrating the American Graffiti history which was immortalized in the award-winning film American Graffiti by native son and filmmaker, George Lucas.

The Gallo Center for the Arts is a community asset and state-of-the-art performing arts complex in the downtown area. It provides national and international entertainment, arts, multicultural programming and activities for the Central Valley region.

The City's annual Architectural Festival includes tours, exhibits and workshops to celebrate and heighten awareness of Modesto's architecture and architectural design history. Modesto's mid-century buildings have been featured four times in Museum of Modern Art publications.

Our Strategic Priorities

During 2016, the City updated its 2015-2018 Strategic Plan to incorporate input from newly elected Councilmembers and to reaffirm our strategic priorities. Our priorities bring the City's vision and values to life in our community and define our overall direction as a city. It also confirms our commitment to our citizens. While the priorities are individually important, they are also interconnected and cannot be addressed in isolation. In addition, they are the basis of our scorecard that measures success and upon which our performance metrics are built.

- **Healthy Economy and Great Quality of Life:** Increase the City's proactive economic development efforts by creating and preserving jobs, strengthening our economic base and enhancing the City's revenue base.

- **Vibrant Infrastructure and Sustainable Environment:** Strengthen and maintain a safe infrastructure of City roads, water supply, storm sewers, transit and airport needs for residents, businesses and visitors.

- **Great Safe Neighborhoods:** Explore new approaches to public safety, working in partnership with the community to reduce crime and maintain a safe and inviting community in which to live, work and play. Increase collaboration with neighborhoods and school districts to achieve quality of life improvements, and safe neighborhoods through supporting community self-reliance, problem solving and public/private partnerships.

- **Effective, Responsive and Transparent Government:** Enhance the organization's commitment to develop new and creative methods to leverage technology, market organization strengths and remain dedicated to seeking efficiencies and continuous improvement.

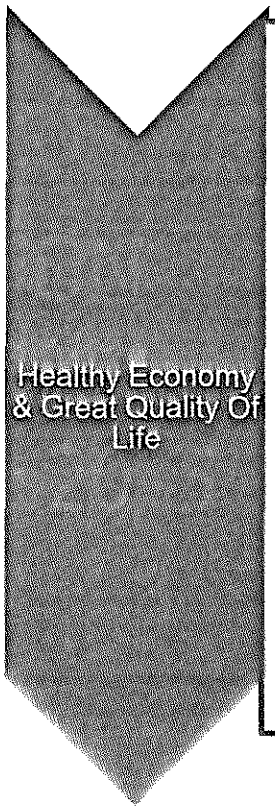
Long-Term Financial Planning

The City continues to refine its 10-year forecasting model and update estimates and assumptions used to project future operations. At the end of fiscal year 2015-16, General Fund Balance was as follows: Restricted and Nonspendable - $4.7 million; Committed - $3 million; Assigned - $6.5 million; and Unassigned $12.8 million. The Committed Fund Balance allows the City to respond to unplanned circumstances and maintain adequate working capital to meet its cash flow needs.

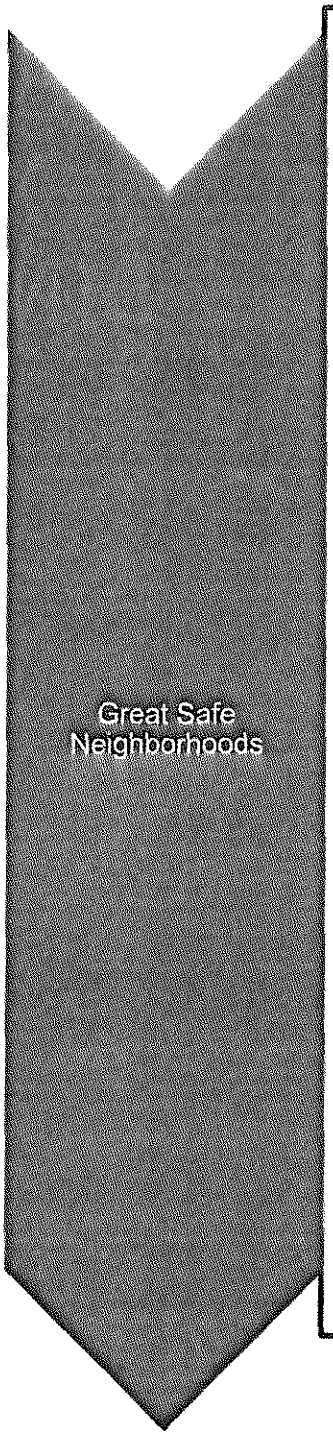
The City's long-term maintenance of a stable fund balance is a direct reflection of the Mayor and Council's leadership and prudent fiscal management.

SIGNIFICANT EVENTS and ACCOMPLISHMENTS

Local Initiatives and Accomplishments



- American Planning Association award for the City's Downtown Form Based Code
- Food Network star and celebrity chef Guy Fieri visits three Modesto locations for an episode of "Diners, Drive-Ins and Dives" including the Food Fix Truck (Chef Hank Olson), Bauer's 66 ½ Skillet & Grill, and Commonwealth Gastropub
- The Turlock/Modesto Branch of the American Association of University Women recognized the Docent Council for the McHenry Mansion for their outstanding work in preserving Modesto's heritage and presenting it to the community
- Noted by Streetsblog.org as a progressive bicycle friendly city that has been applying complete street principles on its roads
- Installation of 10th Street Improvements/Art Block Project
- Downtown Revitalization - Formation of the Downtown Community Benefit District
- Over 37,000 visitors attended Modesto On Ice skating rink
- Over 150,000 participants were served through Modesto's recreation and neighborhood programming
- More than 26,000 participants were served through the Modesto Senior Citizen Center's health and wellness programming as well as over 5,000 others who enjoyed free services such as meals, tax-preparation and special events
- Staff coordinated 1,567 volunteers to complete 11,200 hours of community service at a value of $307,645 to the City of Modesto



- Increased Neighborhood Watch Groups by 5%
- Increased Crime Free Multi-Housing properties by 10% along with the number of properties inspected
- Ranked 1st in California and 5th in the nation for areas with a population of 100,000 to 299,000 for participation in National Night Out with a total of 174 parties hosted in 2016
- Modesto Police Department (MPD) hosted 4 Town Hall Meetings, one for each area command as well as multiple Coffee with Cops events throughout the City
- Received a $50,000 grant to implement a field situational awareness technology platform to enable MFD and shared resource partners to aid in comprehensive resource allocation/tracking on multi-jurisdictional incidents
- Hired 8 new firefighter paramedics to further help Modesto Fire Department (MFD) in provide the most effective and efficient advanced life support to the community
- The Public Education Clown Program was expanded to two-weeks and reached 5,000 elementary students with important and fun fire and life safety information
- Taught hands-only CPR to 2,000 junior high school students in partnership with Modesto City Schools
- Placed two new Engines and one new Brush apparatus into service
- Expended $415,000 in one-time enhancement funds to aid in the deferred maintenance of our 11 fire stations
- Reoped Splash playgrounds during the hottest summer months
- Stanislaus County is ranked number 30 out of 3111 counties in the United States for "Natural aspects of attractiveness" according to the USDA
- Named a Tree City USA for 35 Years by the Arbor Day Foundation
- 2016 Outstanding Planning Award for Downtown Form-Based Zoning Code by APA California Central Section
- Tower Park Completed - a 50-unit affordable housing project restricted to seniors 55 years and over, earning 30% - 60% of the area median income
- "Tag We're On It" Program for Tagging Abatement Implemented
- Constructed a Class IV bicycle facility connecting Modesto Junior College East and West campuses. This project was featured on the cover of a brochure prepared by the California Bicycle Coalition
- The McHenry Mansion Docents funded an exhibit of clothing and accessories in the closet of Oramil McHenry's bedroom. Much of the clothing was purchased by the Mansion's Acquisitions Committee and covers the 1896-1906 period
- Recreation staff provided safe and educational after-school programing to an average of 1,100 students per day!
- 1,097 youth took swim lessons this year and another 4,085 swimmers took advantage of our public recreational swim program

Vibrant Infrastructure & Sustainable Environment

- Partnered with the McHenry Mansion Foundation on a Parks Project to install synthetic grass on the heavily shaded garden side of the Modesto Mansion. The turf is better suited to sustain high traffic and saves water
- The City has recently completed the Phase 2 BNR/Tertiary Treatment Facilities, which was built to produced recycled water to meet more stringent discharge requirements
- The City is now partnering with a local irrigation district interested in purchasing recycled water from the City, as part of the North Valley Regional Recycled Water Program. Construction is expected to be complete by December 2017
- Construction of the 6 million gallon North Tank is nearly completion. This will be the largest tank in the City's water system
- Construction started on the Tuolumne River Regional Park (TRRP) Gateway Parcel Phase 2 project which will complete the habitat restoration along the Tuolumne River at the Gateway Parcel and will add to the current trail system in TRRP

Effective Responsive & Transparent Government

- Provided staff support to the Mayor's 100 Day Review Committee as they examined City process for efficiencies and cost-saving reductions
- Prepared Action Plans to achieve recommendations from the Mayor's 100 Day Review Committee and updated the 2015-2018 Strategic Plan
- Launched the GoModesto mobile application in May 2016 with approximately 2,700 downloads and over 2,300 service request commmunications from users
- Redesigned the City's website with a July 2016 launch date
- Began implementation of a new budgeting software system which will allow the City to link its budget to performance metrics
- Began a reengineering of the City's purchasing processes in order to improve process flow and maximize efficiencies
- Prepared the City's first Popular Annual Financial Report and received a Certificate of Achievement for it from the Government Finance Officer's Association
- Selected to participate in Bloombergs' *What Works Cities Program* to improve the City's Open Data platform and enhance Performance and Analytics delivery to its citizens
- Ranked first in California and seventh nationwide in the Center for Digital Government's Digital Cities Award

Awards and Acknowledgments

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Modesto for its comprehensive annual financial report for the fiscal year ended June 30, 2015. This was the 32nd consecutive year that the government has achieved this prestigious award. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized comprehensive annual financial report. This report must satisfy both generally accepted accounting principles and applicable legal requirements.

A Certificate of Achievement is valid for a period of one year only. We believe that our current comprehensive annual financial report continues to meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

The Comprehensive Annual Financial Report (CAFR) is the result of the cooperative work of many people. We wish to convey our appreciation to all of the City departments and members of the Finance Department team who prepared and contributed to its successful completion. Without their hard work, this report would not be possible.

In addition, the City submitted and received award from the GFOA for its first ever Popular Annual Financial Report (PAFR) for fiscal year ended June 30, 2015. A PAFR presents financial information in a manner that appeals to the reader, is understandable and shows creativity and usefulness. The PAFR award is valid for one year and the City intends to again submit it 2016 PAFR to the GFOA for consideration.

Finally, we would like to express our appreciation to the City Council, City employees, and community for their leadership and support. We look forward to the next year's challenges and opportunities.

Respectfully submitted,

James N. Holgersson
City Manager

Gloriette Genereux
Director of Finance

Government Finance Officers Association

Certificate of Achievement for Excellence in Financial Reporting

Presented to

City of Modesto

California

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2015

Executive Director/CEO

CITY OF MODESTO ORGANIZATIONAL CHART

Legend

- *Elected*
- *Council Appointed*
- *City Manager Appointed*

CITIZENS OF MODESTO

CITY COUNCIL
Ted Brandvold, Mayor

Mani Grewal, District 1
Tony Madrigal, District 2
Kristi Ah You, District 3
Bill Zoslocki, District 4
Jenny Kenoyer, District 5
Doug Ridenour, Sr., District 6

CITY ATTORNEY
Adam Lindgren

CITY AUDITOR
Moss Adams

CITY CLERK
Stephanie Lopez

MODESTO CITY MANAGER
James N. Holgersson

DEPUTY CITY MANAGER OPERATIONS
Brent Sinclair

- **PUBLIC WORKS** — Bill Sandhu
- **UTILITIES** — Larry Parlin
- **PARKS, RECREATION & NEIGHBORHOODS** — Vacant
- **COMMUNITY & ECONOMIC DEVELOPMENT** — Cynthia Birdsill

Healthy Economy, Vibrant Infrastructure & Sustainable Environment

Neighborhood Engagement, Utility and Infrastructure Maintenance and Repair, Recycling and Waste Removal, Community Programming and Neighborhood Development, Environmental Compliance, Construction Management, Economic Development, Transportation Management , Land Acquisition and Development

- **POLICE DEPARTMENT** — Galen Carroll
- **FIRE DEPARTMENT** — Sean Slamon

Safe Neighborhoods

Emergency Service Calls, Dispatch, Rescue, Hazardous Materials Control, Fire Prevention, Safety Education, Crime Prevention and Mapping, Patrols, Traffic Enforcement, Gang Enforcement

DEPUTY CITY MANAGER SUPPORT
Joe Lopez

- **FINANCE** — Gloriette Genereux
- **HUMAN RESOURCES** — Vacant
- **INFORMATION TECHNOLOGY** — John Dickey
- **PUBLIC RELATIONS** — Amy Vickery
- **INNOVATION & PERFORMANCE MANAGEMENT**

Effective Responsive & Transparent Government

Driving Performance and Innovation, Recruitment and Testing, Customer Service Delivery, Innovation in Service delivery, Accessible Technology Implementation, Information Dissemination, Community Outreach

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FINANCIAL SECTION
DIVIDER

FINANCIAL SECTION

Independent Auditor's Report

City Council of the City of Modesto
Modesto, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Modesto, California (City), as of and for the fiscal year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of June 30, 2016, and the respective changes in financial position, and, where applicable, cash flows thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, schedule of changes in the net pension liability and related ratios, schedule of plan contributions, schedule of funding progress for OPEB, schedule of revenues – budget (GAAP basis) and actual – General Fund, schedule of expenditures by function – budget (GAAP basis) and actual – General Fund, and schedule of revenues, expenditures, and changes in fund balance – budget (GAAP basis) and actual – Housing and Community Development special revenue fund, as listed in the accompanying table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory section, the combining and individual fund statements and schedules, the statistical section, and the continuing disclosure section are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual fund statements and schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund statements and schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The introductory, statistical, and continuing disclosure sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated December 15, 2016 on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
December 15, 2016

Management's Discussion and Analysis

This section of the City of Modesto (City) comprehensive annual financial report presents a discussion and analysis of the City's financial performance during the fiscal year ended June 30, 2016. Please read it in conjunction with the transmittal letter at the front of this report and the basic financial statements following this section.

FINANCIAL HIGHLIGHTS

- The assets of the City exceeded liabilities at the close of the 2016 fiscal year by $978,430,122 (*total net position)*. Of this amount, $137,672,402 is restricted for a specific purpose (*restricted net position*), $921,708,464 is invested in capital assets, net of related debt and ($80,950,744) is unrestricted (*unrestricted net position)*.
- The City's total net position increased by $10,892,198 compared to the prior year. This increase is attributed to additions made to the City's infrastructure and improvements.
- As of June 30, 2016, the City's governmental funds reported combined fund balances of $117,053,754, an increase of $1,406,154 in comparison with the prior year. This increase is attributed to the beginning fund balance restated by $993,395 due to adjustments related to prior year. The current year change based on fiscal year 2015-16 activity resulted in an increase in fund balance of $412,759.
- Approximately 47.3% of the General fund balance of $12,822,134 is available to meet the City's current and future needs (*General Fund unassigned fund balance).*
- At the end of the fiscal year, the General Fund balance was $27,065,721 or 24.5% of total General Fund expenditures. Of this, $2,092,126 is the restricted fund balances. The unassigned fund balance of $12,822,134 represents 11.0% of total General Fund outflows. The City Council has adopted a goal of maintaining an 8% unassigned fund balance amount based on General Fund outflows.
- The City's total long-term liabilities showed a net decrease of $3,552,947 in comparison with the prior year. This decrease was attributed to the principal payments made during the fiscal year and the refunding of the Wastewater Revenue Bonds Series 2005 A and partially refund for the 2006A bonds.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis are intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements comprise three components 1) **Government-wide** financial statements; 2) **Fund** financial statements and 3) **Notes** to basic financial statements. Required Supplementary Information is included in addition to the basic financial statements.

Government-wide Financial Statements are designed to provide readers with a broad overview of City finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all City assets and liabilities, deferred outflows of resources and deferred inflow of resources, with the difference between the two reported as *net position.* Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The *statement of activities* presents information showing how net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave).

Both of these government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (*governmental activities)* from other functions that are intended to recover all or a portion of their costs through user fees and charges (*business-type activities).* The governmental activities of the City include general government, community development, highways and streets, public works, parks and recreation, and public safety. The business-type activities of the City include the Water, Sewer, Parking, Storm Drain, Compost, Airport, Bus, Golf, Community Center and Abatement and Public Nuisance operations.

Component units are included in our basic financial statements and consist of legally separate entities for which the City is financially accountable and that have substantially the same board as the City Council, or provide services entirely to the City or the City has operational responsibility for the entities. Examples are the Community Facilities Districts, Redevelopment Successor Agency of the City of Modesto and the Modesto Public Financing Authority.

The government-wide financial statements can be found on pages 19-21 of this report.

Fund Financial Statements are groupings of related accounts that are used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate finance-related legal compliance. All of the funds of the City can be divided into three categories: *governmental funds, proprietary funds* and *fiduciary funds*.

Governmental funds are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental funds financial statements focus on *near-term inflows* and *outflows of spendable resources,* as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating the City's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities.*

The City reports 16 individual governmental funds. Information is presented separately in the governmental funds balance sheet and in the governmental funds statement of revenues, expenditures and changes in fund balances for the General Fund and Housing and Community Development Fund. Data from the other governmental funds are combined into a single, aggregated presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of *combining statements* elsewhere in this report.

The governmental funds financial statements can be found on pages 22-25 of this report

Proprietary funds are maintained two ways. *Enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The City uses enterprise funds to account for its Water, Sewer, Parking, Storm Drain, Compost, Airport, Bus, Golf, Community Center and Abatement and Public Nuisance operations. *Internal service funds* are an accounting device used to accumulate and allocate costs internally among the City's various functions. The City uses internal service funds to account for its Fleet Management, Central Services, Information and Technology Services, Insurance, Employee Benefits Management and Building Services functions. Because these services predominantly benefit governmental rather than business-type functions, they have been included within *governmental activities* in the government-wide financial statements with the exception of portions of the net OPEB obligation and compensated absences that have been included within business-type activities. The rest of internal services benefiting business-type functions have been allocated as "internal balances".

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The Water, Sewer and Bus funds are considered to be major funds of the City. The City's six internal service funds are combined into a single, aggregated presentation in the proprietary funds financial statements. Individual fund data for the internal service funds is provided in the form of *combining statements* elsewhere in this report.

The proprietary funds financial statements can be found on pages 26-29 of this report.

Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support the City's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds except for agency funds.

The fiduciary fund financial statements can be found on page 30-31 of this report.

Notes to Basic Financial Statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes can be found on **pages 32-74** of this report.

Required Supplementary Information is also presented. The City adopts an annual appropriated budget. Budgetary comparison schedules for the major governmental funds have been provided to demonstrate compliance with this budget. This section also includes the schedules for net pension liability and OPEB.

Required supplementary information can be found on pages 77-85 of this report.

The *combining and individual fund statements and schedules* referred to earlier provide information for nonmajor governmental, enterprise and internal service funds and are presented immediately following the required supplementary information. Combining and individual fund statements and schedules can be found on **pages 90-123** of this report.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City, assets exceeded liabilities by $978,430,122 at the close of the most recent fiscal year.

Net Position

	Governmental activities		Business-type activities		Total	
	2016	2015	2016	2015	2016	2015
Current and other assets	$242,284,397	$248,979,362	$243,332,330	$257,455,772	$485,616,727	$506,435,134
Capital assets	421,005,457	418,803,027	854,078,506	841,130,531	1,275,083,963	1,259,933,558
Total assets	663,289,854	667,782,389	1,097,410,836	1,098,586,303	1,760,700,690	1,766,368,692
Deferred outflows of resources	29,527,963	23,792,551	49,190,388	40,254,775	78,718,351	64,047,326
Current and other liabilities	260,520,365	241,951,212	144,402,121	134,841,204	404,922,486	$376,792,416
Long-term liabilities	90,656,679	91,288,243	343,719,665	346,641,048	434,376,344	437,929,291
Total liabilities	351,177,044	333,239,455	488,121,786	481,482,252	839,298,830	814,721,707
Deferred inflows of resources	17,408,971	38,654,888	4,281,118	9,501,499	21,690,089	48,156,387
Net position:						
Net investment in capital assets	381,887,289	378,145,625	539,821,175	527,784,338	921,708,464	905,929,963
Restricted net position	115,619,807	121,105,182	22,052,595	20,622,619	137,672,402	141,727,801
Unrestricted net position	(173,275,294)	(179,570,210)	92,324,550	99,450,370	(80,950,744)	(80,119,840)
Total net position	$324,231,802	$319,680,597	$654,198,320	$647,857,327	$978,430,122	$967,537,924

The largest portion of the City's net position, $921,708,464 (94.2 percent), reflects its investment in capital assets (e.g. land, water rights, buildings, improvements, furnishings and equipment, buses and fare boxes, pipelines, and infrastructure), less any related debt used to acquire those assets that are still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are *not* available for

future spending. Although the City's investment in its capital assets is reported net of debt and related deferred outflows and inflows, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

Another significant portion of the City's net position represents *unrestricted net position* of ($80,950,744) (-8.3 percent).

The remaining balance of the City's net position of $137,672,402 (14.1 percent) represents resources that are subject to external restrictions on how they may be used.

The City's net position increased by $10,892,198 during the current fiscal year was largely due to the additions associated with the City's infrastructure and reduction on the City's long-term liabilities.

The long-term liabilities decrease was attributed to the principal payments of about $7.3 million made during the fiscal year and the refunding of the Wastewater Revenue Bonds Series 2005 A and partially refund for the 2006A bonds.

The following table indicates the changes in net position for governmental and business-type activities, as well as comparative data for the prior year:

Changes in Net Position

	Governmental activities		Business-type activities		Total	
	2016	2015	2016	2015	2016	2015
Revenues:						
Program revenues:						
Charges for services	$24,689,546	$23,226,339	$124,982,742	$127,236,623	$149,672,288	$150,462,962
Operating grants and contributions	3,630,185	5,862,566	14,153,568	14,223,954	17,783,753	20,086,520
Capital grants and contributions	1,708,602	5,878,550	4,753,223	13,820,127	6,461,825	19,698,677
General revenues:						
Taxes	54,965,459	52,619,101	206,854	237,546	55,172,313	52,856,647
Intergovernment revenue not restricted for specific purposes	65,234,052	83,094,795	-	-	65,234,052	83,094,795
Unrestricted investment earnings	582,565	564,314	2,247,061	554,180	2,829,626	1,118,494
Settlements and recoveries	-	-	-	13,851	-	13,851
Miscellaneous	2,440,696	2,281,008	1,368,761	1,214,729	3,809,457	3,495,737
Total revenues	153,251,105	173,526,673	147,712,209	157,301,010	300,963,314	330,827,683
Expenses:						
General government	12,838,583	12,085,051	-	-	12,838,583	12,085,051
Community development	12,552,115	11,888,475	-	-	12,552,115	11,888,475
Highways and streets	20,149,011	21,269,704	-	-	20,149,011	21,269,704
Public works	10,749,465	9,810,989	-	-	10,749,465	9,810,989
Parks and recreation	3,493,743	4,641,611	-	-	3,493,743	4,641,611
Public safety	86,907,876	86,782,741	-	-	86,907,876	86,782,741
Interest on long-term debt	2,691,894	3,204,203	-	-	2,691,894	3,204,203
Water	-	-	59,127,625	54,718,239	59,127,625	54,718,239
Sewer	-	-	33,093,921	30,281,361	33,093,921	30,281,361
Bus	-	-	19,709,745	18,614,175	19,709,745	18,614,175
Parking	-	-	1,625,943	1,513,185	1,625,943	1,513,185
Storm drain	-	-	5,312,896	3,913,204	5,312,896	3,913,204
Compost	-	-	11,998,345	7,841,048	11,998,345	7,841,048
Airport	-	-	1,787,081	2,025,146	1,787,081	2,025,146
Golf	-	-	3,130,536	2,998,505	3,130,536	2,998,505
Community center	-	-	1,981,307	1,852,585	1,981,307	1,852,585
Abatement and Pubic Nuisance	-	-	84,152	93,067	84,152	93,067
Total expenses	149,382,687	149,682,774	137,851,551	123,850,515	287,234,238	273,533,289

Changes in Net Position (cont'd)

	Governmental activities		Business-type activities		Total	
	2016	2015	2016	2015	2016	2015
Increase in net position before transfers	3,868,418	23,843,899	9,860,658	33,450,495	13,729,076	57,294,394
Transfers	(567,177)	(775,377)	567,177	775,377	-	-
Total transfers	(567,177)	(775,377)	567,177	775,377	-	-
Change in net position	3,301,241	23,068,522	10,427,835	34,225,872	13,729,076	57,294,394
Net position - beginning, as previously reported	319,680,597	434,379,349	647,857,327	675,271,738	967,537,924	1,109,651,087
Adjustment to reimbursement agreement	-	17,247,750	-	-	-	17,247,750
Adjustment to property held for resale	-	(784,000)	-	(630,000)	-	(1,414,000)
Adjustment to capital assets	256,569	(3,402,733)	(4,086,842)	(5,970,727)	(3,830,273)	(9,373,460)
Adjustment to unearned revenue and accruals	(190,305)	40,371,373	-	26,037	(190,305)	40,397,410
Adjustment to loans payable	1,183,700	-	-	-	1,183,700	-
Adjustment to compensated absences	-	2,330,638	-	-	-	2,330,638
Adjustment to pollution remediation liability	-	-	-	(20,903,557)	-	(20,903,557)
Adjustment for net pension liability	-	(193,530,302)	-	(38,945,215)	-	(232,475,517)
Adjustment for reimbursement related to MID	-	-	-	4,783,179	-	4,783,179
Net position - beginning, as restated	320,930,561	296,612,075	643,770,485	613,631,455	964,701,046	910,243,530
Net position - ending	$324,231,802	$319,680,597	$654,198,320	$647,857,327	$978,430,122	$967,537,924

Governmental activities. Governmental activities increased the City's net position by $4,551,205. This increase was mainly due to an increase in the governmental capital assets and the reduction in long-term liabilities associated with our revenue bonds, loans payable and capital leases. Taxes continue to increase slightly by $2.3 million compared to 2015 due to a continuous improvement in the economy. Charges for service revenues increased by $1.5 million mainly due to on-going efforts to promote the City of Modesto programs. Operating and capital grants contributions decreased due to several construction projects being completed in 2015. Intergovernmental revenue decreased due to a majority of the construction cost for the Pelandale Interchange project occurring in 2015.

Expenses in total were lower compared to the prior year by $300,087, or -0.2%, due mainly to continuous efforts to reduce departmental operational cost from position savings. Additionally, the volume of grant expense activity was significantly less compared to the prior year due to projects being completed.

Business-type activities. Business-type activities increased the City's net position by $6,340,993. This increase is attributed to a healthy net position in our Sewer Fund which generated an increase in net position by $19.2 million and increase in our business-type capital assets. The Sewer fund has been able to manage their operational revenues due to rate increases to ensure they meet the debt ratio requirements set by Council. The capital contributions decreased significantly due to major bus purchases made in 2015.

In the Water Fund, the net position decreased due to a restatement in net position for a correction in capitalized interest from the prior year. The other Enterprise funds had a decrease in net position due to accounting for a pollution remediation liability of $2.6 million associated with the Carpenter Road Landfill.

FINANCIAL ANALYSIS OF THE CITY'S FUNDS

As noted earlier, the City uses ***fund accounting*** to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The general government functions are contained in the general, special revenue, capital projects, and debt service funds. The focus of the City's *governmental funds* is to provide information on near-term inflows, outflows, and balances of *spendable* resources. Such information is useful in assessing the City's financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

At June 30, 2016, the City's governmental funds reported combined fund balances of $117,053,754 an increase of $1,406,154 from the prior year. This increase is attributed to the beginning fund balance restated by $993,395 due to adjustments related to prior year. The current year change resulted in an increase in fund balance of $412,759. The total unassigned fund balance for the governmental funds was $12,097,293, which includes a positive $12,822,134, which represents the General Fund unassigned fund balance that is available to meet the City's current and future needs. The remainder of fund balance is *nonspendable, restricted, committed and assigned* to indicate that it is *not* available for new spending because certain constraints have been placed on the use of the balances.

The General Fund is the chief operating fund of the City. At June 30, 2016, unassigned fund balance of the General Fund was $12,822,134 while total fund balance was $27,065,721. As a measure of the General Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 11.6% of total General Fund expenditures, while total fund balance represents 24.5% of that same amount. The prior year ratios were 13.6% and 23.2%, respectively.

The Housing and Community Development fund accounts for the grants and funds received to disburse for projects developed and administered under the Housing and Community Development Act. At June 30, 2016, total fund balance was $25,533,233, an increase of $3,480,806 from prior year. This increase is attributed to new program income received to fund future low income project activity.

Revenues of governmental funds totaled $159,658,987 in fiscal year 2015-16, which represents a decrease of $10,871,571 from fiscal year 2014-15.

Expenditures of governmental funds totaled $156,071,836 in fiscal year 2015-16, representing a decrease of $6,570,638 from fiscal year 2014-15.

The following table presents governmental fund revenues from various sources, with comparisons to the prior year:

Revenues Classified by Source – Governmental Funds

	FY 2016		FY 2015		Increase (Decrease)	
Revenues by Source	Amount	Percent	Amount	Percent	Amount	% Change
Taxes	$54,965,459	34.3%	$52,619,101	30.8%	$2,346,358	4.5%
Licenses and permits	186,624	0.1%	149,888	0.1%	36,736	24.5%
Intergovernmental	76,317,229	47.8%	88,906,770	52.1%	(12,589,541)	-14.2%
Charges for services	20,429,860	12.8%	22,337,357	13.1%	(1,907,497)	-8.5%
Special assessments	3,168,260	2.0%	1,924,623	1.1%	1,243,637	64.6%
Interest and rent	1,297,734	0.8%	957,846	0.6%	339,888	35.5%
Net increase (decrease) in fair value	102,422	0.1%	(320,398)	-0.2%	422,820	-132.0%
Fines and forfeits	904,802	0.6%	1,171,076	0.7%	(266,274)	-22.7%
Miscellaneous	2,286,597	1.5%	2,784,295	1.7%	(497,698)	-17.9%
Total	$159,658,987	100.0%	$170,530,558	100.0%	($10,871,571)	-6.4%

- Taxes – Revenues for property and business license taxes came in higher than the prior year due to an ongoing positive upturn in the economy and increased collection and compliance efforts by City staff.
- Intergovernmental – Revenues decreased by $12.6 million due to a majority of the construction cost for the Pelandale Interchange project occurring in 2015.
- Special Assessments – Revenues increased by $1.2 million due to increases to the assessed values for property values.
- Interest and rent – Revenues increased due to increases to our interest earnings based on improvements to our return on investment in the City's portfolio.

The following table presents expenditures by function compared to prior year amounts.

Expenditures by Function – Governmental Funds

	FY 2016		FY 2015		Increase (Decrease)	
Exp by Function	Amount	Percent	Amount	Percent	Amount	% Change
General government	$12,414,982	8.0%	$11,334,202	7.0%	$1,080,780	9.5%
Community development	12,453,678	8.0%	11,511,154	7.1%	942,524	8.2%
Highways and streets	8,498,783	5.4%	9,672,790	5.9%	(1,174,007)	-12.1%
Public works	10,393,169	6.7%	9,228,780	5.7%	1,164,389	12.6%
Parks and recreation	3,385,484	2.2%	4,212,301	2.6%	(826,817)	-19.6%
Public safety	84,022,670	53.8%	81,353,131	50.0%	2,669,539	3.3%
Capital outlay	19,817,025	12.7%	30,339,677	18.6%	(10,522,652)	-34.7%
Debt Service-principal retirement	2,345,362	1.5%	1,789,335	1.1%	556,027	31.1%
Debt Service-interest charges	2,043,278	1.3%	2,417,840	1.5%	(374,562)	-15.5%
Debt Service-other	697,405	0.4%	783,264	0.5%	(85,859)	-11.0%
Total	$156,071,836	100.0%	$162,642,474	100.0%	($6,570,638)	-4.0%

The following provides an explanation of the expenditures by function that changed significantly over the prior year:

- Public Works – Expenditures increased by $1,164,389 or 12.6% due to increase cost associated with parks maintenance and restructuring of a Public Work administration division.

- Parks and recreation – Expenditures decreased by $826,817 or 19.6% over the prior year, due to the position vacancy savings and re-organizational structure changes from various public buildings such as McHenry Museum and Mansion moving to Community Development.

- Public safety –Expenditures increased by $2,669,539 or 3.3% over the prior year, due to an increase of expenses for police services. These increases were attributed to continuous increases to workers' compensation cost for police, information technology and police equipment and salary and benefit increase for the police department.

- Capital outlay –Expenditures decreased by $10,522,652 or 34.7% reflects a majority of the construction cost associated with the new Pelandale Interchange project occurring in FY 2014-15.

Other financing sources and uses are presented below to illustrate changes from the prior year:

			Increase/(Decrease)	
	FY 2016	FY 2015	Amount	Percent
Transfers in	$6,960,425	$8,157,278	($1,196,853)	-14.7%
Transfers out	(10,572,346)	(10,682,539)	110,193	-1.0%
Capital leases	330,947	1,070,472	(739,525)	-69%
Sale of assets	106,582	94,489	12,093	100.0%
Net financing (uses)	($3,174,392)	($1,360,300)	($1,814,092)	133.4%

Transfers - The City uses interfund transfers to: (1) move resources from a fund to other funds that will utilize them in accordance with statutory and budgetary requirements, (2) utilize unrestricted resources collected in the General Fund to help finance various programs and capital projects accounted for in other funds in accordance with budgetary authorization, and (3) move cash to pay debt service to the funds that are responsible for payment as those payments become due.

- The net transfers in/out *from* governmental funds for 2016 were $(3,611,921) compared to $(2,525,261) in the prior year. This net transfer is *to* various City funds including transferring funds from the General Fund, Capital Facility Fee funds and the Public Financing Authority to cover the debt service payments and various transfers to cover City grant matches.

Debt transactions – A lease was issued in 2016 for the acquisition of one Pierce 4X4 Freightliner Wildland pumper in the amount of $330,947 under a capital lease agreement.

The fund balance of the City's General Fund increased by $2,246,221 during the fiscal year. This result is consistent with the City Council's budgetary direction to reduce spending and identify additional revenue sources that would allow the General Fund to retain an unrestricted reserve that meets the City Council's adopted 8% unassigned fund balance amount based on General Fund outflows.

Proprietary funds. The City's proprietary fund disclosures provide the same type of information found in the government-wide financial statements, but in more detail.

The following table shows actual revenues, expenses and results of operations of enterprise funds for the current fiscal year:

	Major Funds			Nonmajor Funds	
	Water	Sewer	Bus	Other	Total
Operating revenues	$55,094,860	$46,304,239	$3,352,615	$17,777,914	$122,529,628
Operating expenses	(54,401,134)	(31,513,657)	(19,170,860)	(25,383,773)	(130,469,424)
Operating income (loss)	693,726	14,790,582	(15,818,245)	(7,605,859)	(7,939,796)
Nonoperating revenues (expenses), net	(1,302,864)	2,511,696	12,896,349	1,408,837	15,514,018
Income (loss) before capital contributions and transfers	(609,138)	17,302,278	(2,921,896)	(6,197,022)	7,574,222
Contributions and transfers	(528,114)	1,850,232	69,231	3,929,051	5,320,400
Changes in net position	($1,137,252)	$19,152,510	($2,852,665)	($2,267,971)	$12,894,622

The Water fund did not have a CPI increase and the Sewer fund had a rate increase of 3.1% in fiscal year 2015-16. The Water fund continues to have a decline in revenue due to the drought conservation efforts in California. With the water drought, if metered rates drop, there will be a corresponding drop in sewer revenues from the City's commercial and industrial customers as part of the metered water consumed but due to the Sewer rate increases the revenues were higher by $1,067,348.

A pollution remediation liability was reported for the Water and Sewer fund in the amounts of $8,998,408 and $10,210,999 based on net recoveries the City has received from various settlements. Additional information regarding these liabilities can be found under Note II-M.

GENERAL FUND BUDGETARY HIGHLIGHTS

Budget to actual information for the General Fund is presented as Required Supplementary Information, beginning on **page 81-82** of this report.

While the City Council amended the budget several times through the year, the differences between the original budget and the final amended budget for the General Fund were increased overall mainly due to an increase in taxes, intergovernmental revenue, and miscellaneous revenue. The estimated revenues increased about $1,245,214 while total appropriations were increased $3,202,172. These amendments were to adjust the actual beginning balances and carryovers after closing the prior fiscal year, and to reflect adjustments to current estimates based on the periodic monitoring of revenue and expenditures throughout the year.

Revenues came in $3,952,062 more than final estimates. Variances in Business Taxes $688,291, Franchise Taxes $986,658, In-lieu sales taxes $1,638,425, Other Intergovernmental $1,023,276, and Miscellaneous Revenue $988,936 were due to an increase in collection and compliance efforts and the insurance and recovery reimbursements.

Expenditures, overall, were $6,180,201 under budget, primarily due to efforts of departments to realize savings, and certain purchases being deferred to future periods.

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital assets

The City's investment in capital assets for its governmental and business-type activities as of June 30, 2016, amounted to $1,275,083,963 (net of accumulated depreciation). The total increase in the City's investment in capital assets compared to 2015 was 1.0%.

Capital assets net of depreciation, for the governmental and business-type activities are presented below to illustrate changes from the prior year.

	Governmental		Business-type		Total		Increase (decrease) Percent	
	2016	2015	2016	2015	2016	2015	Change	$ Change
Land	$33,219,069	$33,123,493	$33,515,655	$31,102,451	$66,734,724	$64,225,944	4%	$2,508,780
Capitalized interest	-	-	9,223,227	14,284,878	9,223,227	14,284,878	-35%	(5,061,651)
Buildings	14,603,828	15,277,849	40,330,338	42,830,095	54,934,166	58,107,944	-6%	(3,173,778)
Improvements	57,067,075	50,396,012	143,743,848	142,808,165	200,810,923	193,204,177	4%	7,606,746
Furnishings and equipment	3,330,779	3,632,117	5,204,484	4,587,762	8,535,263	8,219,879	4%	315,384
Intangible assets	4,022,157	4,483,709	155,976	23,464	4,178,133	4,507,173	-7%	(329,040)
Equipment pool	13,053,646	11,708,692	-	-	13,053,646	11,708,692	12%	1,344,954
Service animals	25,844	26,809	-	-	25,844	26,809	-4%	(965)
Water rights	-	-	286,581,352	298,522,242	286,581,352	298,522,242	-4%	(11,940,890)
Streets	211,616,811	215,037,817	-	-	211,616,811	215,037,817	-2%	(3,421,006)
Signalization	5,043,639	3,702,835	-	-	5,043,639	3,702,835	36%	1,340,804
Bridges	29,947,394	20,097,532	-	-	29,947,394	20,097,532	49%	9,849,862
Buses & fareboxes	25,103	-	14,192,976	12,453,248	14,218,079	12,453,248	14%	1,764,831
Pipelines	-	-	119,208,492	113,970,684	119,208,492	113,970,684	5%	5,237,808
Construction in progress	49,050,112	61,316,162	201,922,158	180,547,542	250,972,270	241,863,704	4%	9,108,566
Total	$421,005,457	$418,803,027	$854,078,506	$841,130,531	$1,275,083,963	$1,259,933,558	1%	$15,150,405

Major capital asset events during the current fiscal year included the following:

- Infrastructure – Some major construction projects were completed related to the LED street light upgrade, road improvements, and Carpenter Road bridge improvements.
- Buses and fareboxes - New bus enhancements to existing buses were made in fiscal year 2015-16.
- Construction in progress – New water construction projects related to improvements to our waters system were made in fiscal year 2015-16.

The City's infrastructure assets are recorded at historical cost in the government-wide financial statements. Depreciation expense is recorded using the straight-line method, based on estimated useful life of the asset. Additional information on the City's capital assets can be found in note II-B on pages **45-46** of this report.

The City had major capital commitments for contracts awarded for various construction projects. As of June 30, 2016, there were major contracts awarded for water, sewer system improvements, enhancements to bus and vehicle purchases, the Pelandale interchange reconstruction, and major street and street lighting improvements throughout the City in the amount of $12.4 million for governmental funds. Additional information on the City's commitments can be found in note III-D on page **63** of this report.

Long-term debt

At June 30, 2016, the City had total long-term liabilities outstanding of $434,376,344 net of unamortized discounts and premiums, as compared to $437,929,291in the prior year. This amount was comprised of $56,305,000 of lease revenue bonds, $48,330,053 of certificates of participation, $33,945,516 of revenue bonds payable, $132,375,084 of reimbursement agreement related to Modesto Irrigation District bonds, $8,789,950 of estimated compensated absences, $23,596,531 of claims liability, $126,285,704 of loans payable, $1,238,449 of developer advances, $942,057 of capital leases, and $2,568,000 of notes payable.

Overall, the long-term debt decreased was mainly due to the principal payments made during the fiscal year and the refunding of the Wastewater Revenue Bonds Series 2005 A and partially refund for the 2006A bonds. Additional information on the City's long-term debt can be found in Note II-C on pages **47-56** of this report.

The City maintains a current bond rating for the various bonds listed below.

BONDS	Moody's Rating	S & P Rating	Fitch Rating
1993 Golf Certificates of Participation		AA-	
Wastewater Revenue Bonds, Series 2006A	A2	AA	AA-
2008 Lease Revenue Bonds		A/A-1	A+
2008 Water Certificates of Participation	Aa1	AA+/A-1	

Modesto maintains an Employee Benefits internal service fund (EBF) to pay a portion of retiree health benefits and other employee related expenses. As of June 30, 2016, the net OPEB obligation amounts to approximately $56.2 million. This contributes significantly to the Employee Benefit Fund's $55.1 million deficit net position. Additional information on the City's EBF can be found in Notes II-H, III-F and III-G.

Economic Factors and Next Year's Budget and Rates

- *Consumer Price Index* – Growth in the CPI has been relatively stable during the past ten years and serves as a measure for the growth in the cost for supplies and services used by the City. In the fiscal year ended June 30, 2016, the CPI-Western Urban Index increased by 1.7%.

- *Utility Service Charges* - Water and Sewer utility rates have a 25.0% and 6.0% scheduled rate increase for fiscal year 2016-17. For the Water and Sewer utility rates, these planned rate increases was effective on July 1, 2016. These rate increases will be used to assist with maintaining the debt coverage ratio requirements and related capital improvements for the utility funds.

All of these factors were considered in preparing the City's budget for fiscal year 2016-17.

During the current fiscal year, fund balance in the General Fund increased by $2,246,221, to $27,065,721, which represents 23.2% of total General Fund outflows which exceeds the City Council's target value of 8% unassigned fund balance amount based on General Fund outflows. The budget adopted for fiscal year 2016-17 reflects a planned reduction in the reserve level on a temporary basis, from 8% to a flat reserve amount of $7 million. This amount is reported as part of the unassigned fund balance.

Requests for Information

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the City's financial condition. Questions concerning any of the information provided in this report and requests for additional financial information should be addressed to the City of Modesto, Attention: Finance Department, P.O. Box 642, Modesto, CA 95353.

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BASIC FINANCIAL STATEMENTS

STATEMENT OF NET POSITION
JUNE 30, 2016

	Governmental Activities	Business-type Activities	Total
ASSETS			
Cash and cash equivalents	$ 63,071,635	$ 172,690,709	$ 235,762,344
Accounts receivable, net	1,921,575	1,443,352	3,364,927
Interest receivable	342,096	461,266	803,362
Utility billings receivable, net	807,115	10,711,148	11,518,263
Taxes receivable	16,479,342	-	16,479,342
Due from governments, net	9,480,814	9,654,191	19,135,005
Prepaid expenses	548,577	2,604,082	3,152,659
Internal balances	3,837,081	(3,837,081)	-
Inventories	333,239	36,420	369,659
Investments in joint ventures	10,206,026	-	10,206,026
Restricted assets:			
Cash and cash equivalents	58,687,579	24,394,528	83,082,107
Cash and cash equivalents with fiscal agent	5,561,794	25,173,715	30,735,509
Reimbursement agreement	16,328,450	-	16,328,450
Notes and loan receivable, net	54,679,074	-	54,679,074
Capital assets:			
Land and construction in progress	82,269,181	235,437,813	317,706,994
Other capital assets, net of accumulated depreciation	338,736,276	618,640,693	957,376,969
Total assets	663,289,854	1,097,410,836	1,760,700,690
DEFERRED OUTFLOWS OF RESOURCES			
Deferred pensions	16,116,338	2,960,766	19,077,104
Loss on refunding	-	1,006,949	1,006,949
Accumulated decrease in fair value of hedging derivatives	13,411,625	45,222,673	58,634,298
Total deferred outflows of resources	29,527,963	49,190,388	78,718,351
Total assets and deferred outflows of resources	692,817,817	1,146,601,224	1,839,419,041
LIABILITIES			
Accounts payable	9,694,298	10,790,460	20,484,758
Accrued salaries and benefits	2,280,862	699,190	2,980,052
Approved loans payable	2,573,464	-	2,573,464
Interest payable	37,623	215,305	252,928
Unearned revenue	3,270,971	8,649,641	11,920,612
Refundable deposits	3,589,749	2,341,933	5,931,682
Derivative instrument - interest swap	13,411,625	45,222,673	58,634,298
Pollution remediation liability	-	21,809,407	21,809,407
Net OPEB obligation	37,247,217	18,944,114	56,191,331
Net pension liability	188,414,556	35,729,398	224,143,954
Long-term liabilities:			
Due within one year	10,218,816	13,151,781	23,370,597
Due in more than one year	80,437,863	330,567,884	411,005,747
Total liabilities	351,177,044	488,121,786	839,298,830
DEFERRED INFLOWS OF RESOURCES			
Deferred pensions	17,408,971	4,281,118	21,690,089
Total liabilities and deferred inflows of resources	368,586,015	492,402,904	860,988,919
NET POSITION			
Net investment in capital assets	381,887,289	539,821,175	921,708,464
Restricted for:			
Capital projects	46,682,558	-	46,682,558
Housing and community development	53,961,126	-	53,961,126
Other purposes	14,976,123	22,052,595	37,028,718
Unrestricted	(173,275,294)	92,324,550	(80,950,744)
Total net position	$ 324,231,802	$ 654,198,320	$ 978,430,122

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF ACTIVITIES
FISCAL YEAR ENDED JUNE 30, 2016

FUNCTIONS/PROGRAMS:	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Program Revenues: Capital Grants and Contributions
Governmental activities:				
General government	$ 12,838,583	$ 6,539,908	$ -	$ -
Community development	12,552,115	6,885,850	2,792,292	-
Highways and streets	20,149,011	1,154,290	-	1,636,078
Public works	10,749,465	5,469,419	-	-
Parks and recreation	3,493,743	771,733	-	72,524
Public safety	86,907,876	3,868,346	837,893	-
Interest on long-term debt	2,691,894	-	-	-
Total governmental activities	149,382,687	24,689,546	3,630,185	1,708,602
Business-type activities:				
Water	59,127,625	55,992,533	149,322	-
Sewer	33,093,921	47,859,680	619,052	2,072,601
Bus	19,709,745	3,352,615	12,904,371	1,046,883
Parking	1,625,943	1,289,211	-	-
Storm drain	5,312,896	5,588,169	-	-
Compost	11,998,345	7,352,767	288,944	-
Airport	1,787,081	622,383	191,879	1,633,739
Golf	3,130,536	2,431,904	-	-
Community center	1,981,307	326,839	-	-
Abatement and public nuisance	84,152	166,641	-	-
Total business-type activities	137,851,551	124,982,742	14,153,568	4,753,223
Total	$ 287,234,238	$ 149,672,288	$ 17,783,753	$ 6,461,825
General revenues:				
Taxes:				
Utility users tax				
Property taxes, levied for general purposes				
Property taxes, generated by and allocated to the airport				
Transient occupancy tax				
Franchise tax				
Business license tax, levied for general purposes				
Business license tax, levied for downtown improvement district				
Intergovernmental revenue:				
Sales tax (state appropriation)				
Motor vehicle license fee				
Gas tax funding				
Community facilities district fees				
Special assessments, levied				
Other				
Unrestricted investment earnings				
Miscellaneous				
Transfers, net				
Total general revenues and transfers				
Changes in net position				
Net position, July 1				
Prior year adjustments				
Net position, June 30				

The notes to basic financial statements are an integral part of this statement.

Net (Expense) Revenue and Changes in Net Position		
Governmental Activities	Business-type Activities	Total
$ (6,298,675)	$ -	$ (6,298,675)
(2,873,973)	-	(2,873,973)
(17,358,643)	-	(17,358,643)
(5,280,046)	-	(5,280,046)
(2,649,486)	-	(2,649,486)
(82,201,637)	-	(82,201,637)
(2,691,894)	-	(2,691,894)
(119,354,354)	-	(119,354,354)
-	(2,985,770)	(2,985,770)
-	17,457,412	17,457,412
-	(2,405,876)	(2,405,876)
-	(336,732)	(336,732)
-	275,273	275,273
-	(4,356,634)	(4,356,634)
-	660,920	660,920
-	(698,632)	(698,632)
-	(1,654,468)	(1,654,468)
-	82,489	82,489
-	6,037,982	6,037,982
(119,354,354)	6,037,982	(113,316,372)
19,564,921	-	19,564,921
14,552,304	-	14,552,304
-	206,854	206,854
2,523,087	-	2,523,087
6,194,733	-	6,194,733
11,944,291	-	11,944,291
186,123	-	186,123
29,878,815	-	29,878,815
14,548,427	-	14,548,427
4,533,572	-	4,533,572
3,829	-	3,829
3,168,260	-	3,168,260
13,101,149	-	13,101,149
582,565	2,247,061	2,829,626
2,440,696	1,368,761	3,809,457
(567,177)	567,177	-
122,655,595	4,389,853	127,045,448
3,301,241	10,427,835	13,729,076
319,680,597	647,857,327	967,537,924
1,249,964	(4,086,842)	(2,836,878)
$ 324,231,802	$ 654,198,320	$ 978,430,122

CITY OF MODESTO
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	General	Housing and Community Development	Other Governmental	Total Governmental
ASSETS				
Cash and cash equivalents	$ 9,223,485	$ 3,283,273	$ 12,460,356	$ 24,967,114
Receivables:				
Accounts, net	324,997	23,674	89,323	437,994
Interest	67,508	2,430	124,518	194,456
Utilities, net	807,115	-	-	807,115
Taxes	16,135,237	-	344,105	16,479,342
Due from governments	778,346	408,053	8,275,572	9,461,971
Due from other funds	5,277,977	-	-	5,277,977
Prepaid expenditures	179,831	1,546	84,696	266,073
Advances to other funds	2,467,861	-	-	2,467,861
Restricted assets:				
Cash and cash equivalents	2,092,126	-	47,193,984	49,286,110
Cash and cash equivalents with fiscal agent	-	-	5,556,724	5,556,724
Notes receivable, net	-	52,397,895	2,281,179	54,679,074
Total assets	$ 37,354,483	$ 56,116,871	$ 76,410,457	$ 169,881,811
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES				
Liabilities:				
Accounts payable	$ 3,583,333	$ 135,504	$ 2,703,482	$ 6,422,319
Accrued salaries and benefits	1,921,342	12,532	196,543	2,130,417
Accrued interest payable	-	7,699	3,965	11,664
Approved loans payable	-	1,998,464	-	1,998,464
Due to other funds	-	-	4,935,597	4,935,597
Unearned revenue	275,056	-	2,938,797	3,213,853
Refundable deposits	3,577,293	-	12,456	3,589,749
Advances from other funds	931,738	-	1,164,817	2,096,555
Total liabilities	10,288,762	2,154,199	11,955,657	24,398,618
Deferred inflows of resources:				
Unavailable revenue	-	28,429,439	-	28,429,439
Fund balances:				
Nonspendable	2,647,692	1,546	84,696	2,733,934
Restricted	2,092,126	25,531,687	55,031,887	82,655,700
Committed	3,000,000	-	-	3,000,000
Assigned	6,503,769	-	10,063,058	16,566,827
Unassigned	12,822,134	-	(724,841)	12,097,293
Total fund balances	27,065,721	25,533,233	64,454,800	117,053,754
Total liabilities, deferred inflows of resources, and fund balances	$ 37,354,483	$ 56,116,871	$ 76,410,457	$ 169,881,811

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS TO THE STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

Total fund balances - total governmental funds		$ 117,053,754
Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the governmental funds.		
General capital assets:		
Nondepreciable	$ 80,061,306	
Depreciable	153,938,897	
Accumulated depreciation on general capital assets	(78,119,309)	
Infrastructure:		
Depreciable	566,918,863	
Accumulated depreciation on infrastructure	(320,311,020)	402,488,737
Other long-term assets are not available to pay for current-period expenditures and, therefore, are:		
Deferred in the governmental funds	$ 28,429,439	
Reimbursement agreement with Successor Agency	16,328,450	
Investments in joint ventures	10,206,026	54,963,915
Derivative instruments:		
Rate swaps are not reported in governmental funds.	$ (13,411,625)	
Deferred outflows of resources used to accumulate decreases in fair value of hedging derivatives also are not reported in governmental funds.	13,411,625	-
Internal service funds are used by management to charge the costs of activities to individual funds. The assets, liabilities, and deferred inflows of resources of internal service funds are included in governmental activities in the statement of net position.		(8,314,318)
Deferred outflows and inflows of resources for pension items in governmental activities are not financial resources and, therefore, are not reported in the governmental funds.		
Deferred outflows of resources	$ 15,437,648	
Deferred inflows of resources	(16,312,713)	(875,065)
Some liabilities, are not due and payable in the current period and therefore are not reported in the funds.		
Approved loans payable	$ (575,000)	
Net pension liability	(180,170,843)	
Bonds payable, and other long-term debt	(60,313,419)	
Accrued interest	(25,959)	(241,085,221)
Net position of governmental activities		$ 324,231,802

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	General	Housing and Community Development	Other Governmental	Total Governmental
REVENUES:				
Taxes	$ 53,643,145	$ -	$ 1,322,314	$ 54,965,459
Licenses and permits	100,924	-	85,700	186,624
Intergovernmental	48,105,209	4,980,896	23,231,124	76,317,229
Charges for services	13,132,794	-	7,297,066	20,429,860
Special assessments levied	-	-	3,168,260	3,168,260
Interest and rent	707,767	217	589,750	1,297,734
Net increase in fair value of investments	30,505	36	71,881	102,422
Fines and forfeits	452,235	-	452,567	904,802
Miscellaneous	1,732,673	2,000	551,924	2,286,597
Total revenues	117,905,252	4,983,149	36,770,586	159,658,987
EXPENDITURES:				
Current:				
General government	12,163,866	-	251,116	12,414,982
Community development	6,041,659	2,328,642	4,083,377	12,453,678
Highways and streets	-	-	8,498,783	8,498,783
Public works	6,210,676	-	4,182,493	10,393,169
Parks and recreation	3,104,742	-	280,742	3,385,484
Public safety	81,704,702	-	2,317,968	84,022,670
Capital outlay	714,410	1,015	19,101,600	19,817,025
Debt service:				
Principal retirement	459,362	221,000	1,665,000	2,345,362
Interest	23,615	115,657	1,904,006	2,043,278
Other	-	-	697,405	697,405
Total expenditures	110,423,032	2,666,314	42,982,490	156,071,836
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	7,482,220	2,316,835	(6,211,904)	3,587,151
OTHER FINANCING SOURCES (USES):				
Transfers in	551,992	41,457	6,366,976	6,960,425
Transfers out	(6,222,300)	(64,406)	(4,285,640)	(10,572,346)
Capital leases	330,947	-	-	330,947
Sale of assets	103,362	3,220	-	106,582
TOTAL OTHER FINANCING SOURCES (USES)	(5,235,999)	(19,729)	2,081,336	(3,174,392)
CHANGES IN FUND BALANCES	2,246,221	2,297,106	(4,130,568)	412,759
FUND BALANCES, JULY 1	24,819,500	22,052,427	68,775,673	115,647,600
PRIOR PERIOD ADJUSTMENTS	-	1,183,700	(190,305)	993,395
FUND BALANCES, JUNE 30	$ 27,065,721	$ 25,533,233	$ 64,454,800	$ 117,053,754

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES -GOVERNMENTAL ACTIVITIES
FISCAL YEAR ENDED JUNE 30, 2016

Net change in fund balances - total governmental funds		$ 412,759
Amounts reported for governmental activities in the statement of activities are different because:		
Governmental funds report capital outlay as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.		
Capital outlay	$ 19,817,025	
Depreciation expense	(17,843,971)	1,973,054
In the statement of activities, only the gain or loss on the sales of capital assets is reported, whereas in the governmental funds, the proceeds from such sales increase financial resources. Thus, the change in net position differs from the change in fund balances by the cost of the assets sold.		47,517
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.		
Change in unearned revenues	$ (5,340,472)	
Change in investments in joint ventures	(1,512,336)	(6,852,808)
Recognition of Successor Agency annual payment for their Reimbursement Agreement receivable associated with long-term debt.		(482,850)
The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position.		
Principal retirement	$ 2,345,362	
Proceeds of long-term debt	(330,947)	2,014,415
Some expenses reported in the statement of activities require the use of current financial resources and therefore are not reported as expenditures in governmental funds.		
Change in accrued interest	$ 48,789	
Pension expense associated with net pension liability	4,190,263	4,239,052
Revenues in the governmental funds provide current financial resources which are not reported as revenue with the governmental activities.		
Principal income associated with housing loans		325,569
Internal service funds are used by management to charge the costs of certain activities to individual funds. The net revenue (expense) of internal service funds is reported with governmental activities.		1,624,533
Change in net position of governmental activities		$ 3,301,241

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF NET POSITION - PROPRIETARY FUNDS
JUNE 30, 2016

	Enterprise					
	Water	Sewer	Bus	Other Enterprise	Total Enterprise	Internal Service
ASSETS						
Current assets:						
Cash and cash equivalents	$ 64,410,950	$ 82,488,496	$ 8,743,727	$ 17,047,536	$ 172,690,709	$ 38,104,521
Receivables:						
Accounts, net	13,646	75,405	70,660	1,283,641	1,443,352	1,483,581
Interest	179,493	221,462	17,411	42,900	461,266	147,640
Utilities, net	5,928,897	4,005,477	-	776,774	10,711,148	-
Prepaid expenses	2,486,845	36,149	16,810	64,278	2,604,082	282,504
Due from governments	128,364	5,660,105	2,504,287	1,361,435	9,654,191	18,843
Inventories	-	95	-	36,325	36,420	333,239
Total current assets	73,148,195	92,487,189	11,352,895	20,612,889	197,601,168	40,370,328
Noncurrent assets:						
Advances to other funds	171,660	923,400	-	-	1,095,060	781,738
Restricted cash and cash equivalents	10,110,512	14,284,016	-	-	24,394,528	9,401,469
Restricted cash and cash equivalents with fiscal agent	23,073,137	1,473,436	-	627,142	25,173,715	5,070
Land and construction in progress	52,736,041	164,768,751	4,777,335	13,155,686	235,437,813	2,207,875
Other capital assets, net of accumulated depreciation	396,539,964	153,827,597	34,649,044	33,624,088	618,640,693	16,308,845
Total noncurrent assets	482,631,314	335,277,200	39,426,379	47,406,916	904,741,809	28,704,997
Total assets	555,779,509	427,764,389	50,779,274	68,019,805	1,102,342,977	69,075,325
DEFERRED OUTFLOWS OF RESOURCES						
Deferred pensions	1,105,414	1,068,948	178,451	607,953	2,960,766	678,690
Loss on refunding	451,547	555,402	-	-	1,006,949	-
Accumulated decrease in fair value of hedging derivatives	45,222,673	-	-	-	45,222,673	-
Total deferred outflows of resources	46,779,634	1,624,350	178,451	607,953	49,190,388	678,690
Total assets and deferred outflows of resources	$ 602,559,143	$ 429,388,739	$ 50,957,725	$ 68,627,758	$ 1,151,533,365	$ 69,754,015
LIABILITIES						
Current liabilities:						
Accounts payable	$ 2,600,984	$ 2,867,069	$ 2,368,848	$ 2,953,559	$ 10,790,460	$ 3,271,979
Accrued salaries and benefits	256,419	241,569	39,884	161,318	699,190	150,445
Interest payable	3,973	184,165	-	27,167	215,305	-
Due to other funds	-	-	-	342,380	342,380	-
Current portion - compensated absences	-	-	-	-	-	3,453,298
Current portion - claims liability	-	-	-	-	-	5,033,143
Current portion - long-term debt	4,709,532	7,206,419	-	340,000	12,255,951	-
Current portion - developer advances	93,112	-	-	-	93,112	-
Unearned revenue	-	976,948	7,251,243	421,450	8,649,641	57,118
Total current liabilities	7,664,020	11,476,170	9,659,975	4,245,874	33,046,039	11,965,983
Noncurrent liabilities:						
Payable from restricted assets - refundable deposits	1,312,009	1,029,924	-	-	2,341,933	-
Advances from other funds	-	-	-	2,248,104	2,248,104	-
Compensated absences	-	-	-	-	-	5,336,652
Claims liability	-	-	-	-	-	18,563,388
Derivative instrument - interest swap	45,222,673	-	-	-	45,222,673	-
Pollution remediation liability	8,998,408	10,210,999	-	2,600,000	21,809,407	-
Net OPEB obligation	-	-	-	-	-	56,191,331
Net pension liability	13,375,005	12,889,654	2,149,389	7,315,350	35,729,398	8,243,713
Long-term debt:						
Reimbursement agreement related to MID debt	128,055,084	-	-	-	128,055,084	-
Revenue bonds payable	-	31,595,489	-	-	31,595,489	-
Loans payable	451,547	120,454,871	-	-	120,906,418	-
Certificates of participation	44,705,053	-	-	2,920,000	47,625,053	-
Developer advances	1,145,337	-	-	-	1,145,337	-
Total noncurrent liabilities	243,265,116	176,180,937	2,149,389	15,083,454	436,678,896	88,335,084
Total liabilities	250,929,136	187,657,107	11,809,364	19,329,328	469,724,935	100,301,067
DEFERRED INFLOWS OF RESOURCES						
Deferred pensions	1,674,119	1,524,191	249,231	833,577	4,281,118	1,096,258
NET POSITION						
Net investment in capital assets	294,879,473	161,368,407	39,426,379	44,146,916	539,821,175	18,516,720
Restricted for other purposes	8,798,503	13,254,092	-	-	22,052,595	9,401,469
Unrestricted	46,277,912	65,584,942	(527,249)	4,317,937	115,653,542	(59,561,499)
Total net position	349,955,888	240,207,441	38,899,130	48,464,853	677,527,312	(31,643,310)
Total liabilities, deferred inflows of resources, and net position	$ 602,559,143	$ 429,388,739	$ 50,957,725	$ 68,627,758		$ 69,754,015
Adjustment to reflect the consolidation of internal service fund activities					(23,328,992)	
Net position of business-type activities					$ 654,198,320	

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF REVENUES, EXPENSES, AND CHANGES
IN FUND NET POSITION - PROPRIETARY FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Enterprise					
	Water	Sewer	Bus	Other Enterprise	Total Enterprise	Internal Service
OPERATING REVENUES:						
Charges for services	$ 54,876,083	$ 46,303,738	$ 2,939,307	$ 17,710,200	$ 121,829,328	$ 41,890,170
Sales	-	-	-	-	-	4,620,700
Miscellaneous	218,777	501	413,308	67,714	700,300	-
Total operating revenues	55,094,860	46,304,239	3,352,615	17,777,914	122,529,628	46,510,870
OPERATING EXPENSES:						
Salaries and wages	8,242,887	7,776,715	1,290,492	5,278,543	22,588,637	4,295,185
Cost of sales	-	-	-	-	-	3,966,108
Contractual services	10,463,029	4,614,224	11,641,066	8,174,146	34,892,465	5,442,676
Utilities	2,450,698	2,668,629	147,511	602,244	5,869,082	252,813
Maintenance and supplies	2,113,128	1,989,826	1,747,999	3,968,564	9,819,517	2,689,072
Water purchases	9,177,116	-	-	-	9,177,116	-
Insurance	188,896	469,979	20,234	398,894	1,078,003	16,892,897
Claims	-	-	-	-	-	9,732,872
Employee benefits	2,333,158	971,754	401,581	1,492,437	5,198,930	4,033,995
Administration services	820,680	3,584,130	779,613	2,379,658	7,564,081	532,077
Allocated indirect administrative costs	1,461,882	665,616	316,333	413,985	2,857,816	297,137
Depreciation	17,149,660	8,772,784	2,826,031	2,675,302	31,423,777	3,080,548
Total operating expenses	54,401,134	31,513,657	19,170,860	25,383,773	130,469,424	51,215,380
OPERATING INCOME (LOSS)	693,726	14,790,582	(15,818,245)	(7,605,859)	(7,939,796)	(4,704,510)
NONOPERATING REVENUES (EXPENSES)						
Operating grants	149,322	619,052	12,904,371	480,823	14,153,568	78,932
Gain (loss) on disposition of capital assets	2,595,041	56,925	(171,075)	88,892	2,569,783	(4,998)
Tax revenue	-	-	-	206,854	206,854	-
Tax expense	(171,426)	(142,526)	-	(13,556)	(327,508)	-
Interest income	591,243	733,480	829	121,572	1,447,124	611,722
Net increase in fair value of investments	678,172	89,501	7,427	24,837	799,937	83,023
Connection fees	897,673	1,555,441	-	-	2,453,114	-
Rental income	41,572	503,281	154,797	669,111	1,368,761	-
Interest expense and amortization	(5,583,686)	(902,913)	-	(168,417)	(6,655,016)	-
Trustee and letter of credit fees	(500,775)	(545)	-	(1,279)	(502,599)	-
Total nonoperating revenues (expenses)	(1,302,864)	2,511,696	12,896,349	1,408,837	15,514,018	768,679
INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS AND TRANSFERS	(609,138)	17,302,278	(2,921,896)	(6,197,022)	7,574,222	(3,935,831)
Capital contributions	-	2,072,601	1,046,883	1,633,739	4,753,223	48,833
Transfers in	265,321	131,719	1,500	3,396,467	3,795,007	3,413,074
Transfers out	(793,435)	(354,088)	(979,152)	(1,101,155)	(3,227,830)	(368,330)
CHANGES IN NET POSITION	(1,137,252)	19,152,510	(2,852,665)	(2,267,971)	12,894,622	(842,254)
NET POSITION, JULY 1	355,179,982	221,054,931	41,751,795	50,732,824		(30,801,056)
PRIOR YEAR ADJUSTMENTS	(4,086,842)	-	-	-		-
NET POSITION, JUNE 30	$ 349,955,888	$ 240,207,441	$ 38,899,130	$ 48,464,853		$ (31,643,310)
Adjustment to reflect the consolidation of internal service funds					(2,466,787)	
Change in net position of business-type activities					$ 10,427,835	

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF CASH FLOWS - PROPRIETARY FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Enterprise					
	Water	Sewer	Bus	Other Enterprise	Total Enterprise	Internal Service
CASH FLOWS FROM OPERATING ACTIVITIES:						
Receipts from customers and users	$ 54,111,340	$ 47,309,216	$ 3,274,979	$ 18,146,950	$ 122,842,485	$ 548,431
Receipts from interfund services provided	51,295	444,757	-	75,029	571,081	46,457,375
Payments to suppliers	(17,103,931)	(7,030,178)	(20,672,946)	(5,683,685)	(50,490,740)	(28,167,613)
Payment of insurance claims	-	-	-	-	-	(8,666,972)
Payments to employees	(11,251,335)	(9,418,015)	(1,807,116)	(7,184,481)	(29,660,947)	(9,631,113)
Payments for interfund services used	(6,269,645)	(8,129,607)	-	(6,595,229)	(20,994,481)	(1,881,409)
Net cash provided (used) by operating activities	19,537,724	23,176,173	(19,205,083)	(1,241,416)	22,267,398	(1,341,301)
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:						
Operating grants received	149,322	619,052	15,442,222	480,823	16,691,419	78,932
Taxes received	-	-	-	206,854	206,854	-
Transfers in	265,321	131,719	1,500	3,396,467	3,795,007	3,413,074
Transfers out	(793,435)	(354,088)	(979,152)	(1,101,155)	(3,227,830)	(368,330)
Payments on advances from other funds	-	-	-	(34,200)	(34,200)	-
Receipts on advances to other funds	60,846	34,200	-	-	95,046	75,000
Net cash provided (used) by noncapital financing activities	(317,946)	430,883	14,464,570	2,948,789	17,526,296	3,198,676
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:						
Acquisition and construction of capital assets	(25,002,752)	(19,091,236)	(967,847)	(3,494,787)	(48,556,622)	(3,032,493)
Proceeds from sale of capital assets	2,633,374	68,039	12,805	99,845	2,814,063	70,490
Proceeds of debt issues	-	27,681,211	-	-	27,681,211	-
Principal repayments	(4,697,325)	(23,530,000)	-	(325,000)	(28,552,325)	-
Interest paid	(7,451,707)	(1,446,787)	-	(141,250)	(9,039,744)	-
Trustee and letter of credit fees	(500,775)	(545)	-	(1,279)	(502,599)	-
Capital contributions	-	2,072,601	5,605,162	1,633,739	9,311,502	-
Connection fees for capital purposes	897,673	1,555,441	-	-	2,453,114	-
Net cash used by capital and related financing activities	(34,121,512)	(12,691,276)	4,650,120	(2,228,732)	(44,391,400)	(2,962,003)
CASH FLOWS FROM INVESTING ACTIVITIES:						
Interest received	591,243	554,501	6,316	80,898	1,232,958	559,099
Net increase in the fair value of investments	678,172	89,501	7,427	24,837	799,937	83,023
Rental income received	41,572	503,281	154,797	669,111	1,368,761	-
Net cash provided (used) by investing activities	1,310,987	1,147,283	168,540	774,846	3,401,656	642,122
Net increase (decrease) in cash and cash equivalents	(13,590,747)	12,063,063	78,147	253,487	(1,196,050)	(462,506)
CASH AND CASH EQUIVALENTS, JULY 1	111,185,346	86,182,885	8,665,580	17,421,191	223,455,002	47,973,566
CASH AND CASH EQUIVALENTS, JUNE 30	$ 97,594,599	$ 98,245,948	$ 8,743,727	$ 17,674,678	$ 222,258,952	$ 47,511,060
RECONCILIATION TO STATEMENT OF NET POSITION:						
Cash and cash equivalents	$ 64,410,950	$ 82,488,496	$ 8,743,727	$ 17,047,536	$ 172,690,709	$ 38,104,521
Restricted cash and cash equivalents	10,110,512	14,284,016	-	-	24,394,528	9,401,469
Restricted cash and cash equivalents with fiscal agent	23,073,137	1,473,436	-	627,142	25,173,715	5,070
TOTAL CASH AND CASH EQUIVALENTS	$ 97,594,599	$ 98,245,948	$ 8,743,727	$ 17,674,678	$ 222,258,952	$ 47,511,060

(continued)

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF CASH FLOWS - PROPRIETARY FUNDS (Continued)
FISCAL YEAR ENDED JUNE 30, 2016

	Enterprise					
	Water	Sewer	Bus	Other Enterprise	Total Enterprise	Internal Service
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:						
Operating income (loss)	$ 693,726	$ 14,790,582	$ (15,818,245)	$ (7,605,859)	$ (7,939,796)	$ (4,704,510)
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:						
Depreciation	17,149,660	8,772,784	2,826,031	2,675,302	31,423,777	3,080,548
Taxes paid	(171,426)	(142,526)	-	(13,556)	(327,508)	-
Change in assets, liabilities, and deferred resources:						
(Increase) decrease in accounts receivable	12,873	(57,744)	(60,826)	183,363	77,666	407,505
Increase in utilities receivable	(871,278)	(453,159)	-	(209,601)	(1,534,038)	-
(Increase) decrease in due from governments	(128,364)	906,837	-	(492,578)	285,895	30,313
(Increase) decrease in prepaid expenses	4,236,616	(14,253)	(16,810)	(46,922)	4,158,631	(98,435)
(Increase) decrease in inventories	-	(95)	-	(4,933)	(5,028)	110,213
Increase (decrease) in accounts payable	(168,910)	(780,042)	(6,020,189)	1,918,154	(5,050,987)	11,980
Decrease in accrued salaries and benefits	(51,305)	(44,424)	(9,488)	(50,337)	(155,554)	(17,846)
Decrease in compensated absences	-	-	-	-	-	(156,131)
Decrease in net OPEB obligation	-	-	-	-	-	(760,531)
Increase in net pension liability and deferred resources	(623,985)	(625,122)	(105,556)	(363,164)	(1,717,827)	(367,425)
Increase in claims liability	-	-	-	-	-	1,065,900
Increase (decrease) in pollution remediation liability	(594,427)	(230,465)	-	2,600,000	1,775,108	-
Increase in due to other funds	-	-	-	324,594	324,594	-
Increase (decrease) in unearned revenue		976,948	-	(155,879)	821,069	57,118
Increase in refundable deposits	54,544	76,852	-	-	131,396	-
Total adjustments	18,843,998	8,385,591	(3,386,838)	6,364,443	30,207,194	3,363,209
Net cash provided (used) by operating activities	$ 19,537,724	$ 23,176,173	(19,205,083)	$ (1,241,416)	$ 22,267,398	$ (1,341,301)
NONCASH INVESTING, CAPITAL AND FINANCING ACTIVITIES:						
Capital asset transfers	$ -	$ -	$ -	$ -	$ -	$ 117,355
Amortization of debt items	-	543,874	-	-	543,874	-

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF FIDUCIARY NET POSITION -FIDUCIARY FUNDS
JUNE 30, 2016

	Private-Purpose Trust	Agency
ASSETS		
Cash and cash equivalents	$ 1,507,927	$ 3,545,139
Cash and cash equivalents held with fiscal agent	1,977,050	2,936,138
Interest receivable	6,795	-
Other assets	9,242	-
Capital assets, net of accumulated depreciation	790,067	-
Total assets	4,291,081	$ 6,481,277
LIABILITIES		
Due to special district bondholders	$ -	$ 3,616,595
Deposits held as agent for others	-	2,864,682
Other payables	24,982	-
Due to other agencies	1,192,004	-
Loans payable:		
Due within one year	1,667,150	-
Due in more than one year	25,961,300	-
Total liabilities	28,845,436	$ 6,481,277
NET POSITION		
Unrestricted	$ (24,554,355)	

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
STATEMENT OF CHANGES IN FIDUCIARY NET POSITION - PRIVATE PURPOSE TRUST FUND
FISCAL YEAR ENDED JUNE 30, 2016

		Private-Purpose Trust
ADDITIONS:		
Redevelopment Agency Property Tax Trust Fund	$	2,375,529
Interest and Investment Revenue:		
Use of money and property		274,641
Total additions		2,650,170
DEDUCTIONS:		
Distribution of property taxes to other taxing entities		782,491
Obligation retirements:		
Interest on note payable		578,250
Administrative expenses:		
City administrative expenses		188,301
Depreciation expense		55,614
Total administrative expenses		243,915
Total deductions		1,604,656
Change in net position		1,045,514
Net position, July 1		(25,599,869)
Net position, June 30	$	(24,554,355)

The notes to basic financial statements are an integral part of this statement.

CITY OF MODESTO
NOTES TO BASIC FINANCIAL STATEMENTS
FISCAL YEAR ENDED JUNE 30, 2016

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. THE FINANCIAL REPORTING ENTITY

The City of Modesto (the City) was incorporated in 1884 and operates under a Council-Manager form of government as authorized by its charter adopted in 1951. The City Council consists of seven elected members. The following services are provided by the City to its citizens: public safety (fire and police), highways and streets, drinking water, wastewater collection and treatment, storm drainage, public transit, recreation, public improvements, community development, planning and zoning, and general administrative services.

These financial statements present the financial status of the City and its component units. The component units discussed in the following paragraphs are included in the City's reporting entity because the City is financially accountable for their operations.

1. The MPFA (Modesto Public Financing Authority) was established as a separate legal entity whose sole purpose is to provide financing for various City capital projects.

2. The City of Modesto has established several Community Facilities Districts to provide funding and reimbursement mechanisms for public facilities and services required by each District Specific Plan. These Districts are the vehicles used to ensure that all landowners in the Districts contribute to the cost of public improvements. There are currently nine active Districts, which are combined for presentation in these financial statements. Individual component unit financial statements are prepared for each District.

The Redevelopment Successor Agency (Successor Agency) operates under the auspices of a legislatively formed Oversight Board comprised of representatives of the local agencies that serve the development project area. The Oversight Board, in its fiduciary capacity, has authority over the operations and the timely dissolution of the former Redevelopment Agency (RDA). It is tasked with fulfilling the obligations of the former RDA, and is also responsible for revenue collection, maintaining necessary loan reserves and disposing of excess property. This agency is reported as a private-purpose trust fund based on the generally accepted accounting standards requirement.

Although these component units are legally separate from the City, they are reported on a blended basis as part of the primary government because their boards consist of all seven members of the City Council and operational responsibility. There is an operational responsibility for the City related to these component units and for the MPFA it provides services solely for the City. Component unit financial statements may be obtained from the City's Finance Department.

The joint ventures and jointly governed organizations described in Note III-E are not considered part of the reporting entity because the City is not financially accountable for their operations.

B. GOVERNMENT-WIDE AND FUND FINANCIAL STATEMENTS

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the non-fiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

C. BASIS OF PRESENTATION, BASIS OF ACCOUNTING, AND MEASUREMENT FOCUS

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund statements. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met. Agency funds have no measurement focus. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. For grant revenues, the City considers this type of revenue to be available if collected within 180 days. This revenue recognition generated a change in accounting principles which had an immaterial impact to the financial statements. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, principal and interest, compensated absences, claims and judgement expenditures are recorded as fund liabilities when due or when amounts have been accumulated in the debt service funds for payments to be made early in the following year.

Substantially all property taxes, taxpayer-assessed taxes (such as sales and use, utility users, business license, transient occupancy, franchise fees, and gas taxes), interest, special assessments levied, state and federal grants, and charges for current services are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Revenues from licenses, permits, and fines and forfeits are considered to be measurable and available only when cash is received by the City.

The City reports the following major governmental funds:

The General Fund is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The Housing and Community Development Fund accounts for various grant funds received from Federal Community Development Block grants to be used for a variety of housing related programs primarily targeted at low-income housing. Additionally, this fund accounts for the City's revolving fund, which provides housing loans to low-income individuals and accounts for emergency shelter grant revenue received from the Housing and Urban Development Department.

The City reports the following major proprietary funds:

The Water Fund accounts for all revenues collected by the City for the purpose of financing the construction, operation, and maintenance of the City water distribution system. Revenues are derived from water service charges and various installation fees.

The Sewer Fund accounts for revenues collected by the City for the purpose of financing the construction, operation, and maintenance of the City sewer system. Revenues include, but are not limited to, sewer service charges and sewer lateral charges.

The Bus Fund accounts for operations, maintenance, and capital expenditures of the City's mass transportation service. This system operates pursuant to the terms of a Federal grant agreement. Buses are operated by a private contractor under the terms of a supervisory agreement with the City. A separate contract provides Dial-a-Ride service for the elderly and handicapped.

Additionally, the City reports the following fund types:

Internal service funds account for fleet management, central services, information and technology services,

insurance, employee benefits management, and building services provided to other departments or agencies of the City on a cost-reimbursement basis.

Agency funds account for cash and investments held by the City as agent for various assessment districts, governmental entities and non-public organizations. Agency funds cannot be major funds.

Private-purpose Trust Fund accounts as the fiduciary fund type used by the City to report trust arrangements under which principal and income benefit other governments. The fund reports the assets, liabilities, and net position of the Successor Agency.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are exchange or exchange-like transactions between functions of the government. Eliminations of these charges would distort the direct costs and program revenues reported for the various functions concerned.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise and internal service funds are charges to customers for sales and services. The Water and Sewer Funds also recognize as operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the systems. Operating expenses for enterprise and internal service funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as they are needed.

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions. These estimates and assumptions affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period including the note disclosures. Actual results could differ from those estimates.

D. ASSETS, DEFERRED OUTFLOWS OF RESOURCES, LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND NET POSITION/FUND BALANCE

1. Cash and Cash Equivalents

Cash and investments (including restricted assets) held in the City's investment pool are reported as cash and cash equivalents on the statement of net position and balance sheet because funds can spend cash at any time without prior notice or penalty. All investments with fiscal agents are also considered cash equivalents because they are highly liquid and have maturities of 3 months or less at the time of purchase with the exception of the MID collateral agreement which has a maturity date based on the 18 year period of the interest swap agreement. Investments are stated at fair value. Valuations are obtained based on various levels identified further under Note II-A – Fair value measurements.

2. Restricted Assets - Cash and Cash Equivalents

Refundable deposits of the General Fund are classified as restricted assets – cash and cash equivalents on the governmental funds balance sheet because their use is restricted for repayment of those refundable deposits. Legal or contractual obligations associated with the nonmajor governmental funds have been reported as restricted assets due to the restrictions identified on the revenue sources generated from these funds. Refundable deposits in the Water and Sewer funds are also reported as restricted assets on the proprietary funds statement of net position. In addition, certain proceeds of Water certificates of participation and Sewer revenue bonds are considered restricted assets because their use is limited by applicable debt covenants. These proceeds are reported as part of "restricted assets – cash and cash equivalents" on the proprietary funds statement of net position. The Employee Benefits Management Fund collects funds which are restricted for future payouts for leave balances due to employees who terminate or retire from the City as well as any severance payouts. These assets are restricted due to management's designation of assets for future payments for

employee uses.

3. Receivables and Payables

Balances representing lending/borrowing transactions between funds outstanding at the end of the fiscal year are reported as either "due from/due to other funds" (amounts due within one year), or "advances to/from other funds" (non-current portions of interfund lending/borrowing transactions). Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances." Advances to other funds and prepaid items are offset by a nonspendable fund balance in applicable governmental funds to indicate they are not available for appropriation and are not expendable available financial resources to indicate that they are not in spendable form.

All property taxes are collected and allocated by the County of Stanislaus to the various taxing entities. Property taxes are determined annually as of March 1 and attach as an enforceable lien on real property as of January 1. Taxes are due November 1 and February 1 and are delinquent if not paid by December 10 and April 10, respectively. The City participates in the County "Teeter Plan" method of property tax distribution. Under the Teeter Plan, the County remits property taxes to the City based on assessments, not on collections, according to the following schedule: 55 percent in December, 40 percent in April, and 5 percent at the end of the fiscal year. Property taxes recognized in governmental funds when it is available and measurable. The City considers property tax as available if it is received within 60 days after year-end.

Revenue from taxpayer-assessed taxes (sales and use, business license, transient occupancy, utility users, gas, and franchise fees) are accrued in the governmental funds when they are both measurable and available. The City considers these revenues available if they are received during the period when settlement of prior fiscal year accounts payable occurs. Historically, the majority of these taxes are received within 60 days of the fiscal year end; therefore, revenue from taxpayer-assessed taxes is accrued if it is received by August 31.

Grant and entitlement revenues are recorded as receivables in the funds when they are susceptible to accrual (i.e., when all eligibility requirements have been met). The corresponding governmental fund revenues are recorded when they become available, with the differences recorded as deferred inflow of resources. The corresponding proprietary fund revenues are recorded as nonoperating revenues when the receivables are recorded. Some grant and entitlement revenues are not susceptible to accrual, in which case the corresponding revenues are recorded when received. The total amount due from governments for grants, entitlements, and shared receivables and revenues at June 30, 2016 is $19,135,005.

Utility service accounts receivable are $11,518,263 net of an allowance for doubtful collections of $852,386 and include unbilled receivables using actual amounts billed in July for June services for all City funds. City accounts receivable of $3,364,927 are reported net of an allowance for doubtful collections of $1,237,432, and are based on miscellaneous receivables from the City's invoice system as well as other receivables accrued at year-end.

4. Inventories and Prepaid Expenses/Expenditures

Inventories of material and supplies held by governmental and proprietary funds are stated at average cost. Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid expenses/expenditures.

5. Capital Assets

Capital assets, which include property, plant and equipment, intangible assets and infrastructure assets (e.g., streets, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than $5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair value at the date of donation.

In the case of the initial capitalization of infrastructure assets reported by governmental activities, the City chose to include them regardless of their acquisition date or amount. Historical values were estimated.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets

lives are not capitalized.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase of capital assets of business-type activities and enterprise funds are included as part of the capitalized value of the assets constructed. The amount of interest capitalized is determined by offsetting interest expense incurred from the date of borrowing until completion of the project, against interest earned on invested proceeds of tax-exempted debt over the same period.

Depreciation is recorded using the straight line method over the estimated useful lives of the assets, which are 75 years for pipelines, 30 years for buildings, 20 years for improvements, 12 years for buses, 10 years for furnishings and equipment, 2 to 10 years for vehicles, 5 to 15 years for intangible assets, 30 to 50 years for streets, 20 years for signalization, and 50 years for bridges. Operating expenses include depreciation on all depreciable capital assets.

Capital leases are recorded as an asset and an obligation at an amount equal to the present value at the beginning of the lease term of minimum lease payments during the lease term.

6. Deferred Outflows and Inflows of Resources

The Governmental Accounting Standards Board (GASB) establishes criteria for recognizing deferred outflows and inflows of resources. A deferred outflow of resources is defined as a consumption of net position by the government that is applicable to a future reporting period. A deferred inflow of resources is defined as an acquisition of net position by the government that is applicable to a future reporting period. Refer to Note II. N for a detail listing of the deferred outflows and inflows of resources the City has recognized.

7. Compensated Absences

All earned vacation, holiday, and compensating time, and a portion of accumulated sick leave payable upon termination or retirement, are accrued in the Employee Benefits Management Internal Service Fund as compensated absences. Estimated sick leave termination payments have been calculated using the GASB Statement 16 vesting method. Under this method, a liability is accrued for a portion of the sick leave balances of all employees who are currently eligible, or are assumed to become eligible in the future, to receive a payment for sick leave upon termination. As of June 30, 2016, the total estimated liability for all compensated absences, including vacation and sick leave, is $8,789,950.

8. Fund Equity

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned or unassigned based primarily on the extent to which the City is bound to honor constraints on how specific amounts can be spent.

- *Nonspendable fund balance* – amounts that cannot be spent because they are either (a) not spendable in form or (b) legally or contractually required to be maintained intact.

- *Restricted fund balance* – amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

- *Committed fund balance* – amounts that can only be used for specific purposes determined by formal action of the City's highest level of decision-making authority (City Council) and that remain binding unless removed in the same manner. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.

- *Assigned fund balance* – amounts that are constrained by the City's intent to be used for specific purposes. The intent can be established at either the highest level of decision making, which includes City Council or by an official designated such as the City Manager for such purpose.

- *Unassigned fund balance* – the residual classification for the City's General Fund that includes amounts not contained in other classifications. In other funds, the unassigned classification is used

only if expenditures incurred for specific purposes exceed the amounts restricted, committed or assigned to those purposes.

The City establishes and modifies or rescinds fund balance commitments by passage of an ordinance. This is typically done through adoption and amendment of the budget. A fund balance commitment is further indicated in the budget as a commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the City through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, followed by the unrestricted committed, assigned, and unassigned resources as they are needed.

9. Fund Balance Policy

The City believes that sound financial management principles require that sufficient funds be retained by the City to provide a stable financial base at all times. To retain this stable financial base, the City needs to maintain unrestricted fund balance in its City funds sufficient to fund cash flows of the City and to provide financial reserves for unanticipated expenditures and/or revenue shortfalls of an emergency nature. Committed, assigned and unassigned fund balances are considered unrestricted.

The purpose of the City's fund balance policy is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures.

The City has adopted a policy to achieve and maintain unrestricted fund balance in the General Fund of a flat $7 million for fiscal year 2015-2016.

E. OTHER SIGNIFICANT ACCOUNTING POLICIES

1. Employee Benefits

The City established the Employee Benefits Management Internal Service Fund to account for all compensated absences and non-insurance benefits. Insurance benefits for current employees are paid from the Insurance Internal Service Fund. The Employee Benefits Management Fund is reimbursed based on actual benefits paid and leave taken, through payroll charges to the City's operating funds. Leave earned but not taken is being funded over a reasonable period of time.

2. Pensions

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the California Public Employees' Retirement System (CalPERS) Safety (police and fire) and Miscellaneous (all other) Plans and additions to/deductions from the Plans' fiduciary net position have been determined on the same basis as they are reported by CalPERS. For this purpose, the benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. Investments are reported at fair value. GASB 68 requires that the reported results must pertain to the liability and asset information within certain defined timeframes. For this report, the following:

Valuation Date: June 30, 2014
Measurement Date: June 30, 2015
Measurement Period: July 1, 2014 to June 30, 2015

3. Interfund Transactions

The City transfers resources among funds in the course of normal operations. Interfund services provided and used, such as equipment pool rental, are accounted for as revenues and expenditures or expenses. Transactions to reimburse a fund for expenditures/expenses initially made from it that are applicable to another fund are recorded as expenditures/expenses in the correct fund and as reductions of expenditures/expenses in the original fund. All other interfund transactions are reported as transfers.

F. NEW ACCOUNTING STANDARDS

During the fiscal year ended June 30, 2016, the City implemented the following GASB standards:

GASB Statement No. 72, Fair Value Measurement and Application. This statement is intended to improve accounting and financial reporting by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. The City implemented this change for the fiscal year ended June 30, 2016. Additional information is available under Note II-A.

GASB Statement No. 73, Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68. This statement establishes requirements for those pensions and pension plans that are not administered through a trust meeting specified criteria and thus are not covered by Statements Nos. 67 and 68. This statement did not have any impact to the City's financial statements.

GASB Statement No. 76, The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the City's financial statements.

GASB Statement No. 79, Certain External Investment Pools and Pool Participants. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the City's financial statements.

The Agency is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued **Statement No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans**. This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the City's fiscal year ending June 30, 2017.

In June 2015, GASB issued **Statement No. 75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions**. This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the City's fiscal year ending June 30, 2018.

In August 2015, GASB issued **Statement No. 77, Tax Abatement Disclosures**. This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the City's fiscal year ending June 30, 2017.

In December 2015, the GASB issued **Statement No. 78, Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans**. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the City's fiscal year ending June 30, 2017.

In January 2016, the GASB issued **Statement No. 80, Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14.** The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending

requirements established in GASB Statement No. 14, The Financial Reporting Entity, as amended. This Statement is effective for the City's fiscal year ending June 30, 2017.

In March 2016, the GASB issued **Statement No. 81, Irrevocable Split-Interest Agreements**. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the City's fiscal year ending June 30, 2018.

In March 2016, the GASB issued **Statement No. 82, Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,** to address certain issues that have been raised with respect to **Statements No. 67, Financial Reporting for Pension Plans, No. 68, Accounting and Financial Reporting for Pensions, and No. 73, Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.** The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the City's fiscal year ending June 30, 2017.

II. DETAILED NOTES

A. CASH AND INVESTMENTS

The City maintains a cash and investment pool that is used by all funds. Each fund's portion of the City's cash and investment pool is displayed on the balance sheet and proprietary and fiduciary fund statements of net position as "cash and cash equivalents." Each fund is allocated interest on average monthly cash balances held by the funds throughout the year. Certain deposits held in trust are displayed on the governmental funds balance sheet and the proprietary funds statement of net position as "restricted assets – cash and cash equivalents." The City also maintains "cash and cash equivalents with fiscal agent", which represent monies held by fiscal agents for payment of various City debt and capital projects costs.

The City cash and investments are reported as follows:

Primary government:		
Cash and cash equivalents	$	235,762,344
Restricted cash and cash equivalents		83,082,107
Restricted cash and cash equivalents with fiscal agent		30,735,509
Sucessor Agency Private-Purpose Trust Fund		
Cash and cash equivalents		1,507,927
Cash and cash equivalents held with fiscal agent		1,977,050
Agency funds		
Cash and cash equivalents		3,545,139
Cash and cash equivalents held with fiscal agent		2,936,138
Total cash and investments	$	359,546,214

Investments Authorized by the California Government Code and the City's Investment Policy

The City's investment policy and the California Government Code allow the City to invest in the following types of instruments, and the table also identifies certain provisions of the California Government Code, or the City's investment policy where it is more restrictive:

Authorized Investment Type	Maximum Maturity	Minimum Credit Quality	Maximum Percentage Of Portfolio	Maximum Investment in One Issuer
Local Agency Bonds	5 years	None	None	None
Treasury Obligations	5 years	None	None	None
State Obligations	5 years	A Rating	None	None
CA Local Agency Obligations	5 years	A Rating	None	None
Federal Agencies	5 years	None	None	None
Banker's Acceptances	180 days	Federal Reserve Eligible	40%	5%
Commercial Paper	270 days	A1/P1 Rating	25%	5%
Negotiable Certificates of Deposit	5 years	A Rating	30%	5%
Certificates of Deposit	1 year	FDIC insured or collateralized	20%	5%
Repurchase Agreements	90 days	None	None	5%
Reverse Repurchase Agreements	92 days	None	20% of combined base value	5%
Medium Term Notes	5 years	A Rating	30%	5%
Money Market Mutual Funds	N/A	Multiple	15%	10%
Mortgage and Asset-backed Securities	5 years	AA Rating	20%	5%
CAMP	N/A	N/A	None	None
LAIF	N/A	N/A	N/A	None

The City is a voluntary participant in the California Asset Management Program (CAMP). CAMP is an investment pool offered by the California Asset Management Trust (the Trust). The Trust is a joint powers authority and public agency created by the Declaration of Trust and established under the provisions of the California Joint Exercise of Powers Act (California Government Code Sections 6500 et seq., or the "Act") for the purpose of exercising the common power of its participants to invest certain proceeds of debt issues and surplus funds. The Pool's investments are limited to investments permitted by subdivisions (a) to (n), inclusive, of Section 53601 of the California Government Code. Security types prohibited include, but are not limited to: Investments in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages. At June 30, 2016, the fair value approximated the City's cost. At June 30, 2016, these investments range from a maximum maturity of 5 years to some maturity limits of 180 days or less. The City reports its investments in CAMP at the fair value amounts provided by CAMP.

Investments Authorized by Debt Agreements

The City must maintain required amounts of cash and investments with trustees or fiscal agents under the terms of certain debt issues. These funds are unexpended bond proceeds or are pledged as reserves to be used if the City fails to meet its obligations under these debt issues. The California Government Code requires these funds to be invested in accordance with City ordinance, bond indentures or State statute. All current bond indentures authorize the

same investments as the City's investment policy.

Custodial Credit Risk – Deposits

The Custodial Credit Risk for Deposits is the risk that, in the event of the failure of a depository financial institution, the City will not be able to recover deposits, or will not be able to recover collateral securities that are in the possession of an outside party. The City does not, currently, have a Custodial Credit Risk – Deposits Policy. Under California Government Code Section 53651, depending on specific types of eligible securities, a bank must deposit eligible securities posted as collateral with its Agent having a fair value of 110% to 150% of the City's cash on deposit. All of the City's deposits are either insured by the Federal Depository Insurance Corporation (FDIC) or collateralized with pledged securities held in the trust department of the financial institution in the City's name.

The City of Modesto has 11 deposit accounts at Bank of America that are monitored for deposit collateral purposes. As per the CA Government Code, the bank must provide collateral for the collected deposit balances at 110% coverage. The City is collateralized as part of the California Local Agency Collateral Pool Program. As of June 30, 2016 the City had collected deposit balances of $30,328,519. On this amount, the FDIC insurance coverage was $500,000 ($250,000 for their time and savings accounts and $250,000 for their demand accounts). The remainder of their balances was collateralized as part of the California Local Agency Pool Program.

For further information, on June 30, 2016, the total collected deposit balances at Bank of America from California Local Agency Pool Program participants was $2,020,523,151 of which $92,716,599 was FDIC insured. The remaining uninsured balances, $1,927,806,552 were collateralized by securities pledged by Bank of America that had a market value of $2,461,798,780. This results in collateral margin coverage of 126% far in excess of the 110% required by the California Government Code.

Custodial Credit Risk – Investments

The Custodial Credit Risk for Investments is the risk that, in the event of the failure of the counterparty (e.g. broker-dealer) to a transaction, the City will not be able to recover the value of investment or collateral securities that are in the possession of an outside party. The City's investment policy limits its exposure to custodial credit risk by requiring that all security transactions entered into by the City, including collateral for repurchase agreements, be conducted on a delivery-versus-payment basis. Securities are to be held by a third party custodian.

The City's investments consist of pooled investments, dedicated investments, and other funds held by trustees. The dedicated investment funds represent restricted funds and relate to bond proceeds of the Water and Sewer Enterprise Funds, assessment districts (reported under Agency Funds) and the Successor Agency. The other funds held by trustees are made either in accordance with bond covenants and are pledged for payment of principal, interest, and specified capital improvements or in accordance with trust agreements. All investments held by a custodian are in the City's name excluding the Successor Agency.

Interest Rate Risk

Interest Rate Risk is the risk that interest rates will rise and reduce the fair value of an investment. Long-term fixed-income securities have the greatest amount of interest rate risk, due to potential loss in fair value.

As of June 30, 2016, the City owned four callable bonds. There were no Federal Agency callables. It is assumed the callable bonds will not be called in the segmented time distribution table on the following page. Information on those bonds has been provided as follows:

Corporate Notes			
Amount	Maturity Date	Call Date	Call Terms
$2,920,000	9/19/2016	8/19/2016	Callable on and any time after 8/19/16
$2,940,000	5/15/2017	4/15/2017	Callable on and any time after 4/15/17
$5,475,000	5/22/2018	4/22/2018	Callable on and any time after 4/22/18
$1,095,000	11/5/2018	10/5/2018	Callable on and any time after 10/5/18

Disclosures Related to Credit Risk

Generally, Credit Risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. The City may from time to time be invested in a security whose rating is downgraded subsequent to the date of purchase. In the event a rating drops below the minimum allowed rating category for that given investment type, the investment advisor shall notify the Finance Director and recommend a plan of action. The City will limit investments in any one non-government issuers, except investment pools to no more than 5% regardless of security type.

The following table summarizes the City's investments based on maturity dates of various investments:

	Credit Rating		Remaining Time to Maturity				
Investment Type	Standard & Poor's	Moody's Investors Service	Total	Less Than 1 Year	1-2 Years	2-3 Years	3-4 years
U.S. Treasury Notes	AA+	Aaa	$49,041,730	$1,605,939	$6,362,472	$ 41,073,319	$ -
Federal Agencies:							
Collateralized Mortgage Obligation	AA+	Aaa	10,850,498	-	2,026,754	6,701,149	2,122,595
Federal Agency Bond/Notes	AA+	Aaa	68,083,253	-	16,926,379	51,156,874	-
Corporate Notes	See Below	See Below	59,555,642	8,649,852	38,176,629	12,729,161	-
Negotiable Certificates of Deposit	See Below	See Below	47,170,792	21,695,380	25,475,412	-	-
CAMP Pool	AAAm	N/A	62,924,672	62,924,672	-	-	-
Total			$297,626,587	$94,875,843	$88,967,646	$111,660,503	$2,122,595
Held By Fiscal Agent							
Money Market Funds	AAAm	Aaa-mf	$6,157,427	$6,157,427	-	-	-
CAMP	AAAm	N/A	9,482,386	9,482,386	-	-	-
MID – Collateral Agreement	A+	Aa3	20,008,884	20,008,884	-	-	-
Fiscal Agent Total			$35,648,697	$35,648,697	$ -	$ -	$ -
City of Modesto Banking Accts & Cash on Hand	A/A-1	A1/P1	26,826,913				
Timing Differences for Deposit & Electronic Vendor Payments			(555,983)				
Total Cash and Investments			$359,546,214				

The following is a table indicating the credit ratings for the City's investment in Corporate Notes:

Amount	Standard & Poors	Moody's Investors Service
$ 3,013,334	AA+	Aaa
884,213	AA	Aa2
3,011,448	AA-	Aa2
10,306,210	AA-	Aa3
6,459,421	A	A1
8,702,621	A+	A1
3,012,069	AA	A1
4,994,100	AA-	A1
9,267,455	A	A2
4,079,783	A-	A2
5,824,988	A-	A3
$ 59,555,642		

The following is a table indicating the credit ratings for the City's investment in Negotiable Certificates of Deposit:

Amount	Standard & Poors	Moody's Investors Service
$ 15,866,617	A-1	P-1
5,725,830	A-1	Aa3
10,553,071	A-1+	P-1
9,234,624	AA-	Aa3
5,790,650	AA-	Aa1
$ 47,170,792		

In the event a rating drops below the minimum allowed rating category for a given investment type, the investment advisor shall notify the Finance Director and/or Designee and recommend a plan of action. The City will limit investments in any one non-government issuer, except local agency investment pools and money market funds, to no more than 5% regardless of security type.

Concentration of Credit Risk

The City's investment policy contains no limitations on the amount that can be invested in any one issuer beyond that stipulated by the California Government Code. Investments in any one issuer, other than U.S. Treasury securities, mutual funds, and external investment pools that represent 5% or more of total entity-wide investments are as follows at June 30, 2016:

Issuer	Investment Type	Reported Amount	Percent of Portfolio
Federal Home Loan Bank	Federal agency securities	$23,785,268	6.62%
Fannie Mae (FNMA)	Federal agency securities	46,759,496	13.01%

Fair Value measurements

The Pool categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. These principles recognize a three-tiered fair value hierarchy, of which levels 1 & 2 apply to the City as follows:

- Level 1: Valuations are based on quoted prices in active markets for identical assets or liabilities. Since valuations are based on quoted prices that are readily and regularly available in an active market, valuation of these products does not entail a significant degree of judgement. Examples would be securities with prices derived from the major exchanges.

- Level 2: Valuations are based on quoted prices for similar instruments in active markets, quoted prices for identical or similar instruments in markets that are not active and model-based valuations for which all significant assumptions are observable or can be corroborated by observable market data. Examples would be securities with prices derived from market corroborated sources such as indices and yield curves; and matrix pricing, such as for most debt securities.

Union Bank is the custodian of the City's investments. Union Bank utilizes pricing services that deliver current market values and security information which is input into their trust accounting systems. A security will be valued on the basis of valuations provided by a pricing service vendor if it has a substantial public market (i.e. is not thinly traded), and is freely tradable without restriction, has a valid CUSIP or SEDOL and resides on one of the depositories. Based on their direction, Union Bank will continue to obtain valuations for all other securities and assets, for which they do not receive a pricing feed and/or descriptive information from their pricing service vendors, from various sources independent of Union Bank. If no current market value price is available from their pricing service vendors and their agents have provided Union Bank with pricing information, Union Bank will show the value of the asset at such value as Union Bank shall determine, such value to be for administrative purposes only and not be any indication of any market value.

The Pool has the following recurring fair value measurements as of June 30, 2016:

		Fair Value Measurements Using	
Investments by Fair Value for Investment Pool		Quoted Prices in Active Markets for Identical Assets	Significant Other Observable Inputs
Investment Type		(Level 1)	(Level 2)
U.S Treasury Notes	$ 49,041,730	$ 49,041,730	$ -
Corporate Notes	59,555,642	-	59,555,642
Negotiable Certificates of Deposit	47,170,792	-	47,170,792
Collateralized Mortgage Obligation	10,850,498	-	10,850,498
Federal Agency Bond/Notes	68,083,253	-	68,083,253
Total Investments measured at fair value	234,701,915	49,041,730	185,660,185
Investments not subject to Fair Value hierarchy			
CAMP	62,924,672		
	$ 297,626,587		
Investments by Fair Value for Fiscal Agents			
Money Market Funds	$ 6,157,427	$ -	$ 6,157,427
Total Fiscal Agent investments measured at fair value	6,157,427	-	6,157,427
Investments not subject to Fair Value hierarchy			
CAMP	9,482,386		
MID Collateral Agreement	20,008,884		
	$ 35,648,697		

B.CAPITAL ASSETS

Capital asset activity for the fiscal year ended June 30, 2016 was as follows:

	Beginning Balance, As Restated (1)	Additions	Deletions	Ending Balance
Governmental activities:				
Capital assets, not being depreciated:				
Land	$ 33,123,493	$ 98,576	$ (3,000)	$ 33,219,069
Construction in progress	61,301,765	18,471,559	(30,723,212)	49,050,112
Total capital assets, not being depreciated:	94,425,258	18,570,135	(30,726,212)	82,269,181
Capital assets being depreciated:				
Buildings	34,178,867	328,426	-	34,507,293
Improvements other than buildings	96,471,657	11,215,180	(49,669)	107,637,168
Furnishings & equipment	16,245,837	570,351	(620,426)	16,195,762
Buses and fareboxes	-	278,852	-	278,852
Service animals	39,473	11,148	(8,072)	42,549
Intangible assets	8,623,144	14,375	(124,393)	8,513,126
Equipment pool	32,137,848	3,880,304	(1,295,316)	34,722,836
Infrastructure				
Streets	501,594,695	6,835,448	-	508,430,143
Signals	19,974,676	1,814,724	-	21,789,400
Bridges	26,528,179	10,171,142	-	36,699,321
Total capital assets, being depreciated:	735,794,376	35,119,950	(2,097,876)	768,816,450
Less accumulated depreciation for:				
Buildings	(18,951,024)	(952,441)	-	(19,903,465)
Improvements	(46,075,645)	(4,544,117)	49,669	(50,570,093)
Furnishings & equipment	(12,613,720)	(849,128)	597,865	(12,864,983)
Buses and fareboxes	-	(253,749)	-	(253,749)
Service animals	(12,664)	(6,430)	2,389	(16,705)
Intangible assets	(4,139,435)	(475,927)	124,393	(4,490,969)
Equipment pool	(20,429,156)	(2,470,101)	1,230,067	(21,669,190)
Infrastructure				
Streets	(286,556,878)	(10,256,454)	-	(296,813,332)
Signals	(16,271,841)	(473,920)	-	(16,745,761)
Bridges	(6,109,675)	(642,252)	-	(6,751,927)
Total accumulated depreciation	(411,160,038)	(20,924,519)	2,004,383	(430,080,174)
Total capital assets being depreciated, net	324,634,338	14,195,431	(93,493)	338,736,276
Governmental activities capital assets, net	$ 419,059,596	$ 32,765,566	$ (30,819,705)	$ 421,005,457

Depreciation expense was charged to functions/programs as follows:

Governmental activities:	
General government	$ 612,514
Community development	614,339
Highways and streets	11,791,928
Public works	512,764
Parks and recreation	167,028
Public safety	4,145,398
Capital assets held by the government's internal service funds are charged to the various functions based on their usage of the assets	3,080,548
Total depreciation expense – Governmental activities	$20,924,519

(1) Additional information regarding the restated beginning balance for the Governmental-type activities is available under Note III-H.

	Beginning Balance, As Restated (1)	Additions	Deletions	Ending Balance
Business-type activities:				
Capital assets not being depreciated:				
Land	$ 31,102,451	$ 2,423,879	$ (10,675)	$ 33,515,655
Construction in progress	180,547,542	42,786,965	(21,412,349)	201,922,158
Total capital assets, not being depreciated:	211,649,993	45,210,844	(21,423,024)	235,437,813
Capital assets being depreciated:				
Capitalized interest	19,496,181	-	-	19,496,181
Buildings	101,334,031	522,519	-	101,856,550
Improvements other than buildings	294,991,717	11,740,591	-	306,732,308
Furnishings and equipment	11,187,514	1,543,093	(233,165)	12,497,442
Intangible assets	206,527	210,030	-	416,557
Water rights	358,226,691	-	-	358,226,691
Buses and fareboxes	27,997,108	3,653,855	(3,163,161)	28,487,802
Pipelines	152,366,627	7,234,294	-	159,600,921
Total capital assets, being depreciated:	965,806,396	24,904,382	(3,396,326)	987,314,452
Less accumulated depreciation for:				
Capitalized interest	(9,298,145)	(974,809)	-	(10,272,954)
Buildings	(58,503,936)	(3,022,276)	-	(61,526,212)
Improvements other than buildings	(152,183,552)	(10,804,908)	-	(162,988,460)
Furnishings and equipment	(6,599,752)	(896,506)	203,300	(7,292,958)
Intangible assets	(183,063)	(77,518)	-	(260,581)
Water rights	(59,704,449)	(11,940,890)	-	(71,645,339)
Buses and fareboxes	(15,543,860)	(1,710,387)	2,959,421	(14,294,826)
Pipelines	(38,395,943)	(1,996,486)	-	(40,392,429)
Total accumulated depreciation	(340,412,700)	(31,423,780)	3,162,721	(368,673,759)
Total capital assets being depreciated, net	625,393,696	(6,519,398)	(233,605)	618,640,693
Business-type activities capital assets, net	$ 837,043,689	$ 38,691,446	$ (21,656,629)	$ 854,078,506

Business-type activities:	
Water	$17,149,660
Sewer	8,772,784
Bus	2,826,031
Parking	440,097
Storm drain	569,787
Compost	170,181
Airport	694,568
Golf	51,424
Community center	749,248
Total depreciation expense – Business-type activities	$31,423,780

(1) Additional information regarding the restated beginning balance for the Business-type activities is available under Note III-H.

C. LONG-TERM DEBT

Loans Payable

Governmental Activities:

No-interest loan payable to the Stanislaus County Economic Development Bank loan program, to pay costs incurred by the City for the Kiernan Business Park East Project; loan intended to be repaid within five years of project completion, provided funds are available from revenue stream. As of June 30, 2016, no payments have been made to the Stanislaus County Economic Development Bank as no funds are available. According to the agreement, the Project will be completed as of the date the City first issues building permits within the Kiernan Business Park East area. To date, no building permits have been issued. The authorized loan amount is up to $500,000. Currently, there is a balance of $498,362. Outstanding amount will increase as more eligible costs are incurred and remaining available loan amount is borrowed.	$ 498,362
Total Principal Balance – Governmental-Type Activities	$498,362

Business-Type Activities:

Water Enterprise Fund:

Loan payable to State of California Department of Public Health, also known as ARRA Water Grant. This Agreement constitutes funding in the form of a loan with forgiveness of principal made by State under the provisions of California Safe Drinking Water State Revolving Fund Law of 1997, and the American Recovery and Reinvestment Act of 2009 (ARRA) Public Law 11 1-5. The purpose of the funding is to assist in financing construction of a project, which will enable the City to meet safe drinking water standards or to address other health concerns, herein referred to as the "Project". The maximum loan amount of $800,000 of which fifty percent (50%), or an estimated $400,000 will not need to be repaid. The loan repayment term is 20 years at 2.5017% interest rate.	476,079

Sewer Enterprise Fund:

Loan payable to California State Water Resources Control Board, State Revolving Fund. The Project, commonly known as Tertiary Treatment Phase 1B Project generally consists of constructing a 12.6 million gallon per day tertiary treatment plant. Completion of construction date is established as June 1, 2016. Project completion date is established as December 1, 2016. The City agrees to repay all project funds at an interest rate of two and six-tenths percent (2.6%) per annum and an administrative service charge of zero percent (0%) per annum. The loan payable balance only reflects the current loan disbursements as of June 30, 2016. The total loan approved by the State Water Resources Control Board is $125,161,776, plus $5,328,665 in Accrued Construction Period Interest. The loan repayment term is 20 years (final payment due on December 1, 2035) and the annual principal and interest payments are $8,114,485.	125,311,263
Total Principal Balances – Business-Type Activities	$125,787,342

Annual debt service requirements to maturity for loans payable are as follows:

Year Ending June 30,	Governmental-Type Activities		Business-Type Activities	
	Principal	Interest	Principal	Interest
2017	$-	$-	$4,880,924	$3,269,850
2018	498,362	-	5,007,807	3,142,967
2019	-	-	5,137,989	3,012,784
2020	-	-	5,271,557	2,879,218
2021	-	-	5,408,595	2,742,179
2022-2026	-	-	29,226,533	11,527,340
2027-2031	-	-	33,228,088	7,525,783
2032-2036	-	-	37,625,849	2,982,866
Total	$498,362	$-	$125,787,342	$37,082,987

Certificates of Participation:

Business-Type Activities:

Golf Enterprise Fund:

1993 Refunding Certificates of Participation issued to refund earlier certificates for the Creekside Golf Course capital project; serial certificates with annual maturities on November 1, in amounts from $225,000 to $235,000; interest rate of 5.5%; term certificates at 5.6% due November 1, 2016, and in the amount of $3,585,000 at 5.0% due November 1, 2023, with annual payments ranging from $250,000 to $480,000 beginning in 2010. The certificates are repayable from any source of available funds of the City. However, the City has elected to repay the certificates from revenues of the Golf Enterprise Fund. $3,260,000

Water Enterprise Fund:

2008 Water Refunding Revenue Certificates of Participation issued to refund the 2006 issue, to provide funding for construction of new downstream water facilities and various water distribution system improvements in connection with Modesto Irrigation District's expansion of the regional water treatment plant; variable rate securities maturing October 1, 2036, with interest initially calculated weekly, fluctuating according to market conditions. The Certificates may be converted to a daily, term, flexible, or fixed rate.

While the 2008 COPS are in the Weekly Mode, they are subject to optional tender and mandatory tender for purchase. Funds for the payment of the purchase price of 2008 COPS that are tendered for purchase and that are not remarketed by the Remarketing Agent will be available (subject to certain conditions) under a Standby Certificate Purchase Agreement, dated May 1, 2008 (the "Liquidity Facility"). The Liquidity Facility does not support, secure or guaranty the payments of the principal of or interest with respect to the 2008 COPS. Subject to the terms and conditions of the Liquidity Facility, the Liquidity Facility Provider is to provide funds for the payment of the purchase price on each purchase of 2008 COPS up to $47,625,000 in principal amount (the "Available Principal Commitment") and $548,014 an amount equal to 35 days' interest on the Available Principal Commitment at an assumed rate of 12% and accrued interest on 2008 COPS subject to the Weekly Rate tendered or deemed tendered for purchase in the event that remarketing proceeds are not sufficient to pay the purchase price of such 2008 COPS. The Liquidity Facility will not provide for the payment of principal of and interest on any 2008 COPS other than with respect to the purchase price of the 2008 COPS tendered or deemed tendered and not remarketed. The initial Liquidity Facility expired on May 29, 2011 and was subsequently extended to July 14, 2017 by Bank of America.

Water Enterprise Fund:

The Liquidity Facility will not provide for the payment of principal of and interest on any 2008 COPS other than with respect to the purchase price of the 2008 COPS tendered or deemed tendered and not remarketed. Barring an event of default, any such draws on the Letter of Credit will be repaid under the terms of the Reimbursement Agreement. Under the terms of the Reimbursement Agreement, the City will repay the amount drawn in ten equal semi-annual installments of principal, plus monthly interest at the Bank Rate, over a 5 year period. However, the entire balance of the amount drawn shall become due immediately if the 2008 COPs are cancelled or prepaid, are remarketed, or converted to bear interest at a rate other than a daily rate or weekly rate; an alternate credit facility is secured; or an event of default occurs. The Credit Facility and Reimbursement Agreement initially expired May 29, 2011, but were subsequently extended to July 14, 2017 at a commitment fee of 0.875%."

The City entered into a 30-year interest rate swap agreement as discussed below. The combination of the variable rate 2008 COPs and the floating rate swap creates a synthetic fixed-rate debt for the City. The synthetic fixed-rate was 3.48% at June 30, 2016.	45,180,000
Total Principal Balances – Business-Type Activities	48,440,000
Less:	
Unamortized Bond Discount – 2008 Water Refunding Certificates of Participation	(109,947)
Total Business-Type Activities – Certificates of Participation	$48,330,053

The City has pledged future Water Enterprise Fund revenues, net of specified operating expenses, to repay the 2008 Certificates of Participation. The City has pledged future Golf Enterprise Fund revenues to pay the 1993 Certificates of Participation for the Golf Course Refinancing project. The Water and Golf Funds total principal and interest remaining to be paid on the certificates is $58,514,700. The Water Fund's principal, interest and other debt service cost paid on certificates for the current year, along with payments to Modesto Irrigation District under the Treatment and Delivery Agreement, totaled $12,818,218, and net operating revenues of the Fund were $19,857,757, which represented coverage of 155%. The Golf Fund's principal and interest paid on certificates totaled $493,417, and net operating revenues of the Fund were $166,476, which represented coverage of .34%.

Annual debt service requirements to maturity for Certificates of Participation, for 2008 Water and 1993 Golf, are as follows:

	Business-Type Activities	
Year Ending June 30,	Principal	Interest
2017	$705,000	$832,369
2018	720,000	809,519
2019	775,000	785,331
2020	795,000	759,906
2021	805,000	733,731
2022-2026	9,475,000	3,129,600
2027-2031	14,110,000	2,094,112
2032-2036	17,185,000	911,344
2037	3,870,000	18,788
Total	$48,440,000	$10,074,700

Lease Revenue Bonds – Governmental Activities:

2008 Lease Revenue Refunding Bonds in the amount of $65,170,000 issued to refund the balance of the 1998 Lease Revenue Bonds and the 2007 Lease Revenue Refunding and Capital Improvement Bonds; variable rate securities maturing September 1, 2033, with interest initially calculated weekly, fluctuating according to market conditions. The bonds may be converted to a daily, term, flexible, or fixed rate. The combination of the variable rate bonds and a floating swap rate creates a synthetic fixed-rate debt for the City. The synthetic fixed-rate was 3.61% at June 30, 2016.

Regularly scheduled payments of principal and interest are supported by an irrevocable, direct pay Letter of Credit (the "Credit Facility") issued by Bank of America, N. A. The Trustee can draw funds under the Credit Facility to pay the purchase price of tendered bonds that are not remarketed. Barring an event of default, any such draws on the Letter of Credit will be paid under the terms of the Reimbursable Agreement. Under the terms of the Reimbursement Agreement, the City will repay the amount drawn in equal semi-annual installments of principal plus monthly interest, at the Bank Rate, over a 5 year amortization period. However, the entire balance of the amount drawn shall become due immediately if the tendered bonds are remarketed or defeased, or an alternate credit facility is secured, or an event of default occurs. The Credit Facility and Reimbursement Agreement initially expired August 1, 2011, but were subsequently extended to June 22, 2019 at a commitment fee of 0.60%.

$56,305,000

Annual debt service requirements to maturity for Lease Revenue Bonds are as follows:

Year Ending June 30,	Governmental-Type Activities	
	Principal	Interest
2017	$1,835,000	$823,931
2018	1,695,000	797,981
2019	1,860,000	770,700
2020	2,000,000	741,225
2021	2,170,000	709,313
2022-2026	13,990,000	2,960,363
2027-2031	19,140,000	1,691,250
2032-2034	13,615,000	261,356
Total	$56,305,000	$8,756,119

Revenue Bonds – Business-Type Activities:

Sewer Enterprise Fund:

Wastewater Revenue Bonds, Series 2006A; interest payable on November 1 and May 1; serial certificates with annual maturities on November 1, in amounts from $880,000 to $1,005,000, with interest rates from 4.2% to 4.5%; term certificates in the amount of $5,710,000 maturing in 2031 and $7,060,000 maturing in 2036, bearing interest at 4.25%, with annual payments beginning in 2024. There was a Partial Refunding of 2006A, in the amount of $1,800,000, with the Private Placement of the Wastewater Revenue Refunding Bond Series 2015.

14,735,000

Wastewater Revenue Refunding Bond Series 2015; interest payable on November 1 and May 1, commencing May 1, 2016. Principal is payable in annual installments on each November 1, commencing November 1, 2016 and ending November 1, 2024. The Series 2015 Bond shall bear interest at a rate equal to 2.42% per annum; Payment of principal and interest on the Series 2015 Bond is secured by a pledge of Net Revenues; The Series 2015 Bond constitutes "Parity Debt" under the Indenture.

On October 30, 2015, the City issued the Series 2015 Bond, as a Parity Debt to fully refund the 2005A and partially refund the 2006A Wastewater Revenue Bonds. The proceeds were used to: 1) Refund the Wastewater Revenue Refunding Bonds, Series 2005A, which refinanced the acquisition and construction of improvements to the City's wastewater enterprise, 2) refund a portion of the Wastewater Revenue Bonds, Series 2006A, and 3) pay cost of issuance in connection with the financing. The Series 2005A Bonds have been fully redeemed and the 2023 and 2024 maturities of Series 2006A Bonds were redeemed. As of June 30, 2016, $19,460,000 of the Series 2005A and $1,800,000 of the Series 2006A Wastewater Revenue Bonds were defeased. The City will realize significant savings from the refunding of the 2005A and 2006A Bonds, bearing an interest rate of 2.42%. Total gross savings will be approximately $4.6 million with a net present value savings of $2.2 million or 10.6%. Annual cash flow savings will approximate $611,000 per year. Incorporated into this saving is Cost of Issuance totaling $137,500. The current refunding of the Series 2015 Bond resulted in the aggregate difference in debt service between the 2005A and 2006A Wastewater Revenue Bonds in the amount of $146,461, due to Cost of Issuance. As a result of the refunding, there was a deferred loss in the amount of $599,834. As of June 30, 2016, the City has amortized $44,432 and has a balance of $555,402.	19,429,913
Total Principal Balances – Business-Type Activities	34,164,913
Less: Unamortized Bond Discount – 2006 Bonds	(219,397)
Total Business-Type Activities Revenue Bonds	$ 33,945,516

The 2005 and 2006 bonds were issued to fund a variety of Sewer Enterprise Fund wastewater capital improvements. The City has pledged future Sewer Enterprise Fund revenues, net of specified operating expenses, to repay the 2005 and 2006 bonds through 2036. On October 30, 2015, the Wastewater Revenue Bonds, Series 2005A were Fully Refunded and the 2006A were Partially Refunded with the Private Placement of the Wastewater Revenue Refunding Bond Series 2015, in the amount of $19,429,913. The Sewer Fund's total principal and interest remaining to be paid on the bonds is $46,789,125. The Sewer Fund's principal and interest paid for the current year and total customer net revenues were $4,570,286 and $24,789,419, respectively.

Annual debt service requirements to maturity for Revenue Bonds are as follows:

	Business-Type Activities	
Year Ending June 30,	Principal	Interest
2017	$2,350,027	$1,067,527
2018	2,394,504	1,010,118
2019	2,459,096	951,389
2020	2,521,327	891,124
2021	2,577,644	829,428
2022-2026	8,087,315	3,368,029
2027-2031	5,475,000	2,734,984
2032-2036	6,765,000	1,621,588
2037-2039	1,535,000	150,025
Total	$34,164,913	$12,624,212

Notes Payable – Governmental Activities:

On March 26, 2015, the City received notice of a public offering to refinance the existing note, with an outstanding balance of $2,568,000. The City agreed to refinance the note, as it reduced the interest on the HUD Section 108 Loan, a net savings of approximately $502,908. The public offering date was May 28, 2015. The terms of the new promissory note include semi-annual payments on August and February through the maturity date of August 1, 2024. The interest rates range from 0.28% through 2.85%. No new security provisions were required, as the Contract for Fixed Rate Note incorporates the previous additional security provisions.	$2,568,000
Total Notes Payable	$2,568,000

Annual debt service requirements to maturity for this Notes Payable are as follows:

	Governmental-Type Activities	
Year Ending June 30,	Principal	Interest
2017	$233,000	$50,951
2018	245,000	48,845
2019	256,000	46,003
2020	269,000	41,773
2021	283,000	36,442
2022-2024	1,282,000	72,328
Total	$2,568,000	$296,342

Reimbursement Agreement - Business-Type Activities:

Water Enterprise Fund:

In 1992, the City entered into a treatment and delivery agreement with the Modesto Irrigation District (MID) and the Del Este Water Company (Del Este). The City assumed Del Este's interest and obligations under the agreement when it acquired Del Este in July 1995. Under the agreement, MID built and operates a surface water treatment plant on the Tuolumne River for the purpose of providing a long-term source of domestic treated water for the City. MID is the sole owner of the project, and has all management and operations responsibility. In exchange for the treated water, the City has agreed to pay: all debt service on bonds issued by MID for the construction of the project; a raw water charge as set forth in the agreement; project operation, administration, and maintenance costs; and insurance on the project. Gross revenues of the City's Water Fund are irrevocably pledged for the punctual payment of the MID debt service and all obligations of the City under any parity debt. Current parity debt of the City consists of the 2008 Water Revenue Certificates of Participation and the California Safe Drinking Water Act loan (as described previously). The treatment plant completed all tests and began commercial operations on May 15, 1995, at which time the City began paying for raw water and operations.

The City and MID have agreed upon an expansion of the initial Domestic Water Project facilities beyond the existing design capacity of 36 million gallons per day ("mgd") to a design capacity of 72 mgd. In June 2007, the MID issued $93,190,000 Domestic Water Project revenue bonds pursuant to the terms of the existing treatment and delivery agreement. On August 14, 2013, Modesto Irrigation District Financing Authority refunded the 1998 D Bonds, with 2013 G Bonds. As of June 30, 2016, the total outstanding on the MID bonds is: $35,190,000 for the 2013 G Bonds and $93,190,000 for the 2007 F Bonds, for a total of $128,380,000. For the 2007F Bonds, the annual principal payments begin on September 1, 2023 and mature on September 1, 2037 in amounts from $4,275,000 to $11,870,000, with variable interest rates fluctuating according to market conditions. For the 2013 G Bonds, the annual principal payments began on September 1, 2014 and mature on September 1, 2022, in amounts from $3,970,000 to

$5,795,000, with variable interest rates fluctuating from 2% to 5%. The City has entered into interest-rate swap agreements to synthetically fix the rates that the City pays at 4.38% and 4.44%. Refer to the Interest Rate Swap agreement section below with more information about the debt schedule.

Annual debt service payments to maturity for the Reimbursement Agreement are as follows:

Year Ending June 30,	Business-Type Activities	
	Principal	Interest
2017	$4,320,000	$2,386,501
2018	4,535,000	2,165,127
2019	4,760,000	1,932,751
2020	5,005,000	1,688,627
2021	5,260,000	1,432,002
2022-2026	24,690,000	3,978,235
2027-2031	26,740,000	2,432,788
2032-2036	33,535,000	1,173,947
2037-2038	19,535,000	56,089
Total	$128,380,000	$17,246,067

Interest Rate Swap Agreements:

Objective of the swaps – The primary objective of the swaps is to mitigate the effect of fluctuations in variable interest rates by paying a fixed-rate and receiving a floating rate on the swap. Combining a pay-fixed receive-variable rate swap with variable debt results in what is termed "synthetic" fixed-rate debt. It is called synthetic because the economics are similar to fixed-rate debt, but another instrument is involved unlike regular fixed-rate debt. Each time the City created synthetic fixed-rate debt a comparison and determination was made that the fixed-rate on regular debt would have been higher than the fixed rate on the swap.

During fiscal year 2007, the City entered into an interest swap agreement in connection with the 2006 Water Revenue Certificates of Participation. This transaction was updated due to the refunding of the 2006 Certificates by the 2008 Water Refunding Revenue Certificates of Participation (COPs). The swap agreement allows the City to create a synthetic fixed-rate on the COPs, protecting it against increases in short-term interest rates.

During fiscal year 2008, the City entered into an interest swap agreement in connection with the 1998 and 2007 Lease Revenue Bonds. The swap agreement allows the City to create a synthetic fixed rate on the Lease Revenue Bonds, protecting it against increases in short-term interest rates. The terms, fair value and credit risk of these swap agreements are disclosed below.

Additionally, in May 2007, the City approved the issuance of revenue bonds by the Modesto Irrigation District Financing Authority related to the financing of Phase 2 of the Domestic Water Treatment and Delivery System of the Modesto Irrigation District. The MID Water Refunding Bonds were issued with an interest swap feature with Bear Sterns, which was subsequently acquired by JP Morgan. Under the agreement between MID and JP Morgan, the City must post collateral when our negative position exceeds the Pledgor's Threshold of $20 million. This negative position represents the present value of declining interest rates to date from issuance of bonds. In June 2010, the City Council authorized the City to post collateral up to $18 million, which would support a negative position of $38 million. In July 2010, the City Council increased the City's authorization to post collateral from $18 million to up to $20 million. At the end of fiscal year 2016, the City had posted a cumulative total of $20 million of collateral posting, which is reported in the Water Enterprise Fund cash with fiscal agent.

Terms – The terms, including the counterparty credit rating of the outstanding swaps, as of June 30, 2016 are shown in the table below. The swap agreements contain scheduled reductions to the outstanding notional amounts that are expected to follow scheduled principal reductions in the associated debt issues.

Related Debt Issue	Current Notional Amount	Effective Date	Counterparty	Credit Rating (S&P)	Fixed Rate Paid	Variable Rate Received	Termination Date
2008 Water Refunding Revenue COPs	$45,180,000	5/30/2008	Bank of America	A	3.47%	63.7% of USD-LIBOR, plus .154%	10/1/2036
2008 Lease Revenue Refunding and Capital Improvement	56,305,000	8/28/2008	Bank of America	A	3.61%	63.7% of USD-LIBOR, plus .154%	9/1/2033
2007 MID Domestic Water Revenue Bonds Series 2007F	23,370,000	6/26/2007	JP Morgan Chase Bank	A+	4.38%	67% of 3 Month LIBOR + 0.58%	9/1/2027
2007 MID Domestic Water Revenue Bonds Series 2007F	69,820,000	6/26/2007	JP Morgan Chase Bank	A+	4.44%	67% of 3 Month LIBOR + 0.63%	9/1/2037

Based on the swap agreement the City owes interest calculated at a fixed rate to the counterparty (Bank of America and JP Morgan). In return, the counterparty owes the City interest based on the variable rate that approximates the rate required by the associated COPs and lease revenue bonds. Debt principal is not exchanged; it is only the basis on which the swap receipts and payments are calculated.

GASB Statement 53 (GASB 53) addresses the recognition measurement and disclosure of information regarding derivative instruments entered into by state and local governments. All derivatives are to be reported on the statement of net position at fair value and all hedges must be tested for effectiveness to qualify for hedge accounting. The tests are outlined in GASB 53. Depending on the test results, the changes in fair value are either reported on the statement of net position as a deferral or in the statement of activities as investment revenue or loss.

Fair value – Fair value takes into consideration the prevailing interest rate environment, the specific terms and conditions of each transaction and any upfront payments that may have been received. Fair value was estimated using the zero-coupon discounting method, which calculates the future payments required by the swap, assuming that the current forward rates implied by the LIBOR swap yield curve are the market's best estimate of future spot interest rates. These payments are then discounted using the spot rates implied by the current yield curve for a hypothetical zero-coupon rate bond due on the date of each future net settlement on the swaps.

As of June 30, 2016, the fair value of the swaps was in favor of the counterparty as shown in the following table:

Bond Issue	Fair Value
2008 Water Refunding Rev. Certificates of Participation	($12,630,581)
2008 Lease Revenue Bonds	($13,411,625)
2007 MID Domestic Water Revenue Bonds	($32,592,092)

Credit risk – As of June 30, 2016, the City was not exposed to credit risk on the swaps because the swaps had negative fair value. However, if interest rates increase and the fair value becomes positive, the City would be exposed to credit risk. The City will be exposed to interest rate risk only if the counterparty to the swap defaults or if the swap is terminated.

Basis risk - Basis risk is the risk that the interest rate paid by the City to the bondholders on the underlying variable rate bonds temporarily differs from the variable swap rates received from the counterparty. The swaps have basis risk since the City receives a percentage of the LIBOR Index to offset the actual variable bond rates the City pays on the underlying certificates of participation. The City is exposed to basis risk should the floating rate that it receives on the swap be less than the actual variable rate the City pays on the bonds. Depending on the magnitude and duration of any basis risk shortfall, the expected cost of the basis risk may vary.

A portion of this basis risk is tax risk. The City is exposed to tax risk when the relationship between the taxable LIBOR

based swaps and tax-exempt variable rate bonds changes as a result of a reduction in federal and state income tax rates. Should the relationship between LIBOR and the underlying tax-exempt variable rate bonds converge the City is exposed to this basis risk.

Termination risk - The City may terminate the swap contracts if the other party fails to perform under the terms of the contracts. The City will be exposed to variable rates if the counterparty defaults or if the swap contract is terminated. A termination of the swap contract may also result in the City's making or receiving a termination payment based on market interest rates at the time of the termination. If at the time of termination the swap has a negative fair value, the City would be liable to the counterparty for a payment equal to the swap's fair value.

Swap payments and associated debt – Using rates as of June 30, 2016, debt service requirements of the 2008 Water Refunding Revenue Certificates of Participation, the 2008 Lease Revenue Refunding Bonds, and the 2007 MID Domestic Water Revenue Bonds, including net swap payments and broker fees, are as shown in the following table assuming current interest rates remain the same for their term. The bond interest payments and net swap payments will vary as interest rates vary.

Year Ending	Variable-Rate Bonds		Net Swap Payments and Remarketing	
June 30,	Principal	Interest	Fees	Total
2017	$2,200,000	$2,236,801	$6,555,678	$10,992,479
2018	2,060,000	2,205,377	6,759,463	11,024,840
2019	2,255,000	2,172,282	6,681,353	11,108,635
2020	2,395,000	2,136,883	6,600,490	11,132,373
2021	2,565,000	2,099,046	6,508,252	11,172,298
2022-2026	35,470,000	9,390,323	30,002,350	74,862,673
2027-2031	59,990,000	6,218,150	21,006,036	87,214,186
2032-2036	64,335,000	2,346,647	9,654,991	76,336,638
2037	23,405,000	74,877	970,931	24,450,808
Total	$194,675,000	$28,880,386	$94,739,544	$318,294,930

Changes in Long-Term Liabilities

Long-term liability activity for the year ended June 30, 2016, was as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental activities:					
Loans Payable	$498,362	$-	$-	$498,362	$-
Lease Revenue Bonds:	57,970,000	-	1,665,000	56,305,000	1,835,000
Notes Payable	2,789,000	-	221,000	2,568,000	233,000
Obligations under Capital Leases	1,070,472	330,947	459,362	942,057	467,093
Compensated Absences	6,429,778	4,754,128	4,437,177	6,746,729	2,650,580
Claims liability	22,530,631	10,798,772	9,732,872	23,596,531	5,033,143
Total governmental activities	**$91,288,243**	**$15,883,847**	**$16,515,411**	**$90,656,679**	**$10,218,816**

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Business-type activities:					
Loans Payable	$117,690,257	$8,251,298	$154,213	$125,787,342	$4,880,924
Compensated Absences	2,516,303	870,700	1,343,782	2,043,221	802,718
Certificates of participation:	49,105,000	-	665,000	48,440,000	705,000
Unamortized Discounts	(115,444)	-	(5,497)	(109,947)	-
Reimbursement Agreement:					
MID Bonds	132,490,000	-	4,110,000	128,380,000	4,320,000
Unamortized Premium	4,565,810	-	570,726	3,995,084	-
Sewer Bonds:	38,265,000	19,429,913	23,530,000	34,164,913	2,350,027
Unamortized Premium	1,022,405	-	1,022,405	-	-
Unamortized Discount	(229,844)	-	(10,447)	(219,397)	-
Developer advances	1,331,561	-	93,112	1,238,449	93,112
Business-type activities	**$346,641,048**	**$28,551,911**	**$31,473,294**	**$343,719,665**	**$13,151,781**

Principal balances are reported on the government-wide and enterprise funds statements of net position, net of unamortized issuance discounts and premiums. Deferred losses on refundings are reported as deferred outflows of resources. Internal service funds predominantly serve the governmental funds. Accordingly, long-term liabilities for the internal service funds are included as part of the above totals for governmental activities. At year-end, internal service funds obligations were zero under notes payable, and zero in capital leases. Also, the compensated absences and claims liability balances relate to the internal service funds, and as such they are liquidated by the internal service funds. The predominant contributors for these internal service funds include the General Fund, Water Fund, and Sewer Fund.

D. OBLIGATIONS UNDER CAPITAL LEASES

Governmental Activities

The City entered into a capital lease agreement with Pierce Manufacturing Inc. for the purchase of two Pierce Velocity 1500 GPM Pumpers, valued at $1,070,472, less $48,551 accumulated depreciation. The City also entered into a capital lease agreement with Pierce Manufacturing Inc. for the purchase of one 4x4 Freightliner Wildland Pumper valued at $330,947, less $24,866 accumulated depreciation.

The following is a schedule of the future minimum lease payments, as of June 30, 2016:

Year Ending June 30,	
2017	$ 482,977
2018	482,977
Total minimum lease payments	965,954
Less: amount representing interest	(23,897)
Present value of minimum lease payments	$942,057

E. DEVELOPER ADVANCES

The Del Este Water Company (Del Este) entered into various agreements with developers under which infrastructure components were either constructed on behalf of Del Este or cash was advanced to the company to construct the infrastructure. Agreements in existence at the time of the City's acquisition of Del Este were assumed by the City. The terms of repayment call for no interest, with principal paid over a 40-year period. As of June 30, 2016, the total

outstanding balance due under the agreements is $1,238,449. The total annual payments fluctuate depending on the ending date of each agreement. At June 30, 2016, the amount of $93,112 due during fiscal year 2017 has been reported as "current portion-developer advances" on the Water Enterprise Fund statement of net position. The remaining $1,145,337 of outstanding principal has been reported under noncurrent liabilities, as "developer advances."

F. INTERFUND BALANCES

Interfund balances as of June 30, 2016 consist of the following:

Due to General Fund from:	
Other governmental funds	$4,935,597
Other enterprise funds	342,380
Total Due to General Fund	5,277,977
Total Due to/Due From:	$ 5,277,977
Advances from General Fund to:	
Other governmental funds	$1,143,157
Other enterprise funds	1,324,704
Advances from General Fund	2,467,861
Advances from Water Fund to:	
General Fund	150,000
Other governmental funds	21,660
Advances from Water Fund	171,660
Advances from Sewer Fund to other enterprise funds	923,400
Advance from internal service funds to General Fund	781,738
Total Advances from/Advances to	$4,344,659

All balances reported as "due to/due from" are short-term loans to cover temporary fund cash shortages as of June 30, 2016, and were repaid early in fiscal year 2017. Balances reported as "advance to/advance from" were for capital projects expenditures and are either in the process of being repaid or have scheduled repayments in future years.

G. Fund Balance

Detailed classifications of the City's Fund Balances, as of June 30, 2016, are provided below:

	General Fund	Housing and Community Development	Other Governmental	Total Governmental Funds
Nonspendable				
Advances to other funds	$ 2,467,861	$ -	$ -	$ 2,467,861
Prepaid Items	179,831	1,546	84,696	266,073
Total Nonspendable Fund Balance	2,647,692	1,546	84,696	2,733,934
Restricted				
Capital Facility Fees	-	-	26,591,390	26,591,390
Cash with Fiscal Agent	-	-	5,556,724	5,556,724
Community Facilities District	-	-	17,013,152	17,013,152
Grants and Donations	-	1,563,231	1,087,908	2,651,139
Notes Receivable	-	23,968,456	2,281,179	26,249,635
Deposits	2,092,126	-	-	2,092,126
Traffic Fines	-	-	2,501,534	2,501,534
Total Restricted Fund Balance	2,092,126	25,531,687	55,031,887	82,655,700
Committed				
General Fund Set-Aside	3,000,000	-	-	3,000,000
Total Committed Fund Balance	3,000,000	-	-	3,000,000
Assigned				
Encumbrances - Vendor Contracts	2,167,175	-	-	2,167,175
FY 16-17 Budget Carryover	4,336,594	-	-	4,336,594
Downtown Improvement District	-	-	57,661	57,661
Successor Redevelopment Housing Agency	-	-	443,437	443,437
Gas Tax Funding	-	-	8,555,524	8,555,524
Special Capital Outlay Projects	-	-	18,875	18,875
Strategic Planning and Development	-	-	987,561	987,561
Total Assigned Fund Balance	6,503,769	-	10,063,058	16,566,827
Unassigned - General Fund	12,822,134	-	-	12,822,134
Unassigned - Special Revenue Funds	-	-	(191,497)	(191,497)
Unassigned - Debt Service Funds	-	-	(40,337)	(40,337)
Unassigned - Capital Project Funds	-	-	(493,007)	(493,007)
Total Unassigned Fund Balance	12,822,134	-	(724,841)	12,097,293
Total Fund Balance	$ 27,065,721	$ 25,533,233	$ 64,454,800	$ 117,053,754

H. DEFICIT FUND EQUITY

The Capital Grants fund has a fund balance deficit of $490,674, which will be recovered through future revenues and local matches covered through the General Fund or other City funds.

The Compost Fund has a net position deficit of $1,772,155, due to the pollution remediation liability reported for the Carpenter Landfill during this fiscal year. The remediation funding has been incorporated into the utility fees related to garbage rates to cover the anticipated cost.

The Golf Enterprise Fund has a net position deficit of $1,570,687, due to a change in accounting policy several years ago, as well as revenues not keeping up with expenses. The City originally classified the 1993 Refunding Certificates of Participation as debt of the governmental funds, with construction proceeds transferred to the Golf Enterprise Fund when the certificates were issued. However, since the Golf Fund is paying, and is expected to continue paying, the entire debt service cost, it was decided that the balance of the debt should be recorded in the Golf Fund. The Golf Fund also has struggled due to competition and lagging revenues. Depreciation expense further contributes to the deficit. The City is looking at various options to resolve this funding deficit.

The Employee Benefits Management Internal Service Fund has a net position deficit of $55,107,015. It exists partially because the total compensated absences and other post-employment benefit balance previously classified as debt of the governmental funds was included in this fund at its inception several years ago, and has never been fully funded. The City is continuing to charge a higher benefit rate to help reduce this deficit. In addition, one-time revenues having to do with employee benefits are deposited to this fund.

The Insurance Fund has a net position deficit of $5,943,767, due mainly to the recognition of settlements that were reached in the prior fiscal year which have been reported as liabilities of the Liability Insurance Fund. Both settlements involved matters that represented city-wide policies and practices and therefore are allocable to all of the funds that make annual contributions to the liability insurance program. The liability insurance program will recover the full amount of the settlement from charges to the funds that participate in the liability insurance program over a period of 5 years based on this methodology being factored into the Internal Service Fund allocation that is distributed to City departments.

I. INTERFUND TRANSFERS

The following is a schedule of interfund transfers.

	Transfers from (out):								
Transfers (in) to:	General Fund	Housing & Community Development	Other Governmental	Water	Sewer	Bus	Other Enterprise Funds	Internal Service	Total
General Fund			$ 141,380	$ 65,000	$ 68,640		$ 276,972		$ 551,992
Housing & Community Dev	$ 41,457								41,457
Other Governmental	4,422,233	$ 64,406	1,512,405	954			24,618	$ 342,360	6,366,976
Water	264,500		821						265,321
Sewer	114,000						17,719		131,719
Bus	1,500								1,500
Other Enterprise	1,071,610		1,558,841	700,000		$ 66,016			3,396,467
Internal Service	307,000		1,072,193	27,481	285,448	913,136	781,846	25,970	3,413,074
Grand Total	$ 6,222,300	$ 64,406	$ 4,285,640	$ 793,435	$ 354,088	$979,152	$ 1,101,155	$ 368,330	$14,168,506

In general, the City uses interfund transfers to (1) move revenues from the funds that collect them to the funds that statute or budget requires to expend them, (2) use unrestricted revenues collected in the General Fund to help finance various programs and capital projects accounted for in other funds in accordance with budgetary authorization, and (3) move cash to debt service funds from the funds responsible for payment as debt service payments become due.

J. SUCCESSOR AGENCY TRUST FOR ASSETS OF FORMER REDEVELOPMENT AGENCY

On December 29, 2011, the California Supreme Court upheld Assembly Bill 1X 26 (Bill) that provides for the dissolution of all redevelopment agencies in the State of California. This action impacted the reporting entity of the City that previously had reported a redevelopment agency blended component unit. The Bill provides that upon dissolution of a redevelopment agency, either the City or another unit of local government will agree to serve as the "successor agency" to hold the assets until they are distributed to other units of state and local government. On January 24, 2012, the City Council elected to become the Successor Agency for the former Redevelopment Agency (RDA) in accordance with the Bill as part of County Resolution number 12-7.

After enactment of the law, which occurred on June 28, 2011, redevelopment agencies in the State of California cannot enter into new projects, obligations or commitments. Subject to the control of a newly established oversight board, remaining assets can only be used to pay enforceable obligations in existence at the date of dissolution (including the completion of any unfinished projects that were subject to legally enforceable contractual commitments).

In future fiscal years, successor agencies will only be allocated revenue in the amount that is necessary to pay the estimated annual installment payments on enforceable obligations of the former redevelopment agency until all enforceable obligations of the prior redevelopment agency have been paid in full and all assets have been liquidated.

The Bill directs the State Controller to review the propriety of any transfers of assets between redevelopment agencies and other public bodies that occurred after January 1, 2011.If the public body that received such transfers is

not contractually committed to a third party for the expenditure or encumbrance of those assets, the State Controller is required to order the available assets to be transferred to the public body designated as the successor agency by the Bill.

Management believes, in consultation with legal counsel, that the obligations of the former RDA due to the City are valid enforceable obligations payable by the Successor Agency trust under the requirements of the Bill.

In accordance with the timeline set forth in the Bill (as modified by the California Supreme Court on December 29, 2011), all redevelopment agencies in the State of California were dissolved and ceased to operate as a legal entity as of February 1, 2012.

After the date of dissolution, as allowed under Section 34176(a) of the Bill, the City elected to retain the housing assets and functions previously performed by the former RDA. The assets and activities for the Successor Agency Housing fund continue to be reported in the City's governmental fund financial statements. The remaining assets, liabilities, and activities of the dissolved RDA, are reported in the Successor Agency fiduciary fund (private-purpose trust fund) in the financial statements of the City.

As of June 30, 2016, one of the obligations under the Successor Agency trust is associated with the 10th Street Place Project:

Reimbursement agreement with the City totaling $19,566,862. The original loan is from the City's 1998 Lease Revenue Bonds and the 2007 Lease Revenue Bonds that pertain to the Successor Agency. On August 28, 2008, the City refinanced the entire outstanding balance of the City's 1998 Lease Revenue Bonds and the 2007 Lease Revenue Bonds with variable rate 2008 Lease Revenue Bonds. The new balance has been provided as of June 30, 2016 that pertains to the Successor Agency. Additional information related to the 2008 Lease Revenue bonds is provided in Note II-C under the Lease Revenue Bonds – Governmental Activities section.	$16,328,450

Annual debt service requirements to maturity are as follows:

Year Ending June 30,	Principal	Interest	Total
2017	$532,150	$839,935	$1,372,085
2018	491,550	812,745	1,304,295
2019	539,400	787,147	1,326,547
2020	580,000	760,238	1,340,238
2021	629,300	731,626	1,360,926
2022-2026	4,057,100	3,123,625	7,180,725
2027-2031	5,550,600	1,948,446	7,499,046
2032-2035	3,948,350	487,064	4,435,414
Total	$16,328,450	$9,490,826	$25,819,276

The reserves for the Reimbursement Agreement are recorded in the Public Financing Authority debt service fund for the City.

No-interest loan payable to the Stanislaus County Economic Development Bank loan program, for the purpose of funding the Kansas Avenue Business Park Project's Master Plan costs. The Agency has no obligation to begin repayment until the Project is completed and revenues begin; final payment is due in 2016 if not repaid sooner.

Future debt service requirements to maturity for loans payable, as of June 30, 2016, are as follows:

Year Ending June 30	Principal	Interest	Total
2018	$ 405,000	$ 0	$ 405,000
Total	$ 405,000	$ 0	$ 405,000

As of June 30, 2016, the Successor Agency was obligated for the following long-term debt in conjunction with the Community Center Project:

1993 Refunding Certificates of Participation; serial certificates with annual maturities on November 1 in amounts ranging from $800,000 to $1,040,000; interest rates from 5.3% to 5.6%; and in the amount of $12,235,000 at 5.0% maturing November 1, 2023, with annual payment of $1,090,000 to $1,610,000 beginning in 2011.	$10,895,000

Future debt service requirements to maturity for the Certificates of Participation, as of June 30, 2016, are as follows:

Year Ending June 30,	Principal	Interest	Total
2017	$1,135,000	$516,375	$1,651,375
2018	1,195,000	458,125	1,653,125
2019	1,260,000	396,750	1,656,750
2020	1,320,000	332,250	1,652,250
2021	1,385,000	264,625	1,649,625
2022-2024	4,600,000	352,750	4,952,750
Total	$10,895,000	$2,320,875	$13,215,875

The former RDA also has a few outstanding obligations related to reimbursements for parking expenses with Westland Development Company and payments to the Tenth Street Joint Power Agency for maintenance for common areas in the Tenth Street Place. These amounts are all reported in the Successor Agency in the Fiduciary financial statements under the Private-Purpose Trust Fund.

K. NOTES AND LOANS RECEIVABLE

The notes receivable in the Housing and Community Development and Other Governmental Funds of $54,679,074 net of $201,943 allowance for doubtful accounts, consist of loans made for low-income housing rehabilitation, first-time homebuyers, property improvement and small business origination. The loans are collateralized by deeds of trust on the improved properties or business assets, and are generally bearing annual interest at 3 or 5 percent. Some direct loans may be subject to forgiveness, some are interest free and require no repayment of principal until the loans reach maturity, and some are subject to residual receipt payment agreements. Loan terms range from 5 to 55 years.

L. APPROVED LOANS PAYABLE

The approved loans payable in the Housing and Community Development Special Revenue Fund of $1,998,464 consist of amounts being held for rehabilitation of properties using funds provided by federal grants. This liability is expected to be liquidated in less than a year.

The approved loans payable in the Governmental Activities related to the Successor Redevelopment Housing Agency of $575,000 consists of amounts being held for affordable housing for the Palms Valley and Village One Town Center. The liability is expected to be liquidated within a long-term period.

M. POLLUTION REMEDIATION LIABILITY

The City reported a liability in the Water and Sewer Enterprise funds, which represents the recoveries the City has collected less any remediation and legal costs incurred in pursuit of mitigating damages from the manufacturers of perchlorethylene, or PCE, a common chemical used in the dry cleaning industry. This chemical has seeped into the groundwater through sewer lines when improperly disposed, and threatens the City's groundwater supplies. Modesto has been proactive in attempting to recover damages and future cleanup costs from the dry cleaners and their insurers, and has also initiated litigation with the manufacturers. As of June 30, 2016, the City reported a pollution remediation liability from the Water and Sewer funds in the amount of $8,998,408 and $10,210,999, respectively.

In addition, in the Compost Fund, a liability was reported related to the Carpenter Road Landfill which is a 39-acre City owned landfill, located on both the east and west sides of Carpenter Road between Kenneth and Robertson Roads and the Tuolumne River, which was in operation from 1956 to 1968. This landfill precedes Subtitle-D and had no liner or leachate collection or removal system. In 1993, six methane gas monitoring wells were installed. In December 2005, there was a spike in the methane gas level at the landfill's Northern boundary. The State required the City to determine the cause and develop a mitigation and monitoring plan to ensure the landfill remained in compliance with the state statutes. In November of 2010, a Corrective Action Plan was proposed for the landfill involving hydrogen releasing compound injection. In October 2014, a revised Corrective Action Plan and post closure maintenance plan was submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB). In March 2015, a Cleanup and Abatement Order was issued to the City of Modesto for the Carpenter Road Landfill by the California Regional Water Quality Control Board to complete the clean closure correction action plan by January 15, 2017. As of June 30, 2016, the City reported a pollution remediation liability from Compost Fund in the amount of $2,600,000.

N. DEFERRED INFLOWS/OUTFLOWS OF RESOURCES

Pursuant to GASB Statement No. 63, "Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position", the City recognized deferred outflows and inflows of resources in the entitywide and governmental fund statements. These items are an acquisition of net position by the City that is applicable to a future reporting period. On the governmental fund statements, the Housing and Community Development Fund reported deferred inflow of resources in the amount of $28,429,439 for unavailable resources related to note and grant receivables not meeting the period of availability. Previous financial reporting standards do not include guidance for reporting these in the financial statements, which are distinct from assets and liabilities. The items relate to outflows and inflows for net pension liability (Note III-G), swap hedging (Note II-C) and loss on refunding.

III. OTHER INFORMATION

A. RISK MANAGEMENT

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to and illnesses of employees; and natural disasters. The City maintains the Insurance Internal Service Fund to account for and finance its risks of loss. Under this program, the City is self-insured for the following risks up to the maximum amount per claim/occurrence as follows: workers' compensation $500,000; liability $1,000,000. The City purchases commercial insurance for property loss, airport liability, and for claims in excess of the preceding self-insured coverage amounts.

For liability claims, the City is one of twelve members of the Authority for California Cities Excess Liability (ACCEL) risk pool. This pool covers City claims between $1,000,000 and $5,000,000. The purpose of the pool is to spread the adverse effect of losses among the member agencies. The City contributes its pro rata share of anticipated losses to the pool. Should actual losses among participants be greater than anticipated, the City will be assessed its pro rata share of that deficiency. Conversely, if the actual losses are less than anticipated, the City will be refunded its pro rata share of the excess. Commercial insurance covers claims over $5,000,000 in four excess layers, of $10,000,000 each and one additional layer of $5,000,000 above $45,000,000; for additional total coverage of $50,000,000 per claim. Settled claims have not exceeded this commercial coverage in any of the past five fiscal years.

All operating funds participate in the program and make payments to the Insurance Fund based on historical cost and/or actuarial estimates of the amounts needed to pay prior and current year claims, and to allow accrual of estimated incurred but not reported claims and allocated loss adjustment expenses. Insurance premiums to commercial insurers are also processed through the Insurance Fund . The total claims liability at June 30, 2016 is

$23,596,531 consisting of $18,914,425 workers' compensation, $4,466,977 general liability, $170,706 dental, and $44,423 vision. Workers' compensation and general liability claims liabilities are estimated on an actuarial basis, and are reported at their net present value using an expected future investment yield assumption of 3% (general liability) and 3% (workers' compensation). The undiscounted workers' compensation and liability claims totaled $22,498,536 and $4,737,467, respectively. The actuarial liability for workers' compensation and general liability were based on December 2015 actuarial reports.

The current portion of the total claims liability is estimated to be $5,033,143 and the balance of $18,563,388 is reported as a long-term liability on the statement of net position. Changes in the Insurance Fund claims liability during the fiscal years ended June 30, 2014 through June 30, 2016 were:

	Claims Liability July 1	Current-Year Claims and Changes in Estimates	Current-Year Claim Payments	Claims Liability June 30
2014-15	$22,284,679	$5,914,018	$(5,668,066)	$22,530,631
2015-16	22,530,631	9,732,872	(8,666,972)	23,596,531

B. COMMUNITY FACILITIES DEBT WITHOUT CITY COMMITMENT

Special assessment and community facilities districts have been established in various areas of the City to provide improvements to properties located in those districts. Properties are assessed for the cost of the improvements; these assessments are payable solely by the property owners over the term of the debt issued to finance the improvements. The City is not legally obligated to pay these debts or be the purchaser of last resort of foreclosed properties in the special assessment districts, nor is it obligated to advance City funds to repay this debt in the event of default by any property owners. The City functions as an agent for the property owners by collecting assessments and forwarding collections to trustees for payment to bond holders.

At June 30, 2016, the balance of these districts' outstanding debt was as follows:

Issue	Outstanding Amount
Village One #2 Community Facilities District	$29,000,000
Fairview Village Community Facilities District	4,245,000

C. CONDUIT DEBT OBLIGATIONS

From time to time, the City has issued revenue bonds to provide financial assistance to private-sector entities for the acquisition and construction of industrial, commercial, health care, and multiple-family housing facilities deemed to be in the public interest. The bonds are secured by the property financed and are payable solely from developer payments on the underlying mortgage loans. Upon repayment of the bonds, ownership of the acquired facilities transfers to the private-sector entity served by the bond issuance. Neither the City, the State, nor any political subdivision thereof is obligated in any manner for repayment of the bonds. Accordingly, the bonds are considered conduit debt obligations and are not reported as liabilities in the accompanying financial statements.

As of June 30, 2016, there were two series of conduit revenue bonds outstanding. The aggregate principal amount payable for these multiple-family housing bond issues, issued between 1994 and 2002, was $7,975,000.

D. COMMITMENTS AND CONTINGENCIES

The City is involved in litigation relating to tort claims, workers' compensation claims and other claims such as contract actions and inverse condemnation actions for which the City is self-insured, as disclosed in Note III-A. The City is a defendant in various matters of litigation.

The City receives funding from a number of federal, state and local grant programs, principally the Federal Highway Administration, Community Development Block Grants, and Federal Transit Administration grants. These programs are subject to financial and compliance review by the grantors. Accordingly, the City's compliance with applicable grant requirements will be determined at some future date. Expenditures, if any, which may be disallowed by the granting agencies, cannot be determined at this time. The City does not expect the undeterminable amounts of disallowed expenditures, if any, to materially affect the basic financial statements. Receipt of these federal, state and

local grant revenues is not assured in the future.

The City has commitments of $12,397,729 for the City's governmental funds as of June 30, 2016 for contracts awarded but not completed and other outstanding purchase requisitions and orders. This amount consists of $2,167,175 in the General Fund, $264,782 in the Housing and Community Development, and $9,965,772 in other governmental funds. Commitments of the governmental funds are recorded in one of the classifications of fund balance based on the various funding restrictions on the balance sheet. As of June 30, 2016, there are major contracts for water (Gateway Pacific Contractors - $9.9 million and Knife River Construction - $2.5 million), sewer system improvements (Carollo Engineers - $4.7 million and Monterey Mechanical - $2.6 million), bus and vehicle purchases (vendors varies - $4.9 million), and Pelandale interchange reconstruction (Teichert - $32.6 million and Mendoza and Associates - $4.2 million).

E. JOINT VENTURES AND JOINTLY GOVERNED ORGANIZATION

Tuolumne River Regional Park

The City participates with Stanislaus County and the City of Ceres in the operation and development of the Tuolumne River Regional Park (TRRP). The governing body consists of 2 members from the County Board of Supervisors, 2 members from the Modesto City Council, and 1 member from the Ceres City Council. The TRRP board prepares the annual budget, which must be approved by both cities' councils and the board of supervisors. Each participant has an equity interest in the capital assets of TRRP based on the percentage of cumulative contributions paid. The City's contribution to TRRP was $108,462 for the fiscal year ended June 30, 2016. As of June 30, 2016 the City's investment in this joint venture was $789,981, and is included in governmental activities on the statement of net position. Financial statements for TRRP are prepared by the City of Modesto Finance Department.

Stanislaus Drug Enforcement Agency

Stanislaus County (County) and the cities of Modesto, Oakdale, Ceres, Patterson, Turlock, Riverbank, Hughson, Waterford and Newman are the participants in the Stanislaus Drug Enforcement Agency (SDEA). The purpose of the SDEA is to maintain a specially trained police unit to assist each of the participating agencies in the enforcement of drug control laws, and to study, plan, and set priorities for effective enforcement of such laws throughout Stanislaus County. The governing board consists of the sheriff of Stanislaus County and the chief of police of each participating city. All participants contribute to the funding of the SDEA budgeted expenditures, based on population and assessed property value. The City's cash contribution to the SDEA for the fiscal year ended June 30, 2016 was $167,454. The City's investment in this joint venture was estimated to be $285,975 as of June 30, 2016, based on the most recent available information. This amount is reported in governmental activities in the statement of net position. Financial statements of the SDEA are prepared by the City of Modesto Finance Department.

City-County Capital Improvements and Financing Agency

The City and Stanislaus County formed the City-County Capital Improvements and Financing Agency (Agency) to provide for the design, construction, ownership, operation, management and financing of a City-County administration center located in Modesto's downtown redevelopment area. The governing body is a commission consisting of 2 members of the City Council, 2 members of the County Board of Supervisors, the County Chief Executive Officer, and the City Manager. The commission is responsible for developing an annual budget and determining the annual contribution rates, subject to approval by both the City and the County. The Stanislaus County Auditor Controller was the fiscal administrator during the construction phase, which was final at the end of June 2003. Starting in July 1, 2010 the County Auditor Controller became the fiscal administrator. For the fiscal year ended June 30, 2016, the City's payments to the Agency were $798,017 for operations and capital reserve. The City's equity interest in the Agency is $9,130,070, equal to its capital asset contributions to date net of depreciation, and is reported in governmental activities as investments in joint ventures in the statement of net position. Financial statements of the Agency are prepared by the Stanislaus County Auditor Controller office.

Stanislaus Waste-to-Energy Financing Agency

The City participates with Stanislaus County in the Stanislaus Waste-to-Energy Financing Agency (Agency). The Agency was created to provide financing for a facility that generates power from solid waste. The costs of operating the Agency, if any, are shared equally by the participants. The governing body consists of 2 members each from the

County Board of Supervisors and the Modesto City Council. As of June 30, 2016, the City has no equity interest. Stanislaus County Treasurer's office prepares the Agency's financial statements.

Consolidated Emergency Dispatch Agency

The Modesto/Stanislaus Consolidated Emergency Dispatch Agency (the MSCEDA) was created on September 1, 1999, pursuant to a joint exercise of powers agreement between the City of Modesto and the County of Stanislaus. The MSCEDA is administered by a seven-member commission consisting of one member of the City Council, one member of the County Board of Supervisors, the County Chief Executive Officer, the City Manager, two members from the Dispatch Advisory Board, and one member from the City of Ceres' City Council or one member selected by the City Council of another participating City. The purpose of the MSCEDA is to consolidate the public safety communications system. The responsibilities of the agency include approval of annual budget, claims, liabilities, and the use of MSCEDA property as collateral. Each participant will contribute sufficient funds to pay for all costs and expenses associated with providing Emergency Dispatch Services. Upon termination of the agreement, assets will be distributed equally to the City and County, unless otherwise approved. The financial statements may be obtained by writing to the Modesto/Stanislaus Consolidated Emergency Dispatch, Office Manager, 3705 Oakdale Road, Modesto, California 95357.

North County Corridor Transportation Expressway Authority

On April 1, 2008, the City Council approved the establishment of a Joint Powers Authority between the County and the cities of Modesto, Oakdale and Riverbank to create the North County Corridor Transportation Expressway Authority (NCCTEA). The purpose of the Authority is to prepare, identify, and adopt a precise alignment, and prepare and certify environmental documents for a route to improve east/west traffic circulation in the County.

The intent of the NCCTEA is to provide a high capacity high speed east-west roadway to accommodate anticipated traffic growth, alleviate traffic on parallel roads, and to accommodate multi-modal travel. Under the terms of the agreement, the County will incur 40% of the costs of the project while each of the participating cities will be contributing 20%. The preliminary project development costs will be funded by State Transportation Program and Public Facility Fees. The NCCTEA Board of Directors will be comprised of two directors appointed by the County, and one director from each participating city. The board acts autonomously from the respective member agencies. The County of Stanislaus Public Works Director is designated as the NCCTEA's manager. Upon completion of the agreement, all assets will be distributed to the respective parties of the agreement as determined by the Board of Directors of the Authority. Financial statements may be obtained by writing to the County of Stanislaus, Public Works Department, 1716 Morgan Road, Modesto, CA 95358.

Stanislaus Animal Services Agency

The Stanislaus Animal Services Agency (SASA) was created October 27, 2009, pursuant to a joint powers agreement among the cities of Ceres, Hughson, Modesto, Patterson, Waterford, and the County of Stanislaus. SASA is administered by a six-member board comprised of the City Manager of each partner agency, and the Chief Executive Officer of the County. The purpose of SASA is to operate a regional agency providing animal services to their respective communities. The SASA Executive Director is responsible for the annual budget which must be approved by the SASA Board of Directors. Each partner agency will contribute sufficient funds to pay for all costs approved in the budget to provide animal services. Upon termination of the agreement, assets will be distributed in accordance with the joint powers agreement. The financial statements may be obtained by writing to the Stanislaus Animal Services Agency, Executive Director, 3647 Cornucopia Way, Modesto, CA 95358.

Regional Fire Training Center

The City has entered into an agreement with the Yosemite Community College District (YCCD) and Stanislaus County for the use and management of the regional fire training center at Modesto Junior College. The executive board consists of the YCCD Chancellor, the President of Modesto Junior College, the City Manager of the City of Modesto, and the Chief Executive Officer of Stanislaus County. The YCCD is responsible for accounting and for monitoring the center's budget. All three entities share in the operating costs. Initial construction costs were paid by the YCCD from borrowed funds, with the City and County reimbursing a portion of these costs in exchange for future use of the center. The City has paid its share of the construction costs in full. Title to the constructed asset is held by the YCCD; therefore, the City has no equity interest.

Stanislaus Regional Water Authority

The City participates in the Stanislaus Regional Water Authority, which was established between the City of Ceres, Modesto and Turlock on September 27, 2011. The purpose of the authority is direct the future of the proposed Regional Surface Water Supply Project (RSWSP). The authority would purchase water from the Turlock Irrigation District, would treat such water, and make treated water available "at cost" to the participating agencies. As of November 30, 2015, the City of Modesto withdrew from this Authority and no longer participates as a partner in this Authority. As of the withdrawn date of November 30, 2015, the City's payments to the Agency were $7,259. The City has no equity interest.

North Valley Regional Recycled Water Program (NVRRWP)

The City participates in the NVRRWP, which was established by the City of Modesto and Del Puerto Water District in November 2014. The purpose of this agreement is to develop, construct, operate and maintain water supply facilities and service. Through this agreement all partner agencies will cooperate and collaborate to use their best efforts regarding the submission of grants, loans and other funding resources to cover future cost related to the design and construction on future projects. At the end of the fiscal year June 30, 2016, the City has no equity interest.

F. POST-RETIREMENT HEALTH CARE DEFINED BENEFIT PLAN

Plan Description

In addition to the pension benefits described below in Note III-G, the City participates in an agent multiple-employer plan which provides health care benefits to employees who retire from the City based on certain criteria related to their hired and retirement date, under contractual agreements with all employee groups. All full-time employees hired before January 1, 2011, except firefighters who receive a cash payout, are eligible to set aside a percentage of accumulated sick leaves upon retirement to be used for payment of future health care premiums to a choice of insurance plans (sick leave conversion). The City has no obligation to pay the health insurance allowance for retirees with no accumulated sick leave. All employees hired on or after January 1, 2011 will not be eligible to participate in the sick leave conversion. As of June 30, 2016, there were 339 retirees receiving these health care benefits or a buy-out contribution to a retirement health savings account. If an employee elects to receive a buy-out contribution, they will be removed from the City's medical plan and will no longer be allowed to return to the City's medical plan.

The OPEB Plan provisions and benefits in effect at June 30, 2016, are summarized as follows:

	Police (including Management)	General Employees	Management	Fire	Fire Management
Benefit Types Provided	Medical, dental and vision	Medical, dental and vision	Medical, dental and vision	Medical, dental and vision	Medical, dental and vision
Duration of Benefits	One month per eight hours of converted sick leave	One month per eight hours of converted sick leave	One month per eight hours of converted sick leave	Lifetime	One month per eight hours of converted sick leave
City Health Allowance per month*	$621.00 for single; $1,100.00 with dependents	$621.00 for single; $1,100.00 with dependents	$621.00 for single; $1,100.00 with dependents	$122.00	$621.00 for single; $1,100.00 with dependents
	Police (including Management)	General Employees	Management	Fire	Fire Management
City Health Allowance per month**	N/A	$621.00 for single; $858 with spouse; $1,214 with dependents	N/A	N/A	N/A
City Health Allowance per month***	N/A	N/A	N/A	N/A	N/A

*Employees hired before January 1, 2011 and retired on or after October 23, 2012 through December 31, 2014 have had their sick leave conversion frozen with the health allowance.

**Employees hired before January 1, 2011 and retire after January 31, 2015 through December 31, 2015.

***Employees hired before January 1, 2011 and retire after December 31, 2015 (after January 31, 2015 for General Employees, after July 1, 2014 for Modesto Police Officers Association, and after August 26, 2014 for Modesto Police Management Association) will be subject to the City's new retirement program. The new retirement program will provide a City contribution to a Retirement Health Savings (RHS) account based on allowance. More information about the new retirement program is available under the City of Modesto Human Resources Department website under Compensation and Labor Agreements.

Except for the Fire group, the City health allowance amounts may increase each year based on the health allowance for active employees but for all union groups newly retired employees will not have this option due to these health allowances being frozen. For the Fire group, the City health allowance amounts increase each year in accordance with Government Code Section 22825.

Funding Policy and Actuarial Assumptions

The City's funding policy for the Plan is to fund benefits on a pay-as-you-go basis. The annual required contribution was determined as part of the January 1, 2015 actuarial valuation using the entry age normal actuarial cost method. This is a projected benefit cost method, which takes into account those benefits that are expected to be earned in the future as well as those already accrued. The actuarial assumptions included (a) 4% investment rate of return, (b) 7% graded down to ultimate 5% rate over 8 years Medical cost trend rate; 5% Dental/Vision cost trend rate (c) Projected salary increases are based on California Public Employee Retirement System (CalPERS) experience study released in 2014 for miscellaneous, police and fire (refer to chart below).

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contribution of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The actuarial methods and assumptions used include techniques that are designed to reduce the short-term volatility in actuarial accrued liabilities and actuarial value of asset. Actuarially determined amounts are subject to continual revision as results are compared to past expectations and new estimates are made about the future. The City's OPEB unfunded actuarial accrued liability is being amortized as a level percentage of projected payroll on a closed basis.

Projections of benefits for financial purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include types of benefits provided at the time of each valuation and the historical pattern of sharing benefit costs between the employer and the plan members to that point. Actuarial calculations reflect a long-term perspective and actuarial valuations involve estimates of the value of reported amounts and assumptions about the probability of events far into the future.

The remaining amortization period at June 30, 2016 was 20 years.

Projected Salary Increases
(CalPERS experience study released in 2014)

Service	Miscellanous	Police	Fire
0	11.60%	14.70%	19.80%
3	8.10%	7.80%	9.40%
5	6.00%	5.80%	6.40%
10	4.30%	4.30%	4.60%
15	4.00%	4.30%	4.20%
20	3.80%	4.30%	3.90%
25	3.60%	4.30%	3.70%
30	3.40%	4.30%	3.60%

The City has set aside $9,401,469 of Employee Benefits Management Internal Service Fund cash and investments to be used to fund the above benefits. Generally accepted accounting principles permit assets to be treated as OPEB assets and deducted from the Actuarial Accrued Liability when such assets are placed in an irrevocable trust or

equivalent arrangement. Since the City's Internal Service Fund does not meet this requirement, the assets have been excluded from the actuarial study and calculation. This funding policy means that the City contributions are considered to be on a pay-as-you-go basis. As a result, the City has calculated and recorded the Net OPEB Obligation, representing the difference between the annual required contribution and the pay-as-you-go contributions.

In prior years, the City estimated and recorded an accrued liability representing unfunded retiree pension costs in its Employee Benefits Management Internal Service Fund. In accordance with GASB 45, municipalities are permitted to retain an estimated liability for prior years unfunded OPEB costs, so long as it is calculated in a manner consistent with GASB Statement 27, which employed methodologies consistent with those now required under GASB 45.

The Plan annual required contributions and actual contributions for the fiscal year ended June 30, 2016 and the prior two years is set forth below:

Fiscal Year	Annual Required Contribution (ARC)	Interest on Net OPEB Obligations	ARC Adjustments	Annual OPEB Cost	Actual Contribution	Net OPEB Obligation	Percentage of Annual OPEB Cost Contributed
6/30/2014	$ 8,564,803	$ 2,470,678	$ (4,544,921)	$ 6,490,560	$ 4,818,434	$ 59,569,740	74.24%
6/30/2015	3,189,054	2,382,790	(4,383,246)	1,188,598	3,806,476	56,951,862	320.25%
6/30/2016	3,189,054	2,382,790	(4,383,246)	1,188,598	1,949,129	56,191,331	163.99%

The Schedule of Funding Progress is based on the most recent actuarial valuation as of January 1, 2015.

Actuarial Valuation Date	Actuarial Value of Assets (A)	Entry Age Actuarial Accrued Liability (B)	(Underfunded) Actuarial Accrued Liability (A-B)	Funded Ratio (A/B)	Covered Payroll (C)	(Underfunded) Actuarial Liability as Percentage of Covered Payroll [(A-B)/C]
01/01/2015	$0	$31,691,066	($31,691,066)	0.00%	$46,576,754	-68.04%

The schedule of funding progress, presented as RSI following the notes to the basic financial statements, presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability of benefits.

G. PENSION PLANS

I. General Information about the Pension Plans

Plan Descriptions

All City of Modesto qualified employees are eligible to participate in the City of Modesto separate Safety (police and fire) and Miscellaneous (all other) Plans, agent multi-employer defined benefit pension plans administered by the California Public Employees' Retirement System (CalPERS), which acts as a common investment and administrative agent for its participating member employers. Benefit provisions under the Plans are established by the State statute and City resolution. CalPERS issues publicly available reports that include a full description of the pension plans regarding benefit provisions, assumptions and membership information that can be found on the CalPERS website. This report is available online at www.calpers.ca.gov.

The California Legislature passed and the Governor signed the "Public Employees' Pension Reform Act of 2013" (PEPRA) on September 12, 2012. PEPRA contained a number of provisions intended to reduce future pension obligations. PEPRA primarily affects new pension plan members who are enrolled for the first time after December 2012. Benefit provisions and other requirements are established by State statute.

Benefits Provided

The benefits for the Plans are based on members' years of service, age, final compensation, and benefit formula. Benefits are provided for disability, death, and survivors of eligible members or beneficiaries. Members become fully vested in their retirement benefits earned to date after five years of credited service.

The Plans' provisions and benefits in effect at June 30, 2016 are summarized as follows:

Miscellaneous Plan:

Hire date	Prior to January 17, 2012	January 17, 2012 to December 31, 2012	On or after January 1, 2013
Benefit formula	2% @ 55	2% @ 60	2% @ 62
Benefit vesting schedule	5 years service	5 years service	5 years service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50 to 67	50 to 67	52 to 67
Monthly benefits, as a % of eligible compensation	1.426 to 2.418%	1.092 to 2.418%	1.0 to 2.5%

Safety Plan:

Hire date	Prior to September 11, 2012	September 11, 2012 through December 31, 2012	On or after January 1, 2013
Benefit formula	3% @ 50	3% @ 55	2.7% @ 57
Benefit vesting schedule	5 years service	5 years service	5 years service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50 to 55	50 to 55	50 to 57
Monthly benefits, as a % of eligible compensation	3.0%	2.4 to 3.0%	2.0 to 2.7%

Contributions
Section 20814(c) of the California Public Employees Retirement Law (PERL) requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. The total plan contributions are determined through the CalPERS' annual actuarial valuation process. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

For the measurement period ended June 30, 2015 (the measurement date) for the Plans, the average active employee contribution rate was 6.933% of annual pay for Miscellaneous and 9.101% for Safety and the employer's contribution rate is 13.539% of annual payroll for Miscellaneous and 34.304% for Safety. The employee and employer contributions made in for fiscal year June 30, 2016 was $10.0 million for the Miscellaneous plan and $13.9 million for the Safety plan. Employer contribution rates may change if plan contracts are amended.

II. Net Pension Liability

The City's net pension liability for each Plan is measured as the total pension liability, less the pension plan's fiduciary net position. The net pension liability of each of the Plans is measured as of June 30, 2015, using an annual actuarial valuation as of June 30, 2014 rolled forward to June 30, 2015 using standard update procedures.

A summary of principal assumptions and methods used to determine the net pension liability is shown below:

	Miscellaneous Plan	Safety Plan
Actuarial Cost Method	Entry-Age Normal	Entry-Age Normal
Actuarial Assumptions:		
Discount Rate	7.65%	7.65%
Inflation	2.75%	2.75%
Salary Increases	Varies by Entry Age and Service	Varies by Entry Age and Service
Investment Rate of Return	7.5% [1]	7.5% [1]
Mortality Rate Table[2]	CalPERS Membership Data	CalPERS Membership Data
Post Retirement Benefit Increase	Up to 2.75%	Up to 2.75%

[1] Net of Pension Plan Investment and Administrative Expenses; includes inflation
[2] The mortality table used was developed based on CalPERS specific data. The table includes 20 years of mortality improvements using Society of Actuaries Scale BB. For more details on this table, please refer to the 2014 experience study report.

All other actuarial assumptions used in the June 30, 2014 valuation were based on the results of an actuarial experience study for the period from 1997 to 2011, including updates to salary increase, mortality and retirement rates. The Experience Study report can be obtained at CalPERS website under Forms and Publications.

Discount Rate

The discount rate used to measure the total pension liability was 7.65 percent. To determine whether the municipal bond rate should be used in the calculation of a discount rate for each plan, CalPERS stress tested plans that would most likely result in a discount rate that would be different from the actuarially assumed discount rate. Based on the testing, none of the tested plans run out of assets. Therefore, the current 7.65 percent discount rate is adequate and the use of the municipal bond rate calculation is not necessary. The long-term expected discount rate of 7.65 percent is applied to all plans in the Public Employees Retirement Fund. The stress test results are presented in a detailed report called "GASB Crossover Testing Report" that can be obtained at CalPERS' website under the GASB 68 section.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Such cash flows were developed assuming that both members and employers will make their required contributions on time and as scheduled in all future years. Using historical returns of all the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11-60 years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equivalent to the single equivalent rate calculated above and rounded down to the nearest one-quarter of one percent.

The table below reflects long-term expected real rate of return by asset class as of the target allocation for the June 30, 2015 measurement date. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These geometric rates of return are net of administrative expenses.

Asset Class	New Strategic Allocation	Real Return Years 1 – 10(1)	Real Return Years 11+(2)
Global Equity	51.0%	5.25%	5.71%
Global Fixed Income	19.0	0.99	2.43
Inflation Sensitive	6.0	0.45	3.36
Private Equity	10.0	6.83	6.95
Real Estate	10.0	4.50	5.13
Infrastructure and Forestland	2.0	4.50	5.09
Liquidity	2.0	(0.55)	(1.05)

(1) An expected inflation of 2.5% used for this period
(2) An expected inflation of 3.0% used for this period

III. Changes in the Net Pension Liability

The changes in the Net Pension Liability for each Plan follows:

Miscellaneous Plan:

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability/(Asset) (c) = (a) - (b)
Balance at June 30, 2014 (1)	$ 394,909,831	$ 320,571,374	$ 74,338,457
Changes Recognized for the Measurement Period:			
Service Cost	5,768,082	-	5,768,082
Interest on the Total Pension Liability	28,873,755	-	28,873,755
Changes of Assumptions	(6,709,358)	-	(6,709,358)
Differences between Expected and Actual Experience	(3,177,191)	-	(3,177,191)
Plan to Plan Resource Movement	-	(188)	188
Contributions - Employer	-	5,632,179	(5,632,179)
Contributions - Employees	-	3,061,157	(3,061,157)
Net Investment Income	-	7,093,159	(7,093,159)
Benefit Payments, including Refunds of Employee	(20,945,229)	(20,945,229)	-
Administrative Expense		(355,544)	355,544
Net Change during 2014-15	3,810,059	(5,514,466)	9,324,525
Balance at June 30, 2015 (1)	$ 398,719,890	$ 315,056,908	$ 83,662,982

Safety Plan:

	Increase (Decrease)		
	Total Pension	Plan Fiduciary Net	Net Pension
Balance at June 30, 2014 (1)	$ 498,449,004	$ 372,472,672	$ 125,976,332
Changes Recognized for the Measurement Period:			
Service Cost	8,633,865	-	8,633,865
Interest on the Total Pension Liability	36,721,112	-	36,721,112
Changes of Assumptions	(9,188,394)	-	(9,188,394)
Differences between Expected and Actual Experience	(849,707)	-	(849,707)
Plan to Plan Resource Movement	-	211	(211)
Contributions - Employer	-	10,210,101	(10,210,101)
Contributions - Employees	-	2,800,626	(2,800,626)
Net Investment Income	-	8,215,387	(8,215,387)
Benefit Payments, including Refunds of Employee	(25,426,619)	(25,426,619)	-
Administrative Expense	-	(414,089)	414,089
Net Change during 2014-15	9,890,257	(4,614,383)	14,504,640
Balance at June 30, 2015 (1)	$ 508,339,261	$ 367,858,289	$ 140,480,972

(1) The fiduciary net position includes receivables for employee service buybacks, deficiency reserves, fiduciary self-insurance and OPEB expense. This may differ from the plan assets reported in the funding actuarial valuation report.

Sensitivity of the Net Pension Liability to Changes in the Discount Rate

The following presents the net pension liability of the Plan as of the measurement date, calculated using the discount rate of 7.65 percent, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.65 percent) or 1 percentage-point higher (8.65 percent) than the current rate:

Miscellaneous Plan:

	Discount Rate - 1% (6.65%)	Current Discount Rate (7.65%)	Discount Rate + 1% (8.65%)
Plan's Net Pension Liability/ (Asset)	$ 133,899,156	$ 83,662,982	$ 41,898,828

Safety Plan:

	Discount Rate - 1% (6.65%)	Current Discount Rate (7.65%)	Discount Rate + 1% (8.65%)
Plan's Net Pension Liability/ (Asset)	$ 210,106,259	$ 140,480,972	$ 83,429,793

IV. Pension Expenses and Deferred Outflows/Inflows of Resources Related to Pensions

As of the start of the measurement period (July 1, 2014), the net pension liability was $74,338,457 for the Miscellaneous Plan and $125,976,332 for the Safety Plan.

For the measurement period ended June 30, 2015 (the measurement date), the City incurred a pension expense of $3,006,639 for the Miscellaneous Plan and $10,198,508 for the Safety Plan.

As of June 30, 2016, the City has deferred outflows and deferred inflows of resources related to pensions as follows:

Miscellaneous Plan:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Change of Assumptions	$ -	$ (4,845,647)
Differences between Expected and Actual Experiences	-	(2,294,638)
Net Difference between Projected and Actual Earnings on Pension Plan Investments	-	(3,222,232)
Contributions subsequent to the measurement date	6,919,036	-
Total	$ 6,919,036	$ (10,362,517)

Safety Plan:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Change of Assumptions	$ -	$ (7,051,558)
Differences between Expected and Actual Experiences	-	(652,101)
Net Difference between Projected and Actual Earnings on Pension Plan Investments	-	(3,623,913)
Contributions subsequent to the measurement date	12,158,068	-
Total	$ 12,158,068	$ (11,327,572)

The amounts above are net of outflows and inflows recognized in the 2014-2015 measurement period expense. The amounts above reported as deferred outflows of resources related to contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ending June 30, 2017.

Other amounts reported as deferred inflows of resources related to pensions will be recognized in future pension expense as follows:

Fiscal Year Ended June 30	Miscellaneous Plan	Safety Plan
2017	(4,946,358)	(4,855,658)
2018	(4,946,358)	(4,855,658)
2019	(3,847,853)	(4,855,659)
2020	3,378,052	3,239,403
Total	$ (10,362,517)	$ (11,327,572)

H. PRIOR YEAR ADJUSTMENTS

Governmental Activities

A prior year adjustment was reported in the Housing and Community Development Fund to increase the fund balance in the amount of $1,183,700 to account for loan payable disbursements not reported in the prior fiscal year. In other governmental funds, a grant accrual was reported incorrectly related to project expenditures not covered through the grant in the Capital Facility Fees fund which generated a reduction in fund balance by $190,305. The total amount for the prior year adjustment to increase fund balance for all governmental funds is $993,395.

Additionally, there were some corrections to various governmental capital assets that were identified as part of the annual inventory review, which generated an increase in net position in the amount of $256,569. The total amount reported for the Governmental Activities is a decrease in net position in the amount of $1,249,964.

Business-type Activities

For the Water Fund, capitalized interest was calculated for the 2008 Water Refunding Revenue bonds incorrectly. The change in net position included a reduction for the Water Fund in the amount of $4,086,842. The total amount reported for the business-type activities is a decrease in net position in the amount of $4,086,842.

I. DEFICIENCY OF EXPENDITURES OVER APPROPRATIONS

For the fiscal year ended June 30, 2016, expenditures exceeded appropriations as follows:

General Fund

Expenditures	Amount
Public Works Administration	$109,113
Interest Expenditures	8,307

Other Governmental Funds

Expenditures	Amount
Operating Grants – Parks and Recreation	$34,016

J. SUBSEQUENT EVENTS

On August 3, 2016, the City Council approved amending the budget for the North Valley Regional Recycled Water Program Project which will be funded by a new financing agreement in the amount of $56.9 million with the State Water Resources Control Board to fund the design and construction activities for this project. Part of this agreement is related to a $15 million grant and the remaining amount will be reported as a loan that will be repaid once construction is completed.

REQUIRED SUPPLEMENTARY
INFORMATION
DIVIDER

REQUIRED SUPPLEMENTARY INFORMATION

City of Modesto
Schedule of Changes in the Net Pension Liability and Related Ratios
For the Year Ended June 30th

Miscellaneous Plan

Measurement Period	2014-2015	2013-2014
TOTAL PENSION LIABILITY		
Service Cost	$ 5,768,082	$ 6,400,912
Interest on Total Pension Liability	28,873,755	28,037,915
Changes of Benefit Terms	-	-
Changes of Assumptions	(6,709,358)	-
Difference Between Expected and Actual Experience	(3,177,191)	-
Benefit Payments, Including Refunds of Employee Contributions	(20,945,229)	(20,334,821)
Net Change in Total Pension Liability	3,810,059	14,104,006
Total Pension Liability – Beginning	394,909,831	380,805,825
Total Pension Liability – Ending (a)	$ 398,719,890	$ 394,909,831
PLAN FIDUCIARY NET POSITION		
Contributions – Employer	$ 5,632,179	$ 4,654,055
Contributions – Employee	3,061,157	2,853,492
Net Investment Income	7,093,159	48,702,803
Other Miscellaneous Income	-	-
Benefit Payments, Including Refunds of Employee Contributions	(20,945,229)	(20,334,821)
Plan to Plan Resource Movement	(188)	-
Administrative Expense	(355,544)	-
Net Change in Fiduciary Net Position	(5,514,466)	35,875,529
Plan Fiduciary Net Position – Beginning	320,571,374	284,695,845
Plan Fiduciary Net Position – Ending (b)	$ 315,056,908	$ 320,571,374
Plan Net Pension Liability – Ending (a) - (b)	$ 83,662,982	$ 74,338,457
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	79.02%	81.18%
Covered-Employee Payroll (1)	$ 41,562,776	$ 44,125,963
Plan Net Pension Liability as a Percentage of Covered-Employee Payroll	201.29%	168.47%

(1) Covered-Employee payroll presented above is based on pensionable earnings provided by the employer. However, GASB 68 defines covered-employee payroll as the total payroll of employees that are provided pensions through the pension plan.

Benefit Changes: The figures above do not include any liability impact that may have resulted from plan changes, which occurred after June 30, 2014 as they have minimal cost impact. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumptions: The discount rate was changed from 7.5 percent (net of administrative expenses) to 7.65 percent.

City of Modesto
Schedule of Changes in the Net Pension Liability and Related Ratios
For the Year Ended June 30th

Safety Plan

Measurement Period	2014-2015	2013-2014
TOTAL PENSION LIABILITY		
Service Cost	$ 8,633,865	$ 8,970,868
Interest on Total Pension Liability	36,721,112	35,310,732
Changes of Benefit Terms	-	-
Changes of Assumptions	(9,188,394)	-
Difference Between Expected and Actual Experience	(849,707)	-
Benefit Payments, Including Refunds of Employee Contributions	(25,426,619)	(24,313,823)
Net Change in Total Pension Liability	9,890,257	19,967,777
Total Pension Liability – Beginning	498,449,004	478,481,227
Total Pension Liability – Ending (a)	$ 508,339,261	$ 498,449,004
PLAN FIDUCIARY NET POSITION		
Contributions – Employer	$ 10,210,101	$ 8,963,542
Contributions – Employee	2,800,626	2,939,117
Net Investment Income	8,215,387	56,385,743
Other Miscellaneous Income	-	-
Benefit Payments, Including Refunds of Employee Contributions	(25,426,619)	(24,313,823)
Plan to Plan Resource Movement	211	-
Administrative Expense	(414,089)	-
Net Change in Fiduciary Net Position	(4,614,383)	43,974,579
Plan Fiduciary Net Position – Beginning	372,472,672	328,498,093
Plan Fiduciary Net Position – Ending (b)	$ 367,858,289	$ 372,472,672
Plan Net Pension Liability – Ending (a) - (b)	$ 140,480,972	$ 125,976,332
Plan Fiduciary Net Position as a Percentage of the Total Pension Liability	72.36%	74.73%
Covered-Employee Payroll (1)	$ 31,202,983	$ 31,090,551
Plan Net Pension Liability as a Percentage of Covered-Employee Payroll	450.22%	405.19%

(1) Covered-Employee payroll presented above is based on pensionable earnings provided by the employer. However, GASB 68 defines covered-employee payroll as the total payroll of employees that are provided pensions through the pension plan.

Benefit Changes: The figures above do not include any liability impact that may have resulted from plan changes, which occurred after June 30, 2014 as they have minimal cost impact. This applies for voluntary benefit changes as well as any offers of Two Years Additional Service Credit (a.k.a. Golden Handshakes).

Changes of Assumptions: The discount rate was changed from 7.5 percent (net of administrative expenses) to 7.65 percent.

City of Modesto
Schedule of Plan Contributions (1)

Miscellaneous Plan

Fiscal Year	2015-2016	2014-2015	2013-2014
Actuarially Determined Contribution (2)	$ 6,919,036	$ 5,632,179	$ 4,654,055
Contributions in Relation to the Actuarially Determined Contribution (2)	(6,919,036)	(5,632,179)	(4,654,055)
Contribution Deficiency (Excess)	-	-	-
Covered-Employee Payroll (3)(4)	$ 46,586,921	$ 41,562,776	$ 44,125,963
Contributions as a Percentage of Covered-Employee Payroll (3)	14.85%	13.55%	10.55%

Safety Plan

Fiscal Year	2015-2016	2014-2015	2013-2014
Actuarially Determined Contribution (2)	$ 12,158,068	$ 10,210,101	$ 8,963,542
Contributions in Relation to the Actuarially Determined Contribution (2)	(12,158,068)	(10,210,101)	(8,963,542)
Contribution Deficiency (Excess)	$ -	$ -	$ -
Covered-Employee Payroll (3)(4)	$ 32,027,013	$ 31,202,983	$ 31,090,551
Contributions as a Percentage of Covered-Employee Payroll (3)	37.96%	32.72%	28.83%

(1) Historical information is required only for fiscal year for which GASB 68 is applicable. As prescribed in GASB 68, paragraph 46, the information presented in the Schedule of Plan Contributions should also be determined as of the employer's most recent fiscal year-end. The employer is responsible for determining this information as prescribed by the standard as this data is not available to CalPERS.

(2) Employers are assumed to make contributions equal to the actuarially determined contributions. However, some employers may choose to make additional contributions towards their unfunded liability. Employer contributions for such plans exceed the actuarially determined contributions.

(3) Covered-Employee Payroll presented above is based on pensionable earnings provided by the employer. However, GASB 68 defines covered-employee payroll as the total payroll of employees that are provided pensions through the pension plan.

(4) Payroll from prior year was $30,294,158 for the Safety plan and $40,352,210 for the Miscellaneous plan was assumed to increase by 3.00% payroll growth assumption.

Notes to schedule:

The actuarial methods and assumptions used to set the actuarially determined contributions for Fiscal Year 2014-15 were as follows for June 30, 2012 actuarial valuations.

Actuarial Cost Method	Entry Age Normal
Amortization Method/Period	For details, see June 30, 2012 Funding Valuation Report.
Asset Valuation Method	Actuarial Value of Assets
Inflation	2.75%
Salary Increases	Varies by Entry Age and Service
Payroll Growth	3.00%
Investment Rate of Return	7.50% Net of Pension Plan Investment and Administrative Expenses; includes Inflation.
Retirement Age	The probabilities of Retirement are based on the 2010 CalPERS Experience Study for the period from 1997 to 2007.
Mortality	The probabilities of mortality are based on the 2010 CalPERS Experience Study for the period from 1997 to 2007. Pre-retirement and Post-retirement mortality rates include 5 years of projected mortality improvement using Scale AA published by the Society of Actuaries.

SCHEDULE OF FUNDING PROGRESS FOR OPEB

Actuarial Valuation Date**	Actuarial Value of Assets (A)	Entry Age Actuarial Accrued Liability (B)	(Underfunded) Actuarial Accrued Liability (A-B)	Funded Ratio (A/B)	Covered Payroll (C)		(Underfunded) Actuarial Liability as Percentage of Covered Payroll [(A-B)/C]
6/30/2010	$0	$104,399,231	($104,399,231)	0.00%	$81,027,934		(128.84%)
1/1/2013	0	78,245,964	(78,245,964)	0.00%	77,058,743		(101.54%)
1/1/2015	0	31,691,066	(31,691,066)	0.00%	46,576,754	(1)	(68.04%)

(1) Payroll decreased because it is limited to active participants with a liability.

CITY OF MODESTO
SCHEDULE OF REVENUES - BUDGET (GAAP BASIS) AND ACTUAL - GENERAL FUND
FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget -
	Original	Final	Actual	Positive (Negative)
TAXES				
Utility users tax	$ 20,056,157	$ 20,056,157	$ 19,564,921	$ (491,236)
Property tax	13,679,210	13,987,241	14,552,304	565,063
Transient occupancy tax	1,868,500	2,043,500	2,523,087	479,587
Franchise tax	4,206,884	4,071,884	5,058,542	986,658
Business license tax	11,256,000	11,256,000	11,944,291	688,291
Total taxes	51,066,751	51,414,782	53,643,145	2,228,363
LICENSES AND PERMITS	80,901	80,901	100,924	20,023
INTERGOVERNMENTAL				
Sales tax	26,408,416	26,408,416	24,601,474	(1,806,942)
In-lieu sales tax	3,638,916	3,638,916	5,277,341	1,638,425
Motor vehicle license fees	14,226,984	14,311,387	14,548,427	237,040
State	620,000	623,654	856,996	233,342
County	265,263	325,528	211,677	(113,851)
Federal	-	-	2,812	2,812
Other intergovernmental	1,344,500	1,583,206	2,606,482	1,023,276
Total intergovernmental	46,504,079	46,891,107	48,105,209	1,214,102
CHARGES FOR SERVICES				
General government	2,001,034	2,041,034	3,027,225	986,191
Community development	2,881,532	2,631,532	2,413,118	(218,414)
Public works	2,188,767	2,188,767	1,081,480	(1,107,287)
Parks and recreation	821,731	821,731	457,806	(363,925)
Public safety	1,936,794	2,208,404	2,694,944	486,540
Indirect cost recovery	3,458,225	3,458,225	3,458,221	(4)
Total charges for services	13,288,083	13,349,693	13,132,794	(216,899)
INTEREST AND RENT	335,360	600,360	707,767	107,407
NET INCREASE IN FAIR VALUE OF INVESTMENTS	-	-	30,505	30,505
FINES AND FORFEITS	752,610	872,610	452,235	(420,375)
MISCELLANEOUS				
Mandated cost recovery	109,900	109,900	526,701	416,801
Other	570,292	633,837	1,205,972	572,135
Total miscellaneous	680,192	743,737	1,732,673	988,936
Total revenues	$ 112,707,976	$ 113,953,190	$ 117,905,252	$ 3,952,062

The notes to required supplementary information are an integral part of this schedule.

CITY OF MODESTO
SCHEDULE OF EXPENDITURES BY FUNCTION - BUDGET
(GAAP BASIS) AND ACTUAL - GENERAL FUND
FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget -
	Original	Final	Actual	Positive (Negative)
General government:				
City council	$ 409,215	$ 413,216	$ 407,593	$ 5,623
Human resources	1,455,292	1,470,096	1,394,079	76,017
City manager	1,954,077	1,892,258	1,849,865	42,393
City attorney	2,273,726	2,202,312	2,110,222	92,090
City clerk/auditor	972,323	1,185,974	1,175,359	10,615
Finance	5,109,214	5,295,457	4,707,880	587,577
Other	616,000	661,780	518,868	142,912
Total general government	12,789,847	13,121,093	12,163,866	957,227
Community development:	6,374,174	6,800,951	6,041,659	759,292
Public works:				
Administration	455,618	458,819	567,932	(109,113)
Operations Service and maintenance	4,927,601	4,894,820	4,690,854	203,966
Facilities	948,740	1,481,702	1,015,312	466,390
Total public works	6,331,959	6,835,341	6,274,098	561,243
Parks and recreation:				
Administration	783,004	872,151	734,169	137,982
Culture	517,848	466,255	450,202	16,053
Recreation division	2,077,209	2,144,213	1,934,887	209,326
Total parks and recreation	3,378,061	3,482,619	3,119,258	363,361
Public safety:				
Fire protection	26,714,925	28,020,964	27,850,954	170,010
Police protection	57,330,017	57,860,187	54,490,220	3,369,967
Total public safety	84,044,942	85,881,151	82,341,174	3,539,977
Debt service:				
Principal retirement	466,770	466,770	459,362	7,408
Interest expenditures	15,308	15,308	23,615	(8,307)
Total debt service	482,078	482,078	482,977	(899)
Total expenditures	$ 113,401,061	$ 116,603,233	$ 110,423,032	$ 6,180,201

NOTE: The expenditures by function amounts listed above include the capital outlay expenditures within each department.

The notes to required supplementary information are an integral part of this schedule.

CITY OF MODESTO
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL - HOUSING AND COMMUNITY DEVELOPMENT SPECIAL REVENUE FUND
FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget - Positive (Negative)
	Original	Final	Actual	
REVENUES:				
Intergovernmental - federal grants	$ 5,585,022	$ 5,372,852	$ 4,980,896	$ (391,956)
Charges for services	98,749	105,395	-	(105,395)
Interest and rent - interest	-	-	217	217
Net increase in fair value of investments	-	-	36	36
Miscellaneous	-	-	2,000	2,000
Total revenues	5,683,771	5,478,247	4,983,149	(495,098)
EXPENDITURES				
Community development	1,948,617	5,016,291	2,329,657	2,686,634
Debt service:				
Principal retirement	221,000	221,000	221,000	-
Interest	155,085	155,085	115,657	39,428
Total expenditures	2,324,702	5,392,376	2,666,314	2,726,062
EXCESS OF REVENUES OVER EXPENDITURES	3,359,069	85,870	2,316,835	2,230,965
OTHER FINANCING SOURCES (USES):				
Transfers in	-	41,456	41,457	1
Transfers out	-	-	(64,406)	(64,406)
Sales of assets		-	3,220	3,220
TOTAL OTHER FINANCING SOURCES (USES)	-	41,456	(19,729)	(61,185)
CHANGES IN FUND BALANCE	3,359,069	127,326	2,297,106	2,169,780
FUND BALANCE, JULY 1	22,052,427	22,052,427	22,052,427	-
PRIOR PERIOD ADJUSTMENT	-	-	1,183,700	1,183,700
FUND BALANCE, JUNE 30	$ 25,411,496	$ 22,179,753	$ 25,533,233	$ 3,353,480

NOTE: The expenditures by function amounts listed above include the capital outlay expenditures within each department.

The notes to required supplementary information are an integral part of this schedule.

CITY OF MODESTO
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION
FISCAL YEAR ENDED JUNE 30, 2016

BUDGETARY INFORMATION - The City follows these procedures annually in establishing the budgetary data reflected in the budgetary comparison schedules for operating, non-capital multi-year, and capital budgets:

1. The City Manager submits to the City Council a proposed budget for the fiscal year commencing the following July 1. The budget includes proposed expenditures and the means of financing them for operating, non-capital multi-year and capital projects.

2. The City Council reviews the proposed budget at specially scheduled sessions, which are open to the public. The Council also conducts a public hearing on all proposed budgets to obtain comments from interested persons.

3. Prior to July 1, the budget is legally adopted through passage of an ordinance. .This budget is reported as the Original Budget in the budgetary comparison schedules.

4. During the fiscal year, changes to the Adopted Budget may be authorized, as follows:

    a. Authority to approve any adjustment in the amount of $25,000 or less is delegated to the Director of Finance.

    b. Authority to approve any adjustment in an amount between $25,000 and $50,000 is delegated to the City Manager.

    c. Authority for any budget adjustment more than $50,000 is delegated to the parties described below:

        a. Items requiring City Council Action – appropriation of undesignated reserves; appropriation of new revenues; transfers of appropriations between funds (inter-fund transfers); creation of inter-fund loans; creation of, or increase in, any multi-year appropriation.

        b. Items delegated to the City Manager – transfer appropriations between departments within a fund; changing any capital equipment appropriation; appropriation of reserves for litigation on a case-by-case basis; appropriation of developer payments not previously budgeted.

        c. Items delegated to the Director of Finance – appropriation of grant interest; revise the allocation of Internal Service Fund charges between departments provided that the total allocated amount does not increase; changing any capital improvement budget line item appropriation; make technical budget corrections to implement the intent of Council approved actions and resolutions.

        d. Items delegated to Department Directors – transfer appropriations within a department, within a single fund.

5. Formal budgetary accounting is employed as a management tool for all funds. Annual budgets are legally adopted and amended as required for the general, special revenue, enterprise and internal service funds. Project length budgets are adopted for the capital projects funds. All budgets are prepared on a basis consistent with generally accepted accounting principles (GAAP), and budgetary comparisons for the general and major special revenue funds are presented on this basis in the required supplementary information. A debt service payment schedule for the debt service funds is also approved as part of the budget process.

6. Budget amounts are reflected after all authorized amendments and revisions. This budget is reported as the Final Budget in the budgetary comparison schedules.

7. For each legally adopted operating budget, expenditures may not exceed budgeted appropriations at the appropriation unit level. The legal appropriation basis is at the level called "department". A "department" for legal appropriation purposes may be a single organization (e.g., City Attorney), or an entire department having multiple organizations within the same fund (e.g., Operations and Maintenance), or an entire fund (e.g., Downtown Improvement District). All departments and funds complete the year within their legally authorized expenditures except the Local Transportation Fund due to a budget error. Encumbrance accounting, under which purchase orders, contracts and other commitments are recorded to reserve the applicable appropriations, is employed in the governmental funds.

   The City does, however, honor the contracts represented by year-end encumbrances and the subsequent year's appropriations provide authority to complete these transactions.

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COMBINING AND INDIVIDUAL FUND STATEMENTS AND SCHEDULES

Nonmajor Governmental Funds

Nonmajor Special Revenue Funds

Special Revenue Funds include funds which are restricted as to use by the Federal or State governments, and special purpose funds established by authority of the City Council. Nonmajor Special Revenue Funds include:

OPERATING GRANTS FUND – To account for a variety of governmental fund operating grants, including law enforcement grants.

LOCAL TRANSPORTATION FUND – To account for revenues and expenditures of Local Transportation Fund allocations for streets, urban trails, and non-motorized facilities. Allocations for the City bus system are reported directly in the Bus Enterprise Fund.

TRAFFIC SAFETY FUND – To account for receipts and expenditures of traffic safety fines.

DOWNTOWN IMPROVEMENT DISTRICT FUND – To account for the fiscal activities of Business Improvement Area A of the City of Modesto.

STRATEGIC PLANNING AND DEVELOPMENT FUND – Established to provide a funding source for future village planning, general plan update and other large expenses related to planning and development. This fund was originally financed with an apportionment of the PERS rebate related to AB702. Subsequent funding has been provided by transfers from the General Fund. Future funding will be provided by fees imposed on private development.

SPECIAL GAS TAX STREET IMPROVEMENT FUND – To account for state-collected, locally-shared gas tax monies. This fund may be used for all street and traffic purposes including construction, purchase of rights-of-way, and maintenance.

Nonmajor Capital Projects Funds

Capital Projects Funds are used to account for financial resources to be used for the acquisition or construction of major capital facilities other than those financed by proprietary funds. Nonmajor Capital Projects Funds include:

SPECIAL FUND FOR CAPITAL OUTLAYS – To account for capital outlay authorized by the City Council. No monies placed in this fund are to be disbursed except for this purpose unless authorized by a vote of the people.

PARKS FUND – To account for a discretionary transfer of General Fund property tax revenue to provide for the development of parks within the City, as directed by the City Council.

SECURITIES FOR FUTURE IMRPOVEMENTS FUND – To account for the collection of impact fees for approved development projects to construct facilities needed for future development.

CAPITAL GRANTS – To account for receipts and disbursements of a variety of Governmental Fund capital grants.

COMMUNITY FACILITIES DISTRICTS FUND – To account for the construction of public improvements deemed to benefit properties against which special taxes are levied.

SUCCESSOR REDEVELOPMENT HOUSING AGENCY FUND – To account for the housing redevelopment capital projects financed by the Successor Redevelopment Housing Agency of the City of Modesto.

CAPITAL FACILITY FEES FUND – To account for special fees collected on new building permits to be used for construction of certain growth related projects. The fees and related capital projects include police department expansion, fire department expansion, expressway loop, street lights, street improvements, parks, new traffic signals, City downtown, wastewater treatment, public transportation, and air quality improvements.

Nonmajor Debt Service Fund

Debt Service Funds are used to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest. Nonmajor Debt Service Fund includes:

PUBLIC FINANCING AUTHORITY FUND – To account for payment of debt issued to finance projects authorized by the Modesto Public Financing Authority.

CITY OF MODESTO
COMBINING BALANCE SHEET - NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2016

	Special Revenue					
	Operating Grants	Local Transportation	Traffic Safety	Downtown Improvement District	Strategic Planning and Development	Special Gas Tax Street Improvement
ASSETS						
Cash and cash equivalents	$ 685,771	$ 1,103,486	$ 109,697	$ 61,229	$ 1,065,452	$ 8,706,250
Receivables:						
Accounts, net	41,598	-	-	-	-	45,467
Interest	1,983	2,718	-	131	2,170	20,278
Taxes	17,382	-	-	28,760	-	283,457
Due from governments	844,662	110,277	-	-	-	72,690
Prepaid expenditures	57,682	-	-	-	-	1,033
Restricted assets:						
Cash and cash equivalents	-	220,892	2,501,534	-	-	-
Cash and cash equivalents with fiscal agent	689,923	-	-	-	-	-
Notes receivable, net	70,179	-	-	-	-	-
Total assets	$ 2,409,180	$ 1,437,373	$ 2,611,231	$ 90,120	$ 1,067,622	$ 9,129,175
LIABILITIES AND AND FUND BALANCES						
Liabilities:						
Accounts payable	$ 90,862	$ -	$ 106,652	$ 32,459	$ 80,061	$ 388,155
Accrued salaries and benefits	87,755	-	3,045	-	-	95,455
Interest payable	-	-	-	-	-	-
Due to other funds	-	-	-	-	-	-
Unearned revenue	1,582,616	1,216,481	-	-	-	89,008
Refundable deposits	-	-	-	-	-	-
Advances from other funds	21,660	-	-	-	-	-
Total liabilities	1,782,893	1,216,481	109,697	32,459	80,061	572,618
Fund balances:						
Nonspendable	57,682	-	-	-	-	1,033
Restricted	760,102	220,892	2,501,534	-	-	-
Assigned	-	-	-	57,661	987,561	8,555,524
Unassigned	(191,497)	-	-	-	-	-
Total fund balances	626,287	220,892	2,501,534	57,661	987,561	8,556,557
Total liabilities and fund balances	$ 2,409,180	$ 1,437,373	$ 2,611,231	$ 90,120	$ 1,067,622	$ 9,129,175

	Capital Projects						
	Special Fund for Capital Outlays	Parks	Securities for Future Improvements	Capital Grants	Community Facilities Districts	Successor Redevelopment Housing Agency	Capital Facility Fees
$	216,249	$ 1,646	$ -	$ 42,067	$ 83,923	$ -	$ 204,989
	-	-	-	-	-	-	2,258
	-	1,763	-	-	36,729	-	58,746
	-	-	-	-	14,506	-	-
	-	-	-	5,309,019	7,954	1,192,004	738,966
	-	-	-	2,333	-	-	-
	-	800,619	66,397	-	17,013,152	-	26,591,390
	-	-	-	-	-	-	-
	-	-	-	-	-	2,211,000	-
$	216,249	$ 804,028	$ 66,397	$ 5,353,419	$ 17,156,264	$ 3,403,004	$ 27,596,349
$	195,724	$ 2,784	$ -	$ 1,458,954	$ 120,368	$ -	$ 7,529
	-	-	-	-	10,288	-	-
	1,650	625	-	-	-	1,690	-
	-	-	-	4,334,447	-	601,150	-
	-	-	-	50,692	-	-	-
	-	-	-	-	12,456	-	-
	-	-	-	-	-	145,727	997,430
	197,374	3,409	-	5,844,093	143,112	748,567	1,004,959
	-	-	-	2,333	-	-	-
	-	800,619	66,397	-	17,013,152	2,211,000	26,591,390
	18,875	-	-	-	-	443,437	-
	-	-	-	(493,007)	-	-	-
	18,875	800,619	66,397	(490,674)	17,013,152	2,654,437	26,591,390
$	216,249	$ 804,028	$ 66,397	$ 5,353,419	$ 17,156,264	$ 3,403,004	$ 27,596,349

CITY OF MODESTO
COMBINING BALANCE SHEET - NONMAJOR GOVERNMENTAL FUNDS
JUNE 30, 2016

	Debt Service Public Financing Authority	Total
ASSETS		
Cash and cash equivalents	$ 179,597	$ 12,460,356
Receivables:		
Accounts, net	-	89,323
Interest	-	124,518
Taxes	-	344,105
Due from governments	-	8,275,572
Prepaid expenditures	23,648	84,696
Restricted assets:		
Cash and cash equivalents	-	47,193,984
Cash and cash equivalents with fiscal agent	4,866,801	5,556,724
Notes receivable, net	-	2,281,179
Total assets	$ 5,070,046	$ 76,410,457
LIABILITIES AND FUND BALANCES		
Liabilities:		
Accounts payable	$ 219,934	$ 2,703,482
Accrued salaries and benefits	-	196,543
Interest payable	-	3,965
Due to other funds	-	4,935,597
Unearned revenue	-	2,938,797
Refundable deposits	-	12,456
Advances from other funds	-	1,164,817
Total liabilities	219,934	11,955,657
Fund balances:		
Nonspendable	23,648	84,696
Restricted	4,866,801	55,031,887
Assigned	-	10,063,058
Unassigned	(40,337)	(724,841)
Total fund balances	4,850,112	64,454,800
Total liabilities and fund balances	$ 5,070,046	$ 76,410,457

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CITY OF MODESTO
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - NONMAJOR GOVERNMENTAL FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Special Revenue					
	Operating Grants	Local Transportation	Traffic Safety	Downtown Improvement District	Strategic Planning and Development	Special Gas Tax Street Improvement
REVENUES:						
Taxes	$ -	$ -	$ -	$ 186,123	$ -	$ 1,136,191
Licenses and permits	71,295	-	-	-	-	14,405
Intergovernmental	1,799,427	569,859	-	-	-	4,533,572
Charges for services	4,095,077	-	168,216	-	13,813	856,082
Special assessments levied	72,116	-	-	663,002	-	-
Interest and rent	8,305	11,176	-	488	50,534	93,675
Net increase (decrease) in fair value of investments	1,119	2,112	-	64	1,249	13,511
Fines and forfeits	-	-	452,567	-	-	-
Miscellaneous	150,385	-	17,859	-	3,275	350,608
Total revenues	6,197,724	583,147	638,642	849,677	68,871	6,998,044
EXPENDITURES:						
Current:						
General government	251,116	-	-	-	-	-
Community development	744,464	-	-	832,962	153,508	-
Highways and streets	-	29,308	-	-	-	8,412,398
Public works	4,182,493	-	-	-	-	-
Parks and recreation	223,577		-	-	-	-
Public safety	933,154	-	174,843	-	-	-
Capital outlay:						
Community development	-	-	-	-	7,612	-
Highways and streets	-	5,000	-	-	-	2,664,891
Public works	-	-	-	-	-	-
Parks and recreation	-	-	-	-	-	-
Public safety	193,759	-	97,984	-	-	-
Debt service:						
Principal retirement	-	-	-	-	-	-
Interest	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total expenditures	6,528,563	34,308	272,827	832,962	161,120	11,077,289
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(330,839)	548,839	365,815	16,715	(92,249)	(4,079,245)
OTHER FINANCING SOURCES (USES):						
Transfers in	171,410	-	-	-	100,000	460,996
Transfers out	(2,025,236)	(746,681)		-	-	(1,373,574)
TOTAL OTHER FINANCING SOURCES (USES)	(1,853,826)	(746,681)	-	-	100,000	(912,578)
CHANGES IN FUND BALANCES	(2,184,665)	(197,842)	365,815	16,715	7,751	(4,991,823)
FUND BALANCES, JULY 1	2,810,952	418,734	2,135,719	40,946	979,810	13,548,380
PRIOR PERIOD ADJUSTMENTS	-	-	-	-	-	-
FUND BALANCES, JUNE 30	$ 626,287	$ 220,892	$ 2,501,534	$ 57,661	$ 987,561	$ 8,556,557

Capital Projects						
Special Fund for Capital Outlays	Parks	Securities for Future Improvements	Capital Grants	Community Facilities Districts	Successor Redevelopment Housing Agency	Capital Facility Fees
$ -	$ -	$ -	$ -	$ -	$ -	$ -
-	-	-	-	-	-	-
-	-	-	14,895,639	3,829	50,731	112,726
-	1,165	-	-	376,723	-	1,785,990
-	-	-	-	2,433,142	-	-
(8,087)	6,895	-	-	171,462	1,036	241,172
					-	-
(488)	927	-	-	20,632	(995)	33,750
-	-	-	-	-	-	-
-	29,797	-	-	-	-	-
(8,575)	38,784		14,895,639	3,005,788	50,772	2,173,638
-	-	-	-	-	-	-
-	-	-	67,799	2,255,246	-	29,398
-	-	-	55,947	-	-	1,130
-	-	-	-	-	-	-
-	11,439	-	45,726	-	-	-
1,209,971	-	-	-	-	-	-
			-			
-	-	-	301,070	159,432	-	25,958
-	-	-	12,983,897	-	-	2,392,010
-	-	-	-	-	-	-
-	27,634	-	6,321	-	-	4,795
231,237	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
-	-	-	-	-	-	-
1,441,208	39,073		13,460,760	2,414,678		2,453,291
(1,449,783)	(289)	-	1,434,879	591,110	50,772	(279,653)
1,465,681	200,000	-	947,768	954	-	32,191
-	(5,795)	-	-	-	-	(134,354)
1,465,681	194,205	-	947,768	954	-	(102,163)
15,898	193,916	-	2,382,647	592,064	50,772	(381,816)
2,977	606,703	66,397	(2,873,321)	16,421,088	2,603,665	27,163,511
-	-	-	-	-	-	(190,305)
$ 18,875	$ 800,619	$ 66,397	$ (490,674)	$ 17,013,152	$ 2,654,437	$ 26,591,390

CITY OF MODESTO
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES - NONMAJOR GOVERNMENTAL FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Debt Service Public Financing Authority	Total
REVENUES:		
Taxes	$ -	$ 1,322,314
Licenses and permits	-	85,700
Intergovernmental	1,265,341	23,231,124
Charges for services	-	7,297,066
Special assessments levied	-	3,168,260
Interest and rent	13,094	589,750
Net increase (decrease) in fair value of investments	-	71,881
Fines and forfeits	-	452,567
Miscellaneous	-	551,924
Total revenues	1,278,435	36,770,586
EXPENDITURES:		
Current:		
General government	-	251,116
Community development	-	4,083,377
Highways and streets	-	8,498,783
Public works	-	4,182,493
Parks and recreation	-	280,742
Public safety	-	2,317,968
Capital outlay:		
Community developement	-	494,072
Highways and streets	-	18,045,798
Public works	-	
Parks and recreation	-	38,750
Public safety	-	522,980
Debt service:		
Principal retirement	1,665,000	1,665,000
Interest	1,904,006	1,904,006
Other	697,405	697,405
Total expenditures	4,266,411	42,982,490
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(2,987,976)	(6,211,904)
OTHER FINANCING SOURCES (USES):		
Transfers in	2,987,976	6,366,976
Transfers out	-	(4,285,640)
TOTAL OTHER FINANCING SOURCES (USES)	2,987,976	2,081,336
CHANGES IN FUND BALANCES	-	(4,130,568)
FUND BALANCES, JULY 1	4,850,112	68,775,673
PRIOR PERIOD ADJUSTMENTS	-	(190,305)
FUND BALANCES, JUNE 30	$ 4,850,112	$ 64,454,800

CITY OF MODESTO

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL - OPERATING GRANTS SPECIAL REVENUE FUND

FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget - Positive
	Original	Final	Actual	(Negative)
REVENUES:				
Licenses and permits	$ 70,000	$ 70,000	$ 71,295	$ 1,295
Intergovernmental	2,331,257	3,290,140	1,799,427	(1,490,713)
Charges for services	4,495,027	3,921,250	4,095,077	173,827
Special assessments	68,239	68,239	72,116	3,877
Interest and rent - interest	82	538	8,305	7,767
Net increase in fair value of investments	-	-	1,119	1,119
Miscellaneous	195,282	248,718	150,385	(98,333)
Total revenues	7,159,887	7,598,885	6,197,724	(1,401,161)
EXPENDITURES:				
General government	284,720	284,945	251,116	33,829
Community development	900,112	902,460	744,464	157,996
Public works	5,034,926	4,632,294	4,182,493	449,801
Parks and recreation	141,125	189,561	223,577	(34,016)
Public safety	2,388,125	3,357,795	1,126,913	2,230,882
Total expenditures	8,749,008	9,367,055	6,528,563	2,838,492
(DEFICIENCY) OF REVENUES (UNDER) EXPENDITURES	(1,589,121)	(1,768,170)	(330,839)	1,437,331
OTHER FINANCING SOURCES (USES):				
Transfers in	144,989	292,680	171,410	(121,270)
Transfers out	-	(18,694)	(2,025,236)	(2,006,542)
TOTAL OTHER FINANCING SOURCES (USES)	144,989	273,986	(1,853,826)	(2,127,812)
CHANGES IN FUND BALANCE	(1,444,132)	(1,494,184)	(2,184,665)	(690,481)
FUND BALANCE, JULY 1	2,810,952	2,810,952	2,810,952	-
FUND BALANCE (DEFICIT), JUNE 30	$ 1,366,820	$ 1,316,768	$ 626,287	$ (690,481)

NOTE: The expenditures by function amounts listed above include the capital outlay expenditures within each department.

CITY OF MODESTO

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL - LOCAL TRANSPORTATION SPECIAL REVENUE FUND

FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget - Positive
	Original	Final	Actual	(Negative)
REVENUES:				
Intergovernmental	$ 1,739,188	$ 1,739,188	$ 569,859	$ (1,169,329)
Interest and rent - interest	-	-	11,176	11,176
Net increase in fair value of investments	-	-	2,112	2,112
Total revenues	1,739,188	1,739,188	583,147	(1,156,041)
EXPENDITURES:				
Highways and streets	2,001,048	2,001,048	34,308	1,966,740
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(261,860)	(261,860)	548,839	810,699
OTHER FINANCING SOURCES (USES):				
Transfers out	(830,060)	(830,060)	(746,681)	83,379
TOTAL OTHER FINANCING SOURCES (USES)	(830,060)	(830,060)	(746,681)	83,379
CHANGES IN FUND BALANCE	(1,091,920)	(1,091,920)	(197,842)	894,078
FUND BALANCE, JULY 1	418,734	418,734	418,734	-
FUND BALANCE (DEFICIT), JUNE 30	$ (673,186)	$ (673,186)	$ 220,892	$ 894,078

NOTE: The expenditures by function amounts listed above include the capital outlay expenditures within each department.

CITY OF MODESTO

SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL - TRAFFIC SAFETY SPECIAL REVENUE FUND

FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget - Positive
	Original	Final	Actual	(Negative)
REVENUES:				
Charges for services	$ 182,000	$ 182,000	$ 168,216	$ (13,784)
Motor vehicle fines	643,500	643,500	452,567	(190,933)
Miscellaneous	-	-	17,859	17,859
Total revenues	825,500	825,500	638,642	(186,858)
EXPENDITURES:				
Public safety	991,890	681,072	272,827	408,245
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	(166,390)	144,428	365,815	221,387
OTHER FINANCING USES:				
Transfers out	(500,000)	(500,000)	-	500,000
CHANGES IN FUND BALANCE	(666,390)	(355,572)	365,815	721,387
FUND BALANCE, JULY 1	2,135,719	2,135,719	2,135,719	-
FUND BALANCE, JUNE 30	$ 1,469,329	$ 1,780,147	$ 2,501,534	$ 721,387

NOTE: The expenditures by function amounts listed above include the capital outlay expenditures within each department.

CITY OF MODESTO
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL - DOWNTOWN IMPROVEMENT DISTRICT SPECIAL REVENUE FUND
FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget - Positive
	Original	Final	Actual	(Negative)
REVENUES:				
Taxes - business license tax	$ 176,010	$ 176,010	$ 186,123	$ 10,113
Special assessments levied	-	700,000	663,002	(36,998)
Interest and rent - interest	-	-	488	488
Net increase in fair value of investments	-	-	64	64
Total revenues	176,010	876,010	849,677	(26,333)
EXPENDITURES:				
Community development	173,395	873,395	832,962	40,433
CHANGES IN FUND BALANCE	2,615	2,615	16,715	14,100
FUND BALANCE, JULY 1	40,946	40,946	40,946	-
FUND BALANCE, JUNE 30	$ 43,561	$ 43,561	$ 57,661	$ 14,100

CITY OF MODESTO
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL - STRATEGIC PLANNING AND DEVELOPMENT SPECIAL REVENUE FUND
FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget - Positive
	Original	Final	Actual	(Negative)
REVENUES:				
Charges for services	$ 90,560	$ 90,560	$ 13,813	$ (76,747)
Intergovernmental	100,000	100,000	-	(100,000)
Interest and rent - interest	149,954	149,954	50,534	(99,420)
Net increase in fair value of investments	-	-	1,249	1,249
Miscellaneous	-	-	3,275	3,275
Total revenues	340,514	340,514	68,871	(271,643)
EXPENDITURES:				
Community development	801,164	901,164	161,120	740,044
(DEFICIENCY) OF REVENUES (UNDER) EXPENDITURES	(460,650)	(560,650)	(92,249)	468,401
OTHER FINANCING SOURCES:				
Transfers in	500,000	600,000	100,000	(500,000)
CHANGES IN FUND BALANCE	39,350.00	39,350	7,751	(31,599)
FUND BALANCE, JULY 1	979,810	979,810	979,810	-
FUND BALANCE, JUNE 30	$ 1,019,160	$ 1,019,160	$ 987,561	$ (31,599)

NOTE: The expenditures by function amounts listed above include the capital outlay expenditures within each department.

CITY OF MODESTO
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET (GAAP BASIS) AND ACTUAL - SPECIAL GAS TAX STREET IMPROVEMENT SPECIAL REVENUE FUND
FISCAL YEAR ENDED JUNE 30, 2016

	Budget			Variance with Final Budget - Positive (Negative)
	Original	Final	Actual	
REVENUES:				
Intergovernmental:				
Federal grants	$ 4,456,923	$ 4,456,923	$ 4,533,572	$ 76,649
Taxes	935,000	935,000	1,136,191	201,191
Licenses and permits	-	-	14,405	14,405
Charges for services	682,753	682,753	856,082	173,329
Interest and rent	15,000	15,000	93,675	78,675
Net decrease in fair value of investments	-	-	13,511	13,511
Miscellaneous	60,750	15,000	350,608	335,608
Total revenues	6,150,426	6,104,676	6,998,044	893,368
EXPENDITURES:				
Highway and streets	17,658,224	16,338,168	11,077,289	5,260,879
(DEFICIENCY) OF REVENUES (UNDER) EXPENDITURES	(11,507,798)	(10,233,492)	(4,079,245)	6,154,247
OTHER FINANCING SOURCES (USES):				
Transfers in	125,000	844,845	460,996	(383,849)
Transfers out	-	(1,524,130)	(1,373,574)	150,556
TOTAL OTHER FINANCING SOURCES (USES)	125,000	(679,285)	(912,578)	(233,293)
CHANGES IN FUND BALANCE	(11,382,798)	(10,912,777)	(4,991,823)	5,920,954
FUND BALANCE, JULY 1	13,548,380	13,548,380	13,548,380	-
FUND BALANCE, JUNE 30	$ 2,165,582	$ 2,635,603	$ 8,556,557	$ 5,920,954

NOTE: The expenditures by function amounts listed above include the capital outlay expenditures within each department.

Nonmajor Enterprise Funds

Enterprise Funds are established to account for activities that render services on a user-charge basis to the general public. Nonmajor Enterprise Funds include:

PARKING FUND – Revenues in this fund consist of charges for off-street parking and the downtown parking garage, as well as in-lieu parking fees. The revenue is used to develop and maintain parking facilities.

STORM DRAIN FUND – To account for storm drain improvements, operations and maintenance. The activities of the fund include street cleaning, rock well maintenance, and compliance with Federal and State water quality standards on storm water discharge.

COMPOST FUND – To account for tip fees charged at the City's composting facility for processing various compostable materials and the sale of compost product. Excess revenues over expenses are set aside to protect the enterprise against market fluctuations, and to provide for capital improvements to the facility infrastructure.

AIRPORT FUND – To account for all airport operations as stipulated in the City-Stanislaus County agreement of January 1968. Amounts received from the Federal government, State of California, and Stanislaus County, requiring matching amounts by the City, are recorded in this fund and are appropriated to finance approved capital projects.

GOLF FUND – Revenues in this fund consist of fees charged for using the City's golf courses. The revenue is used to improve, operate, and maintain golf courses.

COMMUNITY CENTER FUND – Accounted for in this fund are all amounts collected for the purpose of operating and maintaining the Modesto Centre Plaza Community Center. Revenues include room rental, catering fees, ticket sales, and other charges for using the center.

ABATEMENT AND PUBLIC NUISANCE FUND – To account the activity for expenses and recovery for the cost for both dangerous and unsafe building and property abatements.

CITY OF MODESTO
COMBINING STATEMENT OF NET POSITION - NONMAJOR ENTERPRISE FUNDS
JUNE 30, 2016

	Parking	Storm Drain	Compost
ASSETS			
Current assets:			
Cash and cash equivalents	$ 543,659	$ 10,247,016	$ 4,218,222
Receivables:			
Accounts	20	4,638	810,380
Interest	1,050	22,721	11,775
Utilities, net	-	516,634	260,140
Prepaid expenses	-	2,505	654
Due from governments	-	13,614	140,816
Inventories	-	-	-
Total current assets	544,729	10,807,128	5,441,987
Noncurrent assets:			
Restricted cash and cash equivalents with fiscal agent	-	-	-
Land and construction in progress	3,131,804	1,778,943	1,140,000
Other capital assets, net of accumulated depreciation	5,408,141	13,235,174	1,486,099
Total noncurrent assets	8,539,945	15,014,117	2,626,099
Total assets	9,084,674	25,821,245	8,068,086
DEFERRED OUTFLOWS OF RESOURCES			
Deferred pensions	42,395	73,326	411,463
Total assets and deferred outflows of resources	$ 9,127,069	$ 25,894,571	$ 8,479,549
LIABILITIES			
Current liabilities:			
Accounts payable	$ 28,950	$ 365,928	$ 1,072,402
Accrued salaries and benefits	10,206	17,353	107,178
Interest payable	-	-	-
Due to other funds	-	-	-
Unearned revenue	-	-	-
Current portion - long-term debt	-	-	-
Total current liabilities	39,156	383,281	1,179,580
Noncurrent liabilities:			
Pollution remediation liability	-	-	2,600,000
Certificates of participation	-	-	-
Advances from other funds	-	1,324,704	923,400
Net pension liability	510,073	876,010	4,961,690
Total liabilities	549,229	2,583,995	9,664,670
DEFERRED INFLOWS OF RESOURCES			
Deferred pensions	57,972	87,011	587,034
NET POSITION			
Net investment in capital assets	8,539,945	15,014,117	2,626,099
Unrestricted	(20,077)	8,209,448	(4,398,254)
Total net position	8,519,868	23,223,565	(1,772,155)
Total liabilities, deferred inflows of resources, and net position	$ 9,127,069	$ 25,894,571	$ 8,479,549

Airport	Golf	Community Center	Abatement and Public Nuisance Fund	Total
$ 1,410,897	$ -	$ 44,214	$ 583,528	$ 17,047,536
25,791	345,742	77,066	20,004	1,283,641
2,838	3,281	-	1,235	42,900
-		-	-	776,774
-	60,890	229	-	64,278
1,207,005	-	-	-	1,361,435
-	36,325	-	-	36,325
2,646,531	446,238	121,509	604,767	20,612,889
-	627,142	-	-	627,142
3,162,178	275,741	3,667,020	-	13,155,686
8,026,667	1,215,007	4,253,000	-	33,624,088
11,188,845	2,117,890	7,920,020	-	47,406,916
13,835,376	2,564,128	8,041,529	604,767	68,019,805
41,734	-	39,035	-	607,953
$ 13,877,110	$ 2,564,128	$ 8,080,564	$ 604,767	$ 68,627,758
$ 1,334,449	$ 78,507	$ 53,345	$ 19,978	$ 2,953,559
9,711	5,311	11,559	-	161,318
-	27,167	-	-	27,167
-	342,380	-	-	342,380
-	421,450	-	-	421,450
-	340,000	-	-	340,000
1,344,160	1,214,815	64,904	19,978	4,245,874
-	-	-	-	2,600,000
-	2,920,000	-	-	2,920,000
-	-	-	-	2,248,104
493,170	-	474,407	-	7,315,350
1,837,330	4,134,815	539,311	19,978	19,329,328
37,916	-	63,644	-	833,577
11,188,845	(1,142,110)	7,920,020	-	44,146,916
813,019	(428,577)	(442,411)	584,789	4,317,937
12,001,864	(1,570,687)	7,477,609	584,789	48,464,853
$ 13,877,110	$ 2,564,128	$ 8,080,564	$ 604,767	$ 68,627,758

CITY OF MODESTO
COMBINING STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION - NONMAJOR ENTERPRISE FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Parking	Storm Drain	Compost
OPERATING REVENUES:			
Charges for services	$ 1,289,211	$ 5,588,169	$ 7,301,312
Miscellaneous	-	-	51,455
Total operating revenues	1,289,211	5,588,169	7,352,767
OPERATING EXPENSES:			
Salaries and wages	370,459	622,339	3,470,638
Contractual services	296,546	555,676	4,510,273
Utilities	157,301	26,097	25,781
Maintenance and supplies	67,626	1,701,744	1,633,179
Insurance	71,973	8,273	152,632
Employee benefits	106,881	155,534	1,007,627
Administration services	28,164	1,529,278	685,695
Allocated indirect administrative costs	33,058	129,190	159,297
Depreciation	440,097	569,787	170,181
Total operating expenses	1,572,105	5,297,918	11,815,303
OPERATING INCOME (LOSS)	(282,894)	290,251	(4,462,536)
NONOPERATING REVENUES (EXPENSES):			
Gain (loss) on disposition of capital assets	(10,675)	80,070	19,775
Operating grants	-	-	288,944
Tax revenue	-	-	-
Tax expense	(13,073)	-	-
Interest income	3,604	75,079	49,203
Net increase in fair value of investments	467	13,115	7,590
Rental income	-	-	-
Interest expense	-	-	-
Trustee fees	-	-	-
Total nonoperating revenues (expenses)	(19,677)	168,264	365,512
INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS AND TRANSFERS	(302,571)	458,515	(4,097,024)
Capital contributions	-	-	-
Transfers in	96,485	700,000	1,558,841
Transfers out	-	-	(1,079,552)
CHANGES IN NET POSITION	(206,086)	1,158,515	(3,617,735)
NET POSITION (DEFICIT), JULY 1	8,725,954	22,065,050	1,845,580
NET POSITION (DEFICIT), JUNE 30	$ 8,519,868	$ 23,223,565	$ (1,772,155)

	Airport	Golf	Community Center	Abatement and Public Nuisance Fund	Total
$	621,856	$ 2,426,630	$ 316,381	$ 166,641	$ 17,710,200
	527	5,274	10,458	-	67,714
	622,383	2,431,904	326,839	166,641	17,777,914
	375,568	-	439,539	-	5,278,543
	280,078	2,313,684	135,617	82,272	8,174,146
	101,908	63,148	228,009	-	602,244
	67,317	285,191	213,318	189	3,968,564
	29,842	77,547	58,627	-	398,894
	128,219	-	94,176	-	1,492,437
	31,561	62,920	25,540	16,500	2,379,658
	41,135	51,305	-	-	413,985
	694,568	51,424	749,245	-	2,675,302
	1,750,196	2,905,219	1,944,071	98,961	25,383,773
	(1,127,813)	(473,315)	(1,617,232)	67,680	(7,605,859)
	(278)	-	-	-	88,892
	191,879	-	-	-	480,823
	206,854	-	-	-	206,854
	(483)	-	-	-	(13,556)
	11,016	(20,055)	(2,000)	4,725	121,572
	1,564	1,436	-	665	24,837
	128,432	94,582	446,097	-	669,111
	-	(168,417)	-	-	(168,417)
	-	(1,279)	-	-	(1,279)
	538,984	(93,733)	444,097	5,390	1,408,837
	(588,829)	(567,048)	(1,173,135)	73,070	(6,197,022)
	1,633,739	-	-	-	1,633,739
	-	550,159	490,982	-	3,396,467
	(21,603)	-	-	-	(1,101,155)
	1,023,307	(16,889)	(682,153)	73,070	(2,267,971)
	10,978,557	(1,553,798)	8,159,762	511,719	50,732,824
$	12,001,864	$ (1,570,687)	$ 7,477,609	$ 584,789	$ 48,464,853

CITY OF MODESTO
COMBINING STATEMENT OF CASH FLOWS - NONMAJOR ENTERPRISE FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Parking	Storm Drain	Compost
CASH FLOWS FROM OPERATING ACTIVITIES:			
Receipts from customers and users	$ 1,300,668	$ 5,414,473	$ 7,188,366
Receipts from interfund services provided	-	75,029	-
Payments to suppliers	(393,912)	(832,881)	(945,294)
Payments to employees	(507,177)	(827,930)	(4,750,969)
Payments for interfund services used	(272,743)	(2,981,138)	(2,654,712)
Net cash provided (used) by operating activities	126,836	847,553	(1,162,609)
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:			
Operating grants received	-	-	288,944
Taxes received	-	-	-
Transfers in	96,485	700,000	1,558,841
Transfers out	-	-	(1,079,552)
Payments on advances from other funds	-	-	(34,200)
Net cash provided (used) by noncapital financing activities	96,485	700,000	734,033
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:			
Acquisition and construction of capital assets	-	(1,419,764)	(100,041)
Proceeds from sale of capital assets	-	80,070	19,775
Principal repayments	-	-	-
Interest paid	-	-	-
Trustee fees	-	-	-
Capital contributions	-	-	-
Net cash provided (used) by capital and related financing activities	-	(1,339,694)	(80,266)
CASH FLOWS FROM INVESTING ACTIVITIES:			
Interest received (paid)	3,146	70,830	47,577
Net increase in the fair value of investments	467	13,115	7,590
Rental income received	-	-	-
Net cash provided (used) by investing activities	3,613	83,945	55,167
Net increase (decrease) in cash and cash equivalents	226,934	291,804	(453,675)
CASH AND CASH EQUIVALENTS, JULY 1	316,725	9,955,212	4,671,897
CASH AND CASH EQUIVALENTS, JUNE 30	$ 543,659	$ 10,247,016	$ 4,218,222
RECONCILIATION TO STATEMENT OF NET POSITION:			
Cash and cash equivalents	$ 543,659	$ 10,247,016	$ 4,218,222
Restricted cash and cash equivalents with fiscal agent	-	-	-
TOTAL CASH AND CASH EQUIVALENTS	$ 543,659	$ 10,247,016	$ 4,218,222

Airport	Golf	Community Center	Abatement and Public Nuisance Fund	Total
$ 972,112	$ 2,811,392	$ 314,152	$ 145,787	$ 18,146,950
-	-	-	-	75,029
(301,997)	(2,660,053)	(459,998)	(89,550)	(5,683,685)
(538,304)	2,780	(562,881)	-	(7,184,481)
(250,327)	(256,841)	(179,468)	-	(6,595,229)
(118,516)	(102,722)	(888,195)	56,237	(1,241,416)
191,879	-	-	-	480,823
206,854	-	-	-	206,854
-	550,159	490,982	-	3,396,467
(21,603)	-	-	-	(1,101,155)
-	-	-	-	(34,200)
377,130	550,159	490,982	-	2,948,789
(1,935,711)	-	(39,271)	-	(3,494,787)
-	-	-	-	99,845
-	(325,000)	-	-	(325,000)
-	(141,250)	-	-	(141,250)
-	(1,279)	-	-	(1,279)
1,633,739	-	-	-	1,633,739
(301,972)	(467,529)	(39,271)	-	(2,228,732)
11,360	(53,546)	(2,952)	4,483	80,898
1,564	1,436	-	665	24,837
128,432	94,582	446,097	-	669,111
141,356	42,472	443,145	5,148	774,846
97,998	22,380	6,661	61,385	253,487
1,312,899	604,762	37,553	522,143	17,421,191
$ 1,410,897	$ 627,142	$ 44,214	$ 583,528	$ 17,674,678
$ 1,410,897	$ -	$ 44,214	$ 583,528	$ 17,047,536
-	627,142	-	-	627,142
$ 1,410,897	$ 627,142	$ 44,214	$ 583,528	$ 17,674,678

(continued)

CITY OF MODESTO
COMBINING STATEMENT OF CASH FLOWS - NONMAJOR ENTERPRISE FUNDS (Continued)
FISCAL YEAR ENDED JUNE 30, 2016

	Parking	Storm Drain	Compost
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:			
Operating income (loss)	$ (282,894)	$ 290,251	$ (4,462,536)
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:			
Depreciation	440,097	569,787	170,181
Taxes paid	(13,073)	-	-
Change in assets, liabilities, and deferred resources:			
(Increase) decrease in accounts receivable	11,457	(4,638)	15,255
Increase in utilities receivable	-	(84,953)	(124,648)
Increase in due from other governments	-	(9,076)	(55,008)
Increase (decrease) in accounts payable	(1,574)	138,187	966,638
Increase in inventories	-	-	-
(Increase) decrease in prepaid expenses	2,660	(1,948)	213
Increase (decrease) in accrued salaries and benefits	(4,476)	(3,153)	(32,158)
Increase in net pension liability and deferred resources	(25,361)	(46,904)	(240,546)
Increase pollution remediation	-	-	2,600,000
Increase in due to other funds	-	-	-
Increase (decrease) in unearned revenue	-	-	-
Total adjustments	409,730	557,302	3,299,927
Net cash provided (used) by operating activities	$ 126,836	$ 847,553	$ (1,162,609)

Airport	Golf	Community Center	Abatement and Public Nuisance Fund	Total
$ (1,127,813)	$ (473,315)	$ (1,617,232)	$ 67,680	$ (7,605,859)
694,568	51,424	749,245	-	2,675,302
(483)	-	-	-	(13,556)
(15,668)	41,102	(12,687)	148,542	183,363
-	-	-	-	(209,601)
(428,494)				(492,578)
782,956	845	21,691	9,411	1,918,154
-	(4,933)	-	-	(4,933)
11,210	(59,011)	(46)	-	(46,922)
(5,160)	2,780	(8,170)	-	(50,337)
(29,357)	-	(20,996)	-	(363,164)
-	-	-	-	2,600,000
-	324,594	-	-	324,594
(275)	13,792	-	(169,396)	(155,879)
1,009,297	370,593	729,037	(11,443)	6,364,443
$ (118,516)	$ (102,722)	$ (888,195)	$ 56,237	$ (1,241,416)

Internal Service Funds

Internal Service Funds are established to finance and account for services and commodities furnished by a designated agency of a governmental unit to other departments of the same governmental unit. Since the services and commodities are supplied exclusively to other departments of a governmental jurisdiction, they are distinguishable from those public services which are rendered to the public in general and which are accounted for in General, Special Revenue, or Enterprise Funds. Internal Service Funds include:

FLEET MANAGEMENT FUND – To provide the maintenance necessary for the City's equipment pool, which serves the needs of all City departments.

CENTRAL SERVICES FUND – To provide office supplies, various maintenance and construction materials, records storage, and mail services to all City departments.

INFORMATION AND TECHNOLOGY SERVICES FUND – To finance and account for the replacement, upgrade and maintenance of the City's network and technology infrastructure, and to develop and implement a coordinated city-wide information technology plan.

INSURANCE FUND – To finance and account for the City's insurance and risk management programs.

EMPLOYEE BENEFITS MANAGEMENT FUND – To account for all compensated absences and other employee benefits. Insurance benefits for current employees are accounted for in the Insurance Fund.

BUILDING SERVICES FUND – To account for the true cost of occupying and maintaining office space, to better reflect the value of that space, and to accumulate amounts for future building repair costs.

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CITY OF MODESTO
COMBINING STATEMENT OF NET POSITION - INTERNAL SERVICE FUNDS
JUNE 30, 2016

	Fleet Management	Central Services	Information & Technology Services
ASSETS			
Current assets:			
Cash and cash equivalents	$ 11,299,203	$ 1,622,074	$ 6,190,460
Receivables:			
Accounts	8,437	-	-
Interest	19,074	3,395	13,745
Prepaid expenses	8,404	3,429	266,343
Due from governments	-	-	-
Inventories	-	333,239	-
Total current assets	11,335,118	1,962,137	6,470,548
Noncurrent assets:			
Advances to other funds	-	-	-
Restricted assets - cash and cash equivalents	-	-	-
Restricted assets - cash from fiscal agent	-	-	-
Land and construction in progress	2,097,162	-	110,713
Other capital assets, net of accumulated depreciation	11,433,368	59,921	4,731,394
Total noncurrent assets	13,530,530	59,921	4,842,107
Total assets	24,865,648	2,022,058	11,312,655
DEFERRED OUTFLOWS OF RESOURCES			
Deferred pensions	204,778	31,348	336,583
Total assets and deferred outflows of resources	$ 25,070,426	$ 2,053,406	$ 11,649,238
LIABILITIES			
Current liabilities:			
Accounts payable	$ 742,181	$ 294,975	$ 653,642
Accrued salaries and benefits	39,576	6,077	67,582
Unearned revenue	-	-	-
Current portion - compensated absences	-	-	-
Current portion - claims liability	-	-	-
Total current liabilities	781,757	301,052	721,224
Noncurrent liabilities:			
Compensated absences	-	-	-
Claims liability	-	-	-
Net OPEB obligation	-	-	-
Net pension liability	2,480,395	382,534	4,101,488
Total liabilities	3,262,152	683,586	4,822,712
DEFERRED INFLOWS OF RESOURCES			
Deferred pensions	315,883	54,408	571,995
NET POSITION			
Net investment in capital assets	13,530,530	59,921	4,842,107
Restricted	-	-	-
Unrestricted	7,961,861	1,255,491	1,412,424
Total net position	21,492,391	1,315,412	6,254,531
Total liabilities, deferred inflows of resources, and net position	$ 25,070,426	$ 2,053,406	$ 11,649,238

Insurance	Employee Benefits Management	Building Services	Total
$ 18,102,701	$ -	$ 890,083	$ 38,104,521
1,441,394	33,750	-	1,483,581
89,683	19,735	2,008	147,640
4,212	-	116	282,504
-	-	18,843	18,843
-	-	-	333,239
19,637,990	53,485	911,050	40,370,328
-	781,738	-	781,738
-	9,401,469	-	9,401,469
5,070	-	-	5,070
-	-	-	2,207,875
-	-	84,162	16,308,845
5,070	10,183,207	84,162	28,704,997
19,643,060	10,236,692	995,212	69,075,325
38,007	24,098	43,876	678,690
$ 19,681,067	$ 10,260,790	$ 1,039,088	$ 69,754,015
$ 1,429,007	$ 42,099	$ 110,075	$ 3,271,979
8,606	17,403	11,201	150,445
57,118	-	-	57,118
-	3,453,298	-	3,453,298
5,033,143	-	-	5,033,143
6,527,874	3,512,800	121,276	11,965,983
-	5,336,652	-	5,336,652
18,563,388	-	-	18,563,388
-	56,191,331	-	56,191,331
464,987	291,255	523,054	8,243,713
25,556,249	65,332,038	644,330	100,301,067
68,585	35,767	49,620	1,096,258
-	-	84,162	18,516,720
-	9,401,469	-	9,401,469
(5,943,767)	(64,508,484)	260,976	(59,561,499)
(5,943,767)	(55,107,015)	345,138	(31,643,310)
$ 19,681,067	$ 10,260,790	$ 1,039,088	$ 69,754,015

CITY OF MODESTO
COMBINING STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION - INTERNAL SERVICE FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Fleet Management	Central Services
OPERATING REVENUES:		
Charges for services	$ 6,901,951	$ 28,221
Sales	-	4,620,700
Total operating revenues	6,901,951	4,648,921
OPERATING EXPENSES:		
Salaries and wages	1,213,665	207,056
Cost of sales	-	3,966,108
Contractual services	2,270,814	90,273
Utilities	9,082	646
Maintenance and supplies	1,493,603	137,522
Insurance	69,030	4,246
Claims	-	-
Employee benefits	423,964	72,339
Administration services	256,470	44,031
Allocated indirect administrative costs	297,137	-
Depreciation	2,412,230	11,945
Total operating expenses	8,445,995	4,534,166
OPERATING INCOME (LOSS)	(1,544,044)	114,755
NONOPERATING REVENUES (EXPENSES):		
Operating grant	-	-
Gain (loss) on disposition of capital assets	(3,863)	3,161
Interest income	76,991	15,328
Net increase in fair value of investments	10,231	2,248
Total nonoperating revenues (expenses)	83,359	20,737
INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS AND TRANSFERS	(1,460,685)	135,492
Capital contributions	48,833	-
Transfers in	3,411,528	-
Transfers out	-	(25,970)
CHANGES IN NET POSITION	1,999,676	109,522
NET POSITION (DEFICIT), JULY 1	19,492,715	1,205,890
NET POSITION (DEFICIT), JUNE 30	$ 21,492,391	$ 1,315,412

Information & Technology Services	Insurance	Employee Benefits Management	Building Services	Total
$ 5,817,156	$ 24,034,436	$ 2,738,432	$ 2,369,974	$ 41,890,170
-	-	-	-	4,620,700
5,817,156	24,034,436	2,738,432	2,369,974	46,510,870
2,101,717	254,326	159,282	359,139	4,295,185
-	-	-	-	3,966,108
766,834	468,476	295,900	1,550,379	5,442,676
97,923	217	-	144,945	252,813
977,678	9,171	17,388	53,710	2,689,072
28,779	16,779,388	2,143	9,311	16,892,897
-	9,732,872	-	-	9,732,872
582,632	83,762	2,767,892	103,406	4,033,995
903	59,783	46,655	124,235	532,077
-	-	-	-	297,137
653,254	-	-	3,119	3,080,548
5,209,720	27,387,995	3,289,260	2,348,244	51,215,380
607,436	(3,353,559)	(550,828)	21,730	(4,704,510)
78,932	-	-	-	78,932
(4,296)	-	-	-	(4,998)
57,014	367,517	86,583	8,289	611,722
7,478	48,916	12,915	1,235	83,023
139,128	416,433	99,498	9,524	768,679
746,564	(2,937,126)	(451,330)	31,254	(3,935,831)
-	-	-	-	48,833
1,546	-	-	-	3,413,074
(142,360)	-	-	(200,000)	(368,330)
605,750	(2,937,126)	(451,330)	(168,746)	(842,254)
5,648,781	(3,006,641)	(54,655,685)	513,884	(30,801,056)
$ 6,254,531	$ (5,943,767)	$ (55,107,015)	$ 345,138	$ (31,643,310)

CITY OF MODESTO
COMBINING STATEMENT OF CASH FLOWS - INTERNAL SERVICE FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Fleet Management	Central Services	Information & Technology Services
CASH FLOWS FROM OPERATING ACTIVITIES:			
Receipts from customers and users	$ 221,884	$ -	$ 9,193
Receipts from interfund services provided	6,672,154	4,648,921	5,807,963
Payments to suppliers	(2,779,388)	(3,890,772)	(1,557,250)
Payment of insurance claims	-	-	-
Payments to employees	(1,763,728)	(296,728)	(2,872,155)
Payments for interfund services used	(1,191,653)	(152,507)	(83,707)
Net cash provided (used) by operating activities	1,159,269	308,914	1,304,044
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES:			
Receipts on advances to other funds	-	-	-
Transfers in	3,411,528	-	1,546
Transfers out	-	(25,970)	(142,360)
Operating grants received	-	-	78,932
Net cash provided (used) by noncapital financing activities	3,411,528	(25,970)	(61,882)
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES:			
Acquisition and construction of capital assets	(2,602,415)	-	(430,078)
Proceeds from sale of capital assets	67,329	3,161	-
Net cash provided (used) by capital and related financing activities	(2,535,086)	3,161	(430,078)
CASH FLOWS FROM INVESTING ACTIVITIES:			
Interest received	71,494	15,184	53,157
Net increase in the fair value of investments	10,231	2,248	7,478
Net cash provided by investing activities	81,725	17,432	60,635
Net increase (decrease) in cash and cash equivalents	2,117,436	303,537	872,719
CASH AND CASH EQUIVALENTS, JULY 1	9,181,767	1,318,537	5,317,741
CASH AND CASH EQUIVALENTS, JUNE 30	$ 11,299,203	$ 1,622,074	$ 6,190,460
RECONCILIATION TO STATEMENT OF NET POSITION:			
Cash and cash equivalents	$ 11,299,203	$ 1,622,074	$ 6,190,460
Restricted cash and cash equivalents	-	-	-
Restricted cash and cash equivalents with fiscal agent	-	-	-
TOTAL CASH AND CASH EQUIVALENTS	$ 11,299,203	$ 1,622,074	$ 6,190,460

Insurance	Employee Benefits Management	Building Services	Total
$ -	$ -	$ 317,354	$ 548,431
24,506,972	2,738,432	2,082,933	46,457,375
(17,145,130)	(1,119,237)	(1,675,836)	(28,167,613)
(8,666,972)	-	-	(8,666,972)
(356,032)	(3,848,420)	(494,050)	(9,631,113)
(95,594)	(78,642)	(279,306)	(1,881,409)
(1,756,756)	(2,307,867)	(48,905)	(1,341,301)
-	75,000	-	75,000
-	-	-	3,413,074
-	-	(200,000)	(368,330)
-	-	-	78,932
	75,000	(200,000)	3,198,676
-	-	-	(3,032,493)
-	-	-	70,490
-	-		(2,962,003)
323,503	87,392	8,369	559,099
48,916	12,915	1,235	83,023
372,419	100,307	9,604	642,122
(1,384,337)	(2,132,560)	(239,301)	(462,506)
19,492,108	11,534,029	1,129,384	47,973,566
$ 18,107,771	$ 9,401,469	$ 890,083	$ 47,511,060
$ 18,102,701	$ -	$ 890,083	$ 38,104,521
-	9,401,469	-	9,401,469
5,070	-	-	5,070
$ 18,107,771	$ 9,401,469	$ 890,083	$ 47,511,060

CITY OF MODESTO
COMBINING STATEMENT OF CASH FLOWS - INTERNAL SERVICE FUNDS (Continued)
FISCAL YEAR ENDED JUNE 30, 2016

	Fleet Management	Central Services
RECONCILIATION OF OPERATING INCOME (LOSS) TO NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES:		
Operating income (loss)	$ (1,544,044)	$ 114,755
Adjustments to reconcile operating income (loss) to net cash provided (used) by operating activities:		
Depreciation	2,412,230	11,945
Change in assets, liabilities, and deferred resources:		
(Increase) decrease in accounts receivable	(7,913)	-
Decrease in due from governments	-	-
(Increase) decrease in prepaid expenses	(7,331)	(2,508)
Decrease in inventories	-	110,213
Increase (decrease) in accounts payable	432,426	91,842
Increase (decrease) in accrued salaries and benefits	(11,825)	(1,227)
Decrease in compensated absences	-	-
Decrease in net OPEB obligation	-	-
Increase in net pension liability and deferred resources	(114,274)	(16,106)
Increase in unearned revenue	-	-
Increase in claims liability	-	-
Total adjustments	2,703,313	194,159
Net cash provided (used) by operating activities	$ 1,159,269	$ 308,914
NONCASH INVESTING, CAPITAL AND FINANCING ACTIVITIES:		
Capital asset transfers	$ 117,355	$ -

Information & Technology Services	Insurance	Employee Benefits Management	Building Services	Total
$ 607,436	$ (3,353,559)	$ (550,828)	$ 21,730	$ (4,704,510)
653,254	-	-	3,119	3,080,548
-	415,418	-	-	407,505
-	-	-	30,313	30,313
(259,036)	170,347	-	93	(98,435)
-	-	-	-	110,213
490,196	(94,036)	(835,793)	(72,655)	11,980
(12,088)	983	9,187	(2,876)	(17,846)
-	-	(156,131)	-	(156,131)
-	-	(760,531)	-	(760,531)
(175,718)	(18,927)	(13,771)	(28,629)	(367,425)
-	57,118	-	-	57,118
-	1,065,900	-	-	1,065,900
696,608	1,596,803	(1,757,039)	(70,635)	3,363,209
$ 1,304,044	$ (1,756,756)	$ (2,307,867)	$ (48,905)	$ (1,341,301)
$	$ -	$ -	$ -	$ 117,355

AGENCY FUNDS

Agency Funds account for assets held by the City as an agent for individuals, governmental entities and non-public organizations.

SPECIAL DISTRICTS - To account for collection of special district assessments from property owners and forwarding these collections to trustees for payment to bondholders.

TUOLUMNE RIVER REGIONAL PARK - To account for cash and investments of the Tuolumne River Regional Park, a joint powers agency between the City of Modesto, Stanislaus County and City of Ceres. The agency provides financing, development, and maintenance of the Tuolumne River Regional Park facilities. The cash and investments of the Park are invested as part of the City's investment pool.

STANISLAUS DRUG ENFORCEMENT AGENCY - To account for cash and investments of the Stanislaus Drug Enforcement Agency, a joint powers agency between Stanislaus County and the cities of Modesto, Oakdale, Turlock, Ceres, Hughson, Newman, Patterson, Riverbank, and Waterford. The agency's purpose is to maintain a specially trained police unit to assist each of the participating agencies in the enforcement of drug control laws, and to study, plan, and set priorities for effective enforcement of such laws throughout Stanislaus County. Cash and investments of the Agency are invested in the City's investment pool.

INDUSTRIAL FIRE DISTRICT - To record and distribute the special assessments for fire protection that were established under the Industrial Fire District. This is a joint powers agency between the Modesto Regional Fire Authority, the City of Ceres, and the Industrial Fire District. Cash and investments of the Agency are invested in the City's investment pool.

STANISLAUS REGIONAL WATER AUTHORITY - To account for cash and investments of the Stanislaus Regional Water Authority, a joint powers agency between the City of Modesto, City of Turlock and City of Ceres. The agency provides direction for the future of the proposed Regional Surface Water Supply Project. The cash and investments of this agency are invested as part of the City's investment pool.

MODESTO REGIONAL FIRE AUTHORITY - To account for cash and investments of the Modesto Regional Fire Authority, a joint powers agency between the City of Modesto, Stanislaus County and Salida Fire Protection District. The agency provides fire suppression, protection and prevention, emergency management and related services. The cash and investments of this agency are invested as part of the City's investment pool.

CITY/COUNTY JOINT POWERS FINANCING AUTHORITY - To account for cash and investments of the City/County Capital Improvements and Financing Agency, a joint powers agency between the City of Modesto and Stanislaus County. The agency builds and maintains a joint City-County government complex in downtown Modesto. The cash and investments of the Agency are invested as part of the City's investment pool.

CITY OF MODESTO
STATEMENT OF CHANGES IN ASSETS AND LIABILITIES - AGENCY FUNDS
FISCAL YEAR ENDED JUNE 30, 2016

	Balance June 30, 2015	Additions	Deletions	Balance June 30, 2016
Special Districts				
ASSETS				
Cash and cash equivalents	$ 428,475	$ 3,507,388	$ 3,255,406	$ 680,457
Cash and cash equivalents with fiscal agent	2,943,558	1,977,023	1,984,443	2,936,138
	$ 3,372,033	$ 5,484,411	$ 5,239,849	$ 3,616,595
LIABILITIES				
Due to special district bondholders	$ 3,372,033	$ 5,484,411	$ 5,239,849	$ 3,616,595
Tuolumne River Regional Park				
ASSETS				
Cash and cash equivalents	$ 3,738	$ 598,008	$ 579,620	$ 22,126
LIABILITIES				
Deposits held as agent for others	$ 3,738	$ 598,008	$ 579,620	$ 22,126
Stanislaus Drug Enforcement Agency				
ASSETS				
Cash and cash equivalents	$ 3,168,595	$ 2,077,196	$ 2,628,959	$ 2,616,832
LIABILITIES				
Deposits held as agent for others	$ 3,168,595	$ 2,077,196	$ 2,628,959	$ 2,616,832
Modesto-Ceres Fire Protection Agency				
ASSETS				
Cash and cash equivalents	$ 210,849	$ 547,050	$ 550,806	$ 207,093
LIABILITIES				
Deposits held as agent for others	$ 210,849	$ 547,050	$ 550,806	$ 207,093
Stanislaus Regional Water Authority				
ASSETS				
Cash and cash equivalents	$ -	$ 54,441	$ 54,441	$ -
LIABILITIES				
Deposits held as agent for others	$ -	$ 54,441	$ 54,441	$ -
Modesto Regional Fire Authority				
ASSETS				
Cash and cash equivalents	$ 954	$	$ 954	$ -
Cash and cash equivalents with fiscal agent	-	-	-	-
	954	-	954	-
LIABILITIES				
Deposits held as agent for others	$ 954	$ -	$ 954	$ -
City/County Joint Powers Financing Authority				
ASSETS				
Cash and cash equivalents	$ 16,619	$ 2,063	$ 51	$ 18,631
LIABILITIES				
Deposits held as agent for others	$ 16,619	$ 2,063	$ 51	$ 18,631
Totals - All Agency Funds				
ASSETS				
Cash and cash equivalents	$ 3,829,230	$ 6,786,146	$ 7,070,237	$ 3,545,139
Cash and cash equivalents with fiscal agent	2,943,558	1,977,023	1,984,443	2,936,138
	$ 6,772,788	$ 8,763,169	$ 9,054,680	$ 6,481,277
LIABILITIES				
Due to special district bondholders	$ 3,372,033	$ 5,484,411	$ 5,239,849	$ 3,616,595
Deposits held as agent for others	3,400,755	3,278,758	3,814,831	2,864,682
	$ 6,772,788	$ 8,763,169	$ 9,054,680	$ 6,481,277

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STATISTICAL SECTION
DIVIDER

STATISTICAL SECTION

Statistical Section

This part of the Comprehensive Annual Financial Report presents detailed information to aid in understanding what the information in the financial statements, note disclosures, and required supplementary information says about the City's overall financial health. In contrast to the financial section, the statistical section information is not subject to independent audit.

Financial Trends
These schedules contain trend information to help the reader understand how the City's financial performance has changed over time:

1. Net Position by Component
2. Changes in Net Position
3. Fund Balances of Governmental Funds
4. Changes in Fund Balances of Governmental Funds

Revenue Capacity
This schedule gives information on the City's most significant local revenue source, the water usage charges:

1. Water Utility System – Ten Largest Customers
2. Water revenues by customer class
3. Water rates

Debt Capacity
These schedules present information to help the reader assess the affordability of the City's current levels of outstanding debt and the City's ability to issue additional debt in the future:

1. Ratio of Outstanding Debt by Type
2. Computation of Direct and Overlapping Debt
3. Computation of Legal Debt Margin
4. Revenue Bond Coverage, Wastewater Revenue Bonds

Demographic and Economic Information
These schedules offer demographic and economic indicators to help the reader understand the environment within which the City's financial activities take place:

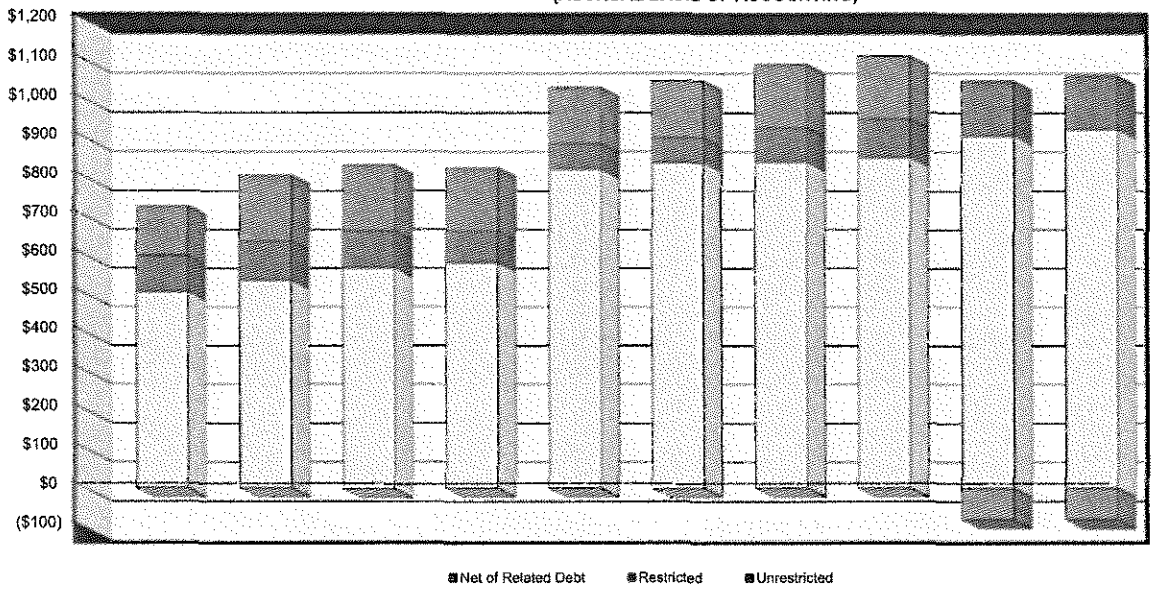
1. Demographic and Economic Statistics
2. Principal Employers
3. Principal Property Taxpayers

Operating Information
These schedules contain service and infrastructure data to help the reader understand how the information in the City's financial report relates to the services the City provides and the activities it performs:

1. Full-Time City Government Employees by Function
2. Operating Indicators by Function
3. Capital Asset Statistics by Function/Program

Sources: Unless otherwise noted, the information in these schedules is derived from the Comprehensive Annual Financial Reports for the relevant year.

CITY OF MODESTO
NET POSITION BY COMPONENT (1)
LAST TEN FISCAL YEARS
(ACCRUAL BASIS OF ACCOUNTING)



	2007	2008	2009	2010	2011	2012	2013	2014	2015 (2)	2016
Governmental activities										
Net investment in capital assets	$333,409,532	$339,396,266	$347,357,492	$329,592,169	$338,010,133	$362,755,958	$361,582,237	$347,647,419	$378,145,625	$381,887,289
Restricted	93,168,664	102,602,698	94,819,773	81,528,516	66,570,581	63,498,187	63,381,356	77,564,677	121,105,182	115,619,807
Unrestricted	(12,566,297)	4,627,884	(472,402)	14,399,778	6,540,870	(4,326,456)	(1,102,658)	9,167,253	(179,570,210)	(173,275,294)
Total governmental activities net position	$414,011,899	$446,626,848	$441,704,863	$425,520,463	$411,121,584	$421,927,689	$423,860,935	$434,379,349	$319,680,597	$324,231,802
Business-type activities										
Net investment in capital assets	$170,791,021	$194,435,373	$218,432,739	$251,025,494	$481,186,894	$473,757,198	$476,681,835	$502,684,950	$527,784,338	$539,821,175
Restricted	-	-	-	-	-	-	25,571,860	22,398,957	20,622,619	22,052,595
Unrestricted	139,613,374	163,792,245	169,639,845	147,661,517	138,033,147	152,003,655	162,882,299	150,187,831	99,450,370	92,324,550
Total business-type activities net position	$310,404,395	$358,227,618	$388,072,584	$398,687,011	$619,220,041	$625,760,853	$665,135,994	$675,271,738	$647,857,327	$654,198,320
Primary government										
Net investment in capital assets	$504,200,553	$533,831,639	$565,790,231	$580,617,663	$819,197,027	$836,513,156	$838,264,072	$850,332,369	$905,929,963	$921,708,464
Restricted	93,168,664	102,602,698	94,819,773	81,528,516	66,570,581	63,498,187	88,953,216	99,963,634	141,727,801	137,672,402
Unrestricted	127,047,077	168,420,129	169,167,443	162,061,295	144,574,017	147,677,199	161,779,641	159,355,084	(80,119,840)	(80,950,744)
Total primary government net position	$724,416,294	$804,854,466	$829,777,447	$824,207,474	$1,030,341,625	$1,047,688,542	$1,088,996,929	$1,109,651,087	$967,537,924	$978,430,122

1) Accounting standards require that net position be reported in three components in the financial statements: net investment in capital assets; restricted; and unrestricted. Net position is considered restricted when a) externally imposed by creditors (such as debt covenants), grantors, contributors, or laws or regulations of other governments or b) imposed by law through constitutional provisions or enabling legislation.
2) The significant decrease in net position was due to the implementation of GASB 68 related to the City's net pension liability.

CITY OF MODESTO
CHANGES IN NET POSITION
LAST TEN FISCAL YEARS
(ACCRUAL BASIS OF ACCOUNTING)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Expenses										
Governmental activities:										
General government	$17,227,876	$15,997,582	$12,700,264	$12,093,091	$12,473,794	$14,236,573	$12,041,953	$11,221,704	$12,085,051	$12,838,583
Community development	12,025,105	14,619,525	14,694,997	18,912,766	28,301,160	14,206,876	25,162,533	13,002,466	11,888,475	12,552,115
Highways and streets	26,246,306	26,436,475	23,682,253	23,668,779	24,114,799	21,009,521	20,525,496	21,316,315	21,269,704	20,149,011
Public works	12,557,512	11,471,344	9,151,786	6,759,562	7,393,809	6,780,882	4,064,497	3,241,135	9,810,989	10,749,465
Parks and recreation	14,568,192	14,264,334	15,070,007	13,268,871	10,310,549	11,741,352	13,036,579	11,659,816	4,641,611	3,493,743
Public safety	83,793,361	88,651,249	84,395,987	80,254,834	83,381,310	83,568,633	83,857,207	72,301,682	86,782,741	86,907,876
Interest on long-term debt	7,286,026	4,998,482	6,114,875	5,766,421	3,609,345	3,066,897	3,193,997	2,958,471	3,204,203	2,691,894
Total governmental activities expenses	173,704,378	176,438,991	165,810,169	160,724,324	169,584,766	154,610,734	161,882,262	135,701,589	149,682,774	149,382,687
Business-type activities:										
Water	1,475,340	1,982,066	2,011,386	1,826,401	1,518,955	1,482,640	1,252,660	1,605,829	54,718,239	59,127,625
Sewer	35,540,918	36,713,351	38,190,214	43,619,704	36,305,860	53,730,665	48,656,862	63,498,896	30,281,361	33,093,921
Bus	24,156,577	23,974,989	22,416,713	28,055,056	28,497,430	29,366,025	24,155,935	31,895,568	18,614,175	19,709,745
Parking	6,924,335	6,349,113	6,140,963	5,201,741	7,619,939	6,674,100	4,239,567	6,372,418	1,513,185	1,625,943
Storm drain	1,225,462	1,312,511	1,130,816	1,480,068	4,112,837	4,426,031	4,350,079	4,951,441	3,913,204	5,312,896
Compost	2,039,988	1,444,667	1,682,644	1,918,113	2,157,180	1,640,733	1,534,242	2,291,222	7,841,048	11,998,345
Airport	13,758,421	14,834,612	15,210,224	15,671,731	16,064,104	16,944,803	18,025,010	19,618,547	2,025,146	1,787,081
Golf	2,479,447	2,497,161	2,440,599	2,473,968	2,366,052	2,279,650	2,197,368	2,845,109	2,998,505	3,130,536
Community center	2,543,121	2,465,825	2,303,256	2,346,175	2,284,082	2,352,173	1,864,996	2,031,928	1,852,585	1,981,307
Abatement and public nuisance	-	-	-	-	-	34,609	42,879	31,877	93,067	84,152
Total business-type activities expenses	90,143,609	91,574,295	91,526,815	102,592,957	100,926,439	118,931,429	106,319,598	135,142,835	123,850,515	137,851,551
Total primary government expenses	$263,847,987	$268,013,286	$257,336,984	$263,317,281	$270,511,205	$273,542,163	$268,201,860	$270,844,424	$273,533,289	$287,234,238
Program revenues										
Governmental activities:										
Charges for services:										
General government	$3,775,368	$6,726,893	$6,987,127	$6,323,865	$6,804,398	$6,799,202	$6,262,963	$5,825,407	$5,912,157	$6,539,908
Community development	10,873,541	7,869,742	4,788,324	2,941,932	4,730,263	4,430,690	4,123,811	4,537,984	3,385,050	6,885,850
Highway and streets	10,719,009	5,804,342	8,222,178	2,801,213	3,179,788	4,178,567	761,394	873,566	1,744,505	1,154,290
Public works	1,757,648	5,110,428	1,349,956	3,344,967	2,909,677	2,936,299	3,565,048	4,146,641	6,621,704	5,469,419
Parks and recreation	4,437,320	5,590,196	4,006,123	6,038,468	3,105,490	3,221,072	3,623,647	3,004,001	1,344,923	771,733
Public safety	8,414,456	4,868,612	4,625,935	4,325,231	4,977,440	3,338,783	3,668,302	3,123,758	4,218,000	3,868,346
Operating grants and contributions	12,701,177	14,221,390	11,424,548	14,559,357	19,861,492	10,270,642	16,477,474	5,868,684	5,862,566	3,630,185
Capital grants and contributions	4,207,389	17,930,957	6,595,213	10,876,018	7,334,967	9,509,584	9,046,762	8,206,154	5,878,550	1,708,602
Total government activities program revenues	$56,885,908	$68,122,560	$47,999,404	$51,211,051	$52,903,515	$44,684,839	$47,529,401	$35,586,195	$34,967,455	$30,028,333
Business-type activities:										
Charges for services:										
Water	$1,128,755	$1,297,484	$1,256,360	$1,239,995	$1,274,482	$1,291,401	$1,169,293	$1,092,347	$59,800,535	$55,992,533
Sewer	49,305,033	51,679,042	53,218,692	54,670,041	55,345,414	57,534,190	61,474,235	60,254,110	46,193,997	47,859,680
Bus	24,833,019	29,340,615	35,854,857	37,310,731	39,142,045	41,825,928	43,414,773	46,046,304	3,424,662	3,352,615
Parking	5,403,474	5,338,838	5,301,150	5,428,291	6,152,211	5,783,694	5,780,644	5,831,133	1,239,439	1,289,211
Storm drain	1,254,137	1,075,032	1,397,708	1,706,189	4,490,110	4,672,517	8,012,611	4,853,133	5,874,349	5,588,169
Compost	604,214	593,349	661,524	675,565	1,019,177	619,689	619,904	634,530	7,191,145	7,352,767
Airport	2,545,790	3,182,762	2,944,108	2,769,814	2,877,492	2,892,539	2,946,937	2,989,504	551,373	622,383
Golf	2,189,384	2,124,672	1,984,769	1,924,015	1,647,400	1,759,818	1,568,532	2,196,280	2,574,496	2,431,904
Community center	552,878	532,471	492,989	489,562	433,460	420,059	263,581	230,801	257,991	326,839
Abatement and public nuisance	-	-	-	-	-	71,567	302,563	201,825	128,636	166,641
Operating grants and contributions	11,059,129	12,459,707	11,462,346	13,706,512	12,629,219	12,694,058	13,766,061	13,721,179	14,223,954	14,153,568
Capital grants and contributions	7,962,675	9,793,356	4,527,875	2,898,489	4,856,649	12,021,793	4,282,549	4,971,940	13,820,127	4,753,223
Total business-type activities program revenue	106,838,488	117,417,328	119,102,378	122,819,204	129,867,659	141,587,253	143,601,683	143,023,086	155,280,704	143,889,533
Total primary government program revenues	$163,724,396	$185,539,888	$167,101,782	$174,030,255	$182,771,174	$186,272,092	$191,131,084	$178,609,281	$190,248,159	$173,917,866
Net (Expense)/Revenue										
Governmental activities	($116,818,470)	($108,316,431)	($117,810,765)	($109,513,273)	($116,681,251)	($109,925,895)	($114,352,861)	($100,115,394)	($114,715,319)	($119,354,354)
Business-type activities	16,694,879	25,843,033	27,575,563	20,226,247	28,941,220	22,655,824	37,282,085	7,880,251	31,430,189	6,037,982
Total primary government net expense	($100,123,591)	($82,473,398)	($90,235,202)	($89,287,026)	($87,740,031)	($87,270,071)	($77,070,776)	($92,235,143)	($83,285,130)	($113,316,372)

(continued)

City of Modesto
CHANGES IN NET POSITION
LAST TEN FISCAL YEARS
(ACCRUAL BASIS OF ACCOUNTING)

	2007	2008	2009	2010	2011 (1)	2012	2013	2014	2015 (5)	2016
General Revenues and Other Changes in Net Position										
Governmental activities:										
Taxes:										
Utility users tax	$18,319,573	$ 19,173,295	$ 19,093,222	$ 19,117,518	$ 19,119,037	$ 19,230,879	$ 20,399,116	$ 20,153,653	$ 19,591,170	$ 19,564,921
Property taxes, levied for general purposes (2)	16,456,379	16,202,587	13,863,471	12,306,702	12,107,226	11,863,902	11,618,481	12,304,010	13,551,827	14,552,304
Property taxes, generated by and allocated to the airport	5,303,521	5,813,822	6,228,634	6,521,515	5,750,235	2,884,357	-	-	-	-
Transient occupancy tax	2,264,699	2,038,255	1,853,732	1,460,613	1,639,761	1,769,106	1,884,188	1,879,825	2,097,952	2,523,087
Franchise tax	3,823,216	7,735,131	4,779,854	3,962,159	3,940,364	4,236,705	5,785,355	5,003,130	5,768,146	6,194,733
Business license tax, levied for general purposes	10,359,058	9,680,721	9,330,563	9,068,219	9,339,077	9,694,722	10,176,791	10,573,820	11,421,759	11,944,291
Business license tax, levied for downtown improvement district	221,487	202,100	196,253	169,471	172,520	177,026	170,222	181,689	188,247	186,123
Grants and contributions not restricted to specific programs:										
Sales tax (state appropriation)	27,884,852	26,305,982	24,578,230	22,301,060	24,110,596	25,958,263	27,110,911	27,651,939	28,437,594	29,878,815
Motor vehicle license fee	16,233,262	16,856,108	15,255,503	13,945,172	13,419,232	13,072,804	12,038,983	12,494,642	13,871,248	14,548,427
Gas tax funding	-	-	-	-	-	-	-	-	5,924,101	4,533,572
Community facilities district fees	-	-	-	-	-	-	-	-	4,570,403	3,829
Special assessments, levied	-	-	-	-	-	-	-	-	1,924,623	3,168,260
Proceeds from Modesto Regional Fire Authority dissolution	-	-	-	-	-	-	-	-	2,500,721	-
Other	4,169,354	917,347	3,285,651	1,286,466	9,718,308	11,794,261	12,844,926	15,269,250	25,866,105	13,101,149
Unrestricted investment earnings	8,330,079	9,960,367	5,247,506	1,211,702	696,848	(411,571)	52,893	441,383	564,314	582,565
Miscellaneous	3,582,325	3,469,916	5,809,581	2,502,397	1,630,466	1,821,336	1,861,660	5,402,480	2,281,008	2,440,696
Transfers	(1,153,632)	(779,437)	(5,490,881)	402,303	1,503,170	2,838,873	1,055,670	(41,312)	(775,377)	(567,177)
Total government activities	115,794,173	117,576,194	104,031,319	94,255,297	103,146,840	104,930,663	104,999,196	111,314,509	137,783,841	122,655,595
Business-type activities:										
Taxes:										
Property taxes, generated by and allocated to the airport	209,722	182,031	202,460	265,587	309,699	253,974	257,687	254,200	237,546	206,854
Business license tax, generated by and allocated to the airport	13,054	19,188	-	-	-	-	-	-	-	-
Unrestricted investment earnings	5,406,639	7,099,765	6,227,615	3,155,954	1,947,417	2,095,947	1,184,422	2,726,148	554,180	2,247,061
Connection fees (3)	-	-	-	-	-	-	1,200,800	524,914	-	-
Miscellaneous	-	-	253,032	-	-	-	-	-	1,214,729	1,368,761
Settlements	1,153,632	779,437	5,490,881	(402,303)	(1,503,170)	(2,838,873)	(1,055,670)	41,317	13,851	-
Transfers, net	-	14,525,389	-	447,102	187,096	222,379	116,711	110,376	775,377	567,177
Special item (4)	(505,498)	(625,620)	(2,211,514)	(1,326,309)	(727,310)	(826,133)	(1,143,257)	(1,356,418)	-	-
Total business-type activities	6,277,549	21,980,190	9,962,474	2,140,031	213,732	(1,092,706)	560,693	2,300,537	2,795,683	4,389,853
Total primary government	$122,071,722	$139,556,384	$113,993,793	$96,395,328	$103,360,572	$103,837,957	$105,559,889	$113,615,046	$140,579,524	$127,045,448
Change in Net Position										
Governmental activities	($1,024,297)	$9,259,763	($13,779,446)	($15,257,976)	($13,534,411)	($4,995,232)	($9,353,665)	$11,199,115	$23,068,522	$3,301,241
Business-type activities	22,972,428	47,823,223	37,538,037	22,366,278	29,154,952	21,563,118	37,842,778	10,180,788	34,225,872	10,427,835
Total primary government	$21,948,131	$57,082,986	$23,758,591	$7,108,302	$15,620,541	$16,567,886	$28,489,113	$21,379,903	$57,294,394	$13,729,076

(1) The amount reported under utility users taxes and property taxes were keyed backwards in 2011. The amounts have been fixed to reflect the correct numbers in these two categories.
(2) Due to the dissolution of the Redevelopment agencies, no tax increments will be reported on the entity-wide statements.
(3) Starting in 2015, connection fee revenues were reported as part of program revenues for the Water fund.
(4) Starting in 2015, the special item related to pollution remediation has been reported as a liability. Any expenses incurred will be accounted for as a reduction to the liability.
(5) Starting in 2015, general revenues for grants and contributions not restricted to specific programs other related governmental activities were reclassified to provide more specific category revenue types.

CITY OF MODESTO
FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(MODIFIED ACCRUAL BASIS OF ACCOUNTING)

	2007	2008	2009	2010	2011 (b)	2012	2013	2014	2015	2016
General Fund										
Reserved	$ 3,734,973	$ 3,816,559	$ 3,568,273	$ 2,871,715	$ -	$ -	$ -	$ -	$ -	$ -
Unreserved	10,713,910	11,942,168	11,185,485	10,103,645	-	-	-	-	-	-
Nonspendable	-	-	-	-	-	123,061	126,603	102,152	2,770,844	2,647,692
Restricted	-	-	-	-	4,313,287	3,998,539	3,713,640	3,718,682	1,341,972	2,092,126
Committed	-	-	-	-	-	-	-	3,000,000	3,000,000	3,000,000
Assigned	-	-	-	-	458,415	519,051	1,173,377	1,024,149	3,119,753	6,503,769
Unassigned	-	-	-	-	10,215,682	10,806,111	11,758,746	12,069,864	14,586,931	12,822,134
Total General Fund	$ 14,448,883	$ 15,758,727	$ 14,753,758	$ 12,975,360	$ 14,987,384	$ 15,446,762	$ 16,772,366	$ 19,914,847	$ 24,819,500	$ 27,065,721
All Other Governmental Funds										
Reserved	$ 40,174,920	$ 42,799,130	$ 39,607,945	$ 39,686,892	$ -	$ -	$ -	$ -	$ -	$ -
Unreserved, reported in:										
Special revenue funds	11,885,910	8,746,111	12,808,809	6,867,750	-	-	-	-	-	-
Capital project funds	72,253,464	71,780,583	58,718,023	54,341,594	-	-	-	-	-	-
Nonspendable	-	-	-	-	-	119	746	3,907	88,057	86,242
Restricted	-	-	-	-	118,919,268	109,145,041	106,724,809	108,672,378	79,643,971	80,563,574
Assigned	-	-	-	-	3,647,941	2,604,281	3,965,851	3,700,733	14,962,522	10,063,058
Unassigned	-	-	-	-	(23,614,308)	(18,852,239)	(32,965,286)	(34,656,617)	(3,866,450)	(724,841)
Total all other governmental funds	$ 124,314,294	$ 123,325,824	$ 111,134,777	$ 100,896,236	$ 98,952,901	$ 92,897,202	$ 77,726,120	$ 77,720,401	$ 90,828,100	$ 89,988,033

The change in total fund balance for the General Fund and other governmental funds is explained in Management's Discussion and Analysis.

Note: The City has elected to show ten years of data for this schedule.
(b) The City implemented the provisions of GASB Statement 54 in fiscal year 2011.

CITY OF MODESTO
CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS
LAST TEN FISCAL YEARS
(MODIFIED ACCRUAL BASIS OF ACCOUNTING)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Revenues										
Taxes	$56,748,017	$57,142,392	$55,345,729	$52,606,197	$52,068,220	$49,856,697	$50,034,153	$50,096,127	$52,619,101	$54,965,459
Licenses and permits	187,289	153,545	132,459	138,811	139,073	131,302	175,720	174,734	149,888	186,624
Intergovernmental	66,129,862	71,179,504	63,606,634	61,551,617	74,242,596	68,682,778	75,737,161	67,426,885	88,906,770	76,317,229
Charges for services	36,979,023	33,319,642	27,051,151	23,509,170	22,638,801	19,897,159	19,800,718	19,457,298	22,337,357	20,429,860
Special assessments levied	51,634	35,294	37,299	38,520	1,852,529	1,860,905	1,781,896	2,063,784	1,924,623	3,168,260
Interest and rent	4,837,419	5,236,476	2,909,155	1,322,005	838,178	1,145,251	835,994	1,019,357	957,846	1,297,734
Net increase (decrease) in fair value of investments	1,168,857	1,404,913	860,820	399,322	(89,608)	(452,987)	(584,090)	(423,827)	(320,398)	102,422
Fines and forfeits	2,699,445	2,614,523	2,443,506	2,253,014	2,929,182	2,169,482	2,004,133	1,844,607	1,171,076	904,802
Contribution from property owners	-	-	-	-	-	-	-	-	-	-
Miscellaneous	2,814,421	3,469,916	5,809,581	2,502,397	1,630,467	1,821,336	2,081,776	4,653,746	2,784,295	2,286,597
Total Revenues	171,615,967	174,556,205	158,196,334	144,321,053	156,249,438	145,111,923	151,867,461	146,312,711	170,530,558	159,658,987
Expenditures										
Current:										
General government	15,517,544	15,107,461	13,715,577	11,482,240	10,879,751	12,411,413	11,169,669	11,643,579	11,334,202	12,414,982
Community development	11,789,640	13,820,295	14,137,095	18,536,120	26,077,905	12,831,734	23,673,373	12,589,817	11,511,154	12,453,678
Highways and streets	12,553,681	12,549,018	9,721,445	8,102,327	11,530,856	8,434,681	8,560,717	8,744,899	9,672,790	8,498,783
Public works	11,307,307	9,719,098	7,667,125	6,124,685	6,035,524	5,283,123	2,993,702	3,088,701	9,228,780	10,393,169
Parks and recreation	13,348,613	12,605,651	13,307,764	12,138,077	8,722,311	9,756,888	11,299,979	11,947,862	4,212,301	3,385,484
Public safety	80,988,650	82,707,285	78,103,260	75,081,791	73,207,608	72,131,852	74,094,399	74,595,533	81,353,131	84,022,670
Capital outlay	30,194,778	22,745,308	27,663,037	16,655,242	11,219,489	20,839,517	26,616,638	12,901,002	30,339,677	19,817,025
Debt service:										
Principal retirement	2,008,538	2,265,000	1,093,000	2,045,000	2,234,000	2,397,000	1,451,000	1,596,000	1,789,335	2,345,362
Interest	4,413,300	3,473,369	3,033,829	4,032,612	3,620,851	3,229,440	2,330,962	2,159,672	2,417,840	2,043,278
Advance refunding escrow	822,228	-	-	-	-	-	-	-	-	-
Other	1,333,129	1,337,611	1,395,211	1,408,771	57,557	48,738	932,460	872,350	783,264	697,405
Total Expenditures	184,277,408	176,330,096	169,837,343	155,606,865	153,585,852	147,364,386	163,122,899	140,139,415	162,642,474	156,071,836
Excess of revenues over (under) expenditures	(12,661,441)	(1,773,891)	(11,641,009)	(11,285,812)	2,663,586	(2,252,463)	(11,255,438)	6,173,296	7,888,084	3,587,151
Other Financing Sources (Uses)										
Transfers in	23,985,863	24,429,880	19,237,526	12,346,246	10,557,218	11,384,460	18,230,774	7,962,817	8,157,278	6,960,425
Transfers out	(26,399,280)	(22,579,265)	(18,149,564)	(12,402,937)	(13,069,195)	(14,223,663)	(18,417,413)	(11,164,994)	(10,682,539)	(10,572,346)
Proceeds of loan payable	-	244,650	209,575	-	-	-	-	-	-	-
Proceeds of notes payable	44,138	-	-	-	-	-	-	-	-	-
Proceeds of lease revenue bonds	62,275,000	-	65,170,000	-	-	-	-	-	-	-
Refunding of lease revenue bonds	-	-	(65,210,000)	-	-	-	-	-	-	-
Capital leases	-	-	-	-	-	-	-	-	1,070,472	330,947
Sale of assets	767,904	-	34,900	-	-	-	72,489	200,838	94,489	106,582
Payments to refunded debt escrow agent	(58,911,124)	-	(2,431,247)	-	-	-	-	-	-	-
Total other financing sources (uses)	1,762,501	2,095,265	(1,138,810)	(56,691)	(2,511,977)	(2,839,203)	(114,150)	(3,001,339)	(1,360,300)	(3,174,392)
Extraordinary Items:										
RDA dissolution transactions	-	-	-	-	-	(403,850)	-	-	-	-
RDA advance receivable elimination	-	-	-	-	-	(966,127)	-	-	-	-
Total extraordinary items	-	-	-	-	-	(1,369,977)	-	-	-	-
Change in fund balances	(10,898,940)	321,374	(12,779,819)	(11,342,503)	151,609	(6,461,643)	(11,369,588)	3,171,957	6,527,784	412,759
FUND BALANCES, July 1	149,662,117	138,763,177	139,084,551	125,888,535	113,871,596	113,940,285	108,343,964	94,498,486	97,635,248	115,647,600
PRIOR PERIOD ADJUSTMENTS	-	-	(416,197)	(674,436)	(82,920)	865,322	(2,475,890)	(35,195)	11,484,568	993,395
FUND BALANCES, June 30	$138,763,177	$139,084,551	$125,888,535	$113,871,596	$113,940,285	$108,343,964	$94,498,486	$97,635,248	$115,647,600	$117,053,754
Debt service as a percentage of noncapital expenditures	0.04979	0.03917	0.03020	0.04623	0.04291	0.04656	0.02870	0.03063	0.03305	0.03346

The debt service percentage was revised to only include principal and interest.

CITY OF MODESTO
REVENUE CAPACITY - MOST SIGNIFICANT LOCAL REVENUE SOURCE
WATER UTILITY SYSTEM
(YEAR ENDED JUNE 30, 2016)

Ten Largest Customers of Water Utility System, Year Ended 06/30/2016

Customer	Usage (ccf) (1)	% of Total Usage	Water Sales Revenue ($)	% of Total Water Sales Revenue
1) City of Modesto-Stores	217,529	1.07%	$ 553,798	1.16%
2) Stanislaus Food Products	350,941	1.73%	$ 521,457	1.10%
3) Modesto City Schools	269,161	1.33%	$ 517,821	1.09%
4) Seneca Foods	325,950	1.61%	$ 473,554	1.00%
5) Foster Farms	308,053	1.52%	$ 439,866	0.92%
6) Modesto Irrigation District	225,365	1.11%	$ 349,864	0.74%
7) Sunopta	186,039	0.92%	$ 268,475	0.56%
8) Stanislaus Housing Authority	130,164	0.64%	$ 262,431	0.55%
9) E & J Gallo	137,179	0.68%	$ 227,751	0.48%
10) Yosemite Community College	100,876	0.50%	$ 183,271	0.39%
Total Top Ten	2,251,257	11.11%	$ 3,798,288	7.99%

Total Flat/Metered Revenues (Water Sales) $47,562,579

(1) "ccf" means "hundred cubic feet"

Water Sales Revenue, Year Ended 06/30/2016

Residential - Flat Rates	$ 7,320,096
Commercial, Industrial and Municipal - Metered Rates	$ 40,242,483
Total Water Sales	$ 47,562,579

Water Rates and Charges as of 07/01/2015

The average monthly flat rate service charge for residential customers is: $ 46.38

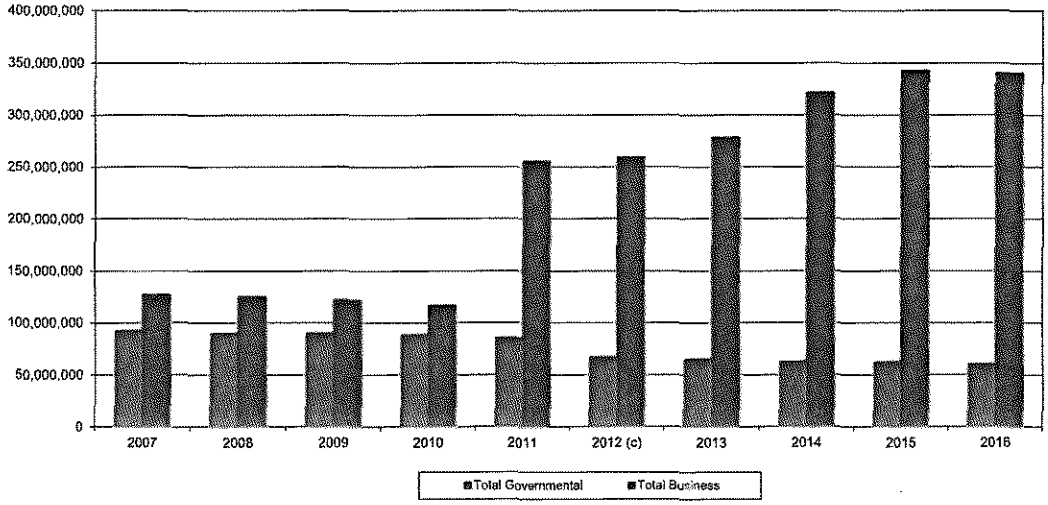
Commercial Accounts:

Meter Size	
3/4"	$ 15.03
1"	$ 21.33
1 1/2"	$ 36.90
2"	$ 55.68
3"	$ 105.80
4"	$ 162.13
6"	$ 318.47
8"	$ 506.20
10"	$ 725.26
12"	$ 1,350.92

In addition to these minimum charges, commercial accounts are charged $1.40 per 100 cubic feet of water used.

Source:
City of Modesto-Utilities Division

CITY OF MODESTO
RATIO OF OUTSTANDING DEBT BY TYPE
Last Ten Fiscal Years



	Governmental Activities					
Fiscal Year	Loans Payable	Certificates of Participation	Lease Revenue Bonds	Notes Payable	Obligations Under Capital Leases	Total
2007	$ 449,138	$ 20,820,000	$ 66,440,000	$ 4,365,446	$ 211,354	$ 92,285,938
2008	693,788	19,935,000	65,210,000	4,187,220	137,392	90,163,400
2009	903,362	19,000,000	65,170,000	3,999,252	454,401	89,527,015
2010	903,362	18,015,000	64,275,000	3,802,436	1,221,553	88,217,351
2011	903,392	16,975,000	63,255,000	3,594,658	975,955	85,704,005
2012 (c)	498,362	-	62,130,000	3,392,000	742,937	66,763,299
2013	498,362	-	60,870,000	3,201,000	502,622	65,071,984
2014	498,362	-	59,475,000	3,000,000	256,945	63,230,307
2015	498,362	-	57,970,000	2,789,000	1,070,472	62,327,834
2016	498,362	-	56,305,000	2,568,000	942,057	60,313,419

	Business-Type Activities								
Fiscal Year	Loans Payable	Certificates of Participation	Reimbursement Agreement related to MID (e)	Revenue Bonds (b)	Capital Leases	Total (f)	Total Primary Government	Percentage of Personal Income (a) (e)	Per Capita (a) (e)
2007	$ 1,958,276	$ 71,595,000	-	$ 53,130,000	$ 151,633	$ 126,834,909	$ 219,120,847	3.72%	$ 1,044
2008	1,754,300	71,915,000	-	51,420,000	77,485	125,166,785	215,330,185	3.76%	1,025
2009	1,543,554	70,545,000	-	49,760,000	-	121,848,554	211,375,569	3.78%	999
2010	1,326,174	67,066,213	-	48,050,000	-	116,442,387	204,659,738	3.90%	1,017
2011 (d)	6,522,243	50,757,779	-	198,654,489	-	255,934,511	341,638,516	5.43%	1,693
2012 (d)	16,098,866	50,237,067	-	193,098,177	-	259,434,110	326,197,409	7.14%	1,584
2013	41,921,784	49,681,357	-	187,251,865	-	278,855,006	343,926,990	7.29%	1,663
2014	88,922,403	49,634,062	-	182,792,914	-	321,349,379	384,579,686	8.15%	1,860
2015	117,690,257	48,989,556	137,055,810	39,057,561	-	342,793,184	405,121,018	8.63%	1,937
2016 (g)	125,787,342	48,330,053	132,375,084	33,945,516	-	340,437,995	400,751,414	8.21%	1,891

Note: Debt amounts are gross outstanding at year end without including any premiums, discounts, or other amortization amounts.
(a) See Demographic and Economic Statistics for personal income and population data.
(b) The MID Treatment and Delivery issued by MID on behalf of the City has been reported as a City liability.
(c) The Certificates of Participation bonds for the Governmental Activities due to the dissolution of the Redevelopment Agency.
(d) In 2011, the OPEB was reported in the Certificates of Participation in error. In 2012 the Loans payable increase from the bond reimbursements related to the State Revolving loan approved for the construction of a new tertiary treatment plant.
(e) In 2015, the Reimbursement agreement with MID was reclassified from revenue bonds payable to reimbursement agreement related to MID since this long-term debt is listed under MID but is the City's liability due to nature of the treatment and delivery agreement.
(f) The total for Business-Type Activities did not include the capital leases in error. The total has been updated to account for this debt.
(g) Starting in 2016, the amounts presented include net of unamortized premiums or discounts.

CITY OF MODESTO
COMPUTATION OF DIRECT AND OVERLAPPING DEBT
JUNE 30, 2016

Jurisdiction	Net Debt Outstanding (1)	Percentage Applicable to City of Modesto (2)	Amount Applicable to City of Modesto
Direct debt:			
City of Modesto	$ 60,313,419	100%	$ 60,313,419
Overlapping General Obligation debt - school districts:			
Ceres Unified School District	66,483,128	4.82%	3,206,785
Hart-Ransom Union School District	3,782,873	30.76%	1,163,692
Modesto Elementary School District	9,655,360	78.06%	7,537,443
Modesto High School District	38,289,159	67.60%	25,884,724
Paradise Elementary School District	375,000	0.00%	-
Salida Union Elementary District	500,000	29.18%	145,878
Stanislaus Union School District	21,375,000	74.66%	15,958,777
Sylvan School District	32,735,881	77.83%	25,478,812
Yosemite Community College District	288,021,052	25.81%	74,338,125
Total overlapping debt	461,217,453		153,714,236
Total direct and overlapping debt	$ 521,530,872		$ 214,027,655

NOTES:

Source of data for School Districts: Stanislaus County Auditor.
(1) Gross debt outstanding less applicable amounts in debt service funds.
(2) Determined by ratio of assessed valuation of property subject to taxation in overlapping portion to valuation of all property subject to taxation in the jurisdiction.

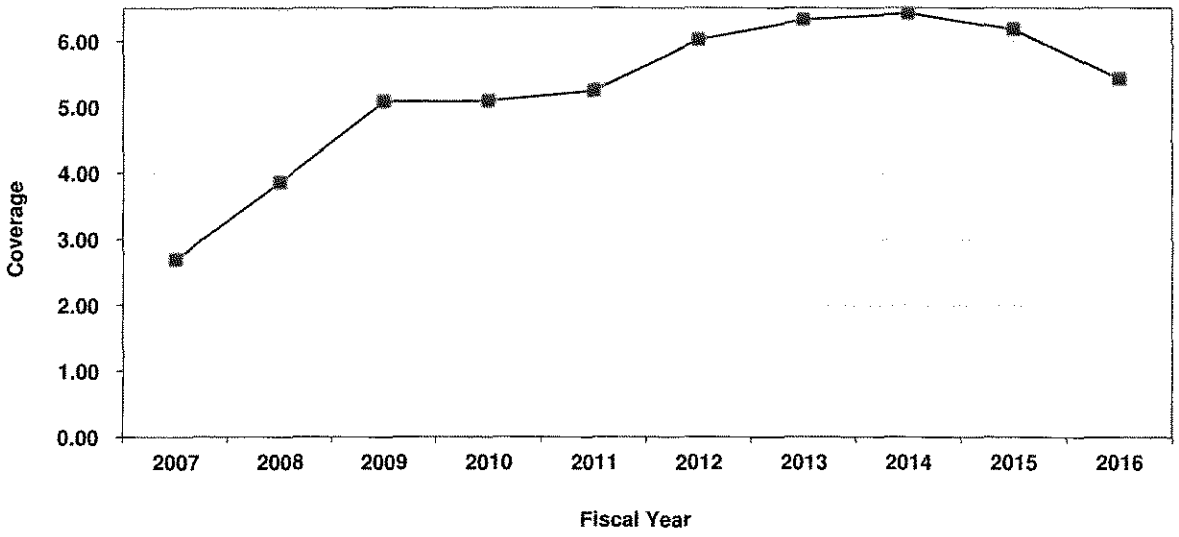
CITY OF MODESTO
COMPUTATION OF LEGAL DEBT MARGIN
JUNE 30, 2016

Net assessed value (1)(3)			$ 13,930,770,190
Plus homeowners' exemption (1)(3)			203,632,424
Gross assessed value (1)(3)			$ 14,134,402,614
Debt limit - 15% of gross assessed value (2)			$ 2,120,160,392
Amount of debt applicable to debt limit:			
Total general bonded debt, including special assessment debt		$ -	
Less: Assets in debt service funds available for payment of principal	$ -		
Other deductions: Special assessment debt	-		
Total deductions		-	
Total amount of debt applicable to debt limit			-
Legal debt margin			$ 2,120,160,392

Fiscal Year	Debt Limit	Total Net Debt Applicable to Limit	Legal Debt Margin	Total Net Debt Applicable to the Limit as a Percentage of Debt Limit
2007	$ 2,160,683,976	$ -	$ 2,160,683,976	0%
2008	2,327,946,572	-	2,327,946,572	0%
2009	2,138,574,915	-	2,138,574,915	0%
2010	1,945,371,241	-	1,945,371,241	0%
2011	1,856,710,771	-	1,856,710,771	0%
2012	1,823,551,939	-	1,823,551,939	0%
2013	1,724,049,678	-	1,724,049,678	0%
2014	1,825,518,342	-	1,825,518,342	0%
2015	2,017,621,335	-	2,017,621,335	0%
2016	2,120,160,392	-	2,120,160,392	0%

Note: The City has elected to show ten years worth of data for this schedule.
(1) Source: Stanislaus County Auditor
(2) Section 43605 California Government Code.
(3) Figures are based on Stanislaus County

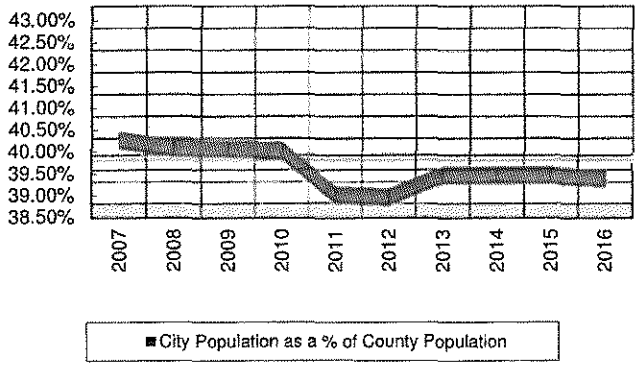
CITY OF MODESTO
REVENUE BOND COVERAGE
WASTEWATER REVENUE BONDS
LAST TEN FISCAL YEARS (4)

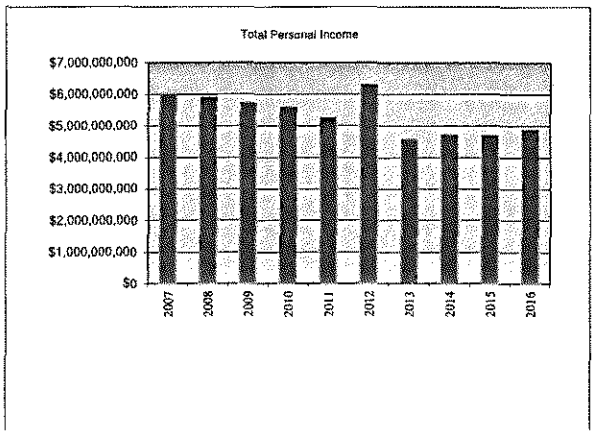


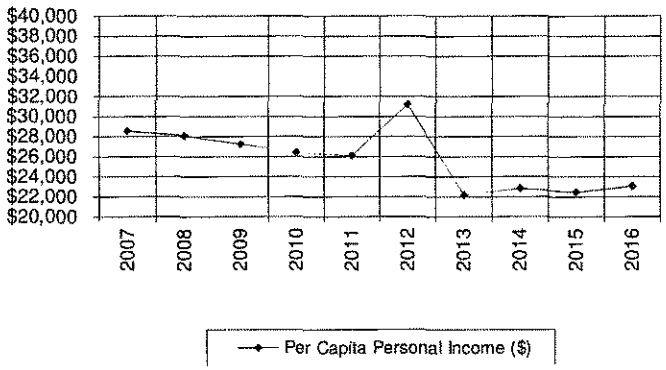
Fiscal Year	Gross Revenue (1)	Operating Expenses (2)(4)	Net Revenue Available for Debt Service	Debt Service Requirements(3)	Coverage
2007	$ 26,367,977	$ 16,399,785	$ 9,968,192	$ 3,705,523	2.69
2008	32,214,071	16,280,914	15,933,157	4,127,837	3.86
2009	37,539,860	17,050,138	20,489,722	4,030,633	5.08
2010	39,086,504	18,161,292	20,925,212	4,110,221	5.09
2011	39,844,523	18,722,729	21,121,794	4,021,108	5.25
2012	43,453,216	19,287,894	24,165,322	4,014,808	6.02
2013	45,018,125	19,586,799	25,431,326	4,019,558	6.33
2014	47,233,028	19,860,430	27,372,598	4,261,980	6.42
2015	46,853,368	21,207,025	25,646,343	4,150,322	6.18
2016	50,207,559	25,418,140	24,789,419	4,570,286	5.42

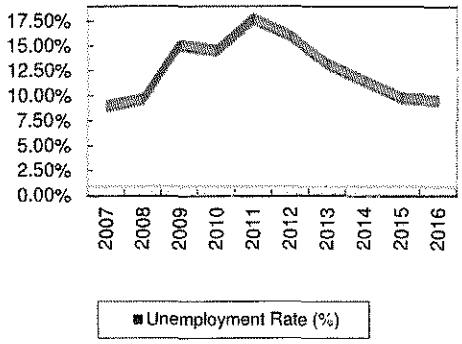
Notes: (1) Consists of all receipts of the Sewer fund not dedicated to capital spending purposes and including charges for services, connection fees, interest and rental income.
(2) Reflects total sewer fund operating expenses less depreciation; also includes certain transfers out that are made for operational costs incurred in other funds.
(3) Includes total principal and interest of Wastewater Refunding Revenue Bonds Series 2005 A and 2005 B and 2006 Wastewater Revenue Bonds.
(4) The amount reported in 2014 was corrected from $28,203,399 to $19,860,430. The former amount included $8.4 million for the State Revolving Fund loan which should not have been included in the calculation.

CITY OF MODESTO
DEMOGRAPHIC AND ECONOMIC STATISTICS
LAST TEN FISCAL YEARS









Fiscal Year	City Population	Total Personal Income	Per Capita Personal Income ($)	Unemployment Rate (%)	Stanislaus County Population	City Population % of County
2007	209,174	$ 5,970,871,830	$ 28,545	8.50%	521,497	40.11%
2008	209,936	5,895,212,816	28,081	9.20%	525,903	39.92%
2009	210,088	5,720,906,328	27,231	14.60%	526,383	39.91%
2010	211,536	5,586,877,296	26,411	14.02%	530,584	39.87%
2011	201,165	5,251,613,490	26,106	17.20%	517,685	38.86%
2012	201,761	6,294,337,917	31,197	15.50%	519,940	38.80%
2013	205,987	4,566,113,829	22,167	12.70%	524,124	39.30%
2014	206,785	4,719,247,270	22,822	11.00%	526,042	39.31%
2015	209,186	4,693,924,654	22,439	9.30%	532,297	39.30%
2016	211,903	4,880,973,702	23,034	9.10%	540,214	39.23%

Source: State of California, Department of Finance (population)
State of California, Employment Development Department (unemployment rate)
U.S. Department of Commerce, Census Bureau (income)

CITY OF MODESTO
PRINCIPAL EMPLOYERS

	2015/16			2007/08		
Employer	Number of (1) Employees	Rank	Percentage of Total City Employment	Number of (1) Employees	Rank	Percentage of Total City Employment
Modesto City Schools	3,500	1	1.53%	3,200	3	3.10%
E & J Gallo Winery (2)	3,300	2	1.44%	3,345	2	3.30%
Doctors Medical Center	2,600	3	1.13%	2,066	8	2.00%
Memorial Medical Center/Sutter Health	2,300	4	1.00%	2,682	5	2.60%
Del Monte Foods (2)	2,200	5	0.96%	2,600	6	2.5%
Seneca	2,138	6	0.93%			
Stanislaus Food Products	1,645	7	0.72%	2,259	7	2.20%
Modesto Junior College	1,582	8	0.69%			
City of Modesto	900	9	0.39%	1,614	10	1.60%
Med America Billing Systems (2)	900	10	0.39%			
Storer Coachways (2)	900	10	0.39%			
Stanislaus County				4,747	1	4.60%
Signature Fruit Company				2,900	4	2.80%
Foster Farms				1,813	9	1.8%
Subtotal	21,965		9.58%	25,413		24.69%
Total Labor Force	229,200			102,100		
Total City Population	211,903			209,936		

Source: Stanislaus Economic Development & Workforce Alliance (reflects peak seasonal employment, may include estimates)
(1) The number of employees include both part-time and full time.
(2) Stanislaus Economic Development & Workforce Alliance received no response to their inquiry. Figures are based off of FY 2014/15.

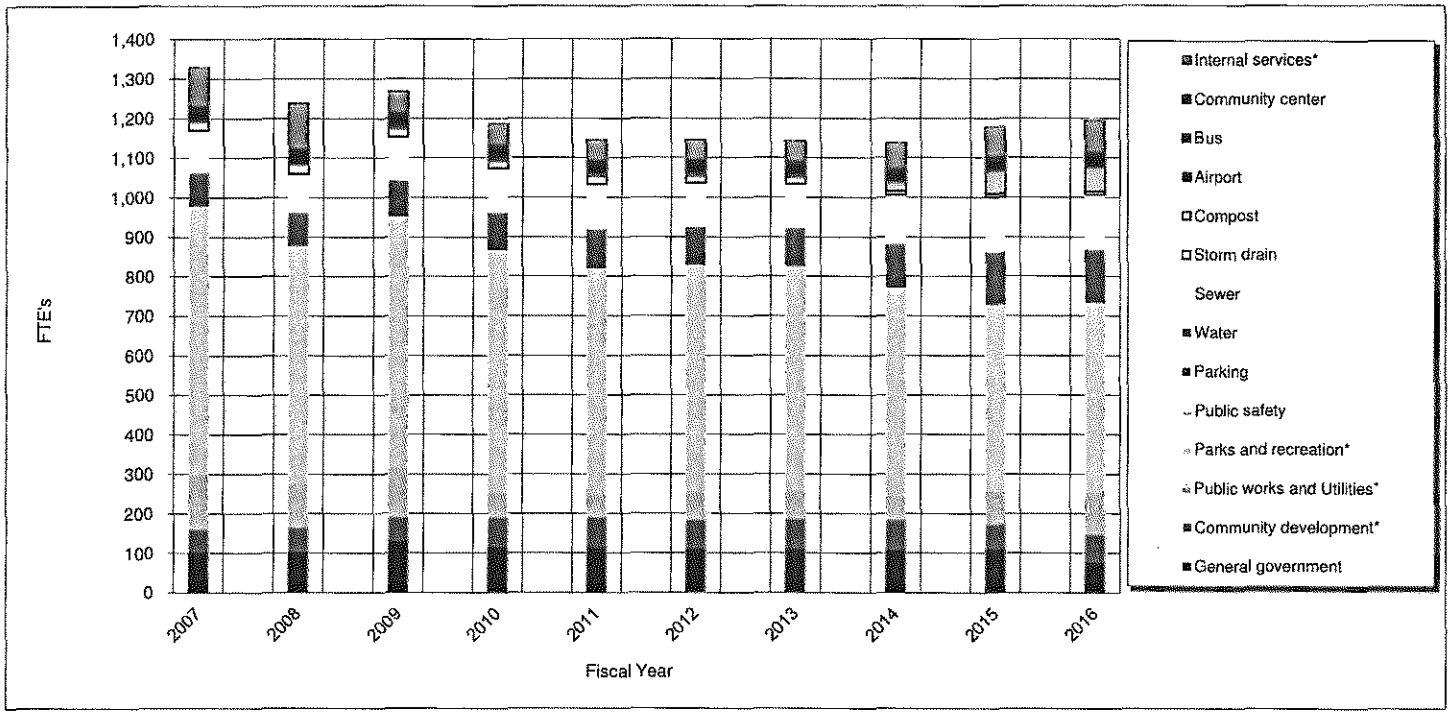
CITY OF MODESTO
PRINCIPAL PROPERTY TAXPAYERS

	2015/16			2007/08		
Employer	Taxable Assessed Value	Rank	Percentage of Total City Taxable Assessed Value	Taxable Assessed Value	Rank	Percentage of Total City Taxable Assessed Value
Pacific Gas & Electric Company	$ 3,586,670	1	0.79%	$ 1,608,842	3	0.39%
World International, LLC	3,223,497	2	0.71%			
Gallo Glass Co	3,020,995	3	0.66%	1,378,021	4	0.33%
Gallo E & J Winery	2,703,447	4	0.59%	1,682,328	2	0.41%
Bronco Wine Co	1,601,002	5	0.35%			
Doctors Med Center of Mod Inc	1,428,646	6	0.31%	1,216,776	5	0.30%
Doctors medical Center of Modesto Inc	1,337,617	7	0.29%			
Hunt Wesson Foods Inc	1,311,589	8	0.29%	1,178,915	6	0.29%
W W Grainger, Inc	1,293,241	9	0.28%			
Fresno Farming, LLC	1,225,381	10	0.27%			
E & J Gallo Winery				2,933,771	1	0.71%
Hershey's Chocolate, Inc				1,131,569	7	0.27%
Pacific Bell				1,077,428	8	0.26%
Del Monte Corp				1,071,880	9	0.26%
Foster Dairy Farms				1,026,928	10	0.25%
Subtotal	$ 20,732,085		4.56%	$ 14,306,458		3.47%
Total assessed value of $	$ 455,100,342			$ 412,187,245		

Source: Stanislaus Country Treasurer-Tax Collector

Note: Information based on entire Stanislaus County

CITY OF MODESTO
FULL-TIME CITY GOVERNMENT EMPLOYEES BY FUNCTION
LAST TEN FISCAL YEARS



	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Function										
General government	104.10	105.00	128.60	116.60	113.60	112.00	112.00	108.00	112.10	79.00
Community development*	56.00	57.00	62.20	71.20	74.20	72.20	74.00	73.80	60.75	67.00
Public works and Utilities*	136.50	114.00	124.00	65.00	59.00	69.00	69.00	60.00	83.00	107.00
Parks and recreation*	93.25	70.00	107.25	116.00	106.23	101.48	97.50	75.38	16.50	18.50
Public safety	588.75	532.00	530.75	499.00	467.75	473.75	474.00	455.00	456.50	462.50
Parking	7.00	8.00	8.00	7.00	6.00	6.00	6.00	6.00	7.00	6.00
Water	78.00	77.00	83.00	87.00	92.00	91.00	91.00	104.00	126.00	128.00
Sewer	107.00	97.00	110.00	112.00	115.00	111.00	111.00	124.00	139.00	139.00
Storm drain	22.00	24.00	20.00	19.00	19.00	17.00	17.00	9.00	9.00	8.00
Compost	7.00	6.00	7.00	8.00	8.00	8.00	8.00	24.80	57.80	61.80
Airport	6.00	7.00	6.75	6.00	6.00	6.00	6.00	6.00	6.00	6.00
Bus	15.00	15.00	18.00	18.00	18.00	18.00	20.00	20.00	23.00	24.00
Community center	9.50	9.50	8.50	8.50	7.25	7.25	5.50	5.50	6.00	5.00
Internal services*	99.60	117.00	54.00	54.00	53.00	53.00	52.00	67.30	76.00	82.00
Total	1,329.70	1,238.50	1,268.05	1,187.30	1,145.03	1,145.68	1,143.00	1,138.78	1,178.65	1,193.80

Source: City of Modesto

CITY OF MODESTO
OPERATING INDICATORS BY FUNCTION

Function/Program	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Public safety:										
Fire:										
Fire calls for service(1)	21,526	23,246	22,911	20,888	20,400	20,970	22,846	24,281	24,712	21,135
Primary fire inspections conducted	936	976	1,069	1,012	1,214	1,618	818	989	1,050	764
Police:										
Communication Center calls answered										
Police calls for service	92,971	121,434	116,383	167,576	154,549	168,242	174,113	123,357	122,270	129,439
Law violations:										
Part I and Part II crimes	46,401	60,595	57,844	52,182	49,914	47,175	52,272	53,032	50,729	53,609
Physical arrests (adult and juvenile)	15,374	14,185	12,471	15,105	11,872	11,536	12,418	15,039	18,634	12,303
Traffic violations	27,111	25,739	26,914	30,941	24,278	16,330	14,761	15,477	12,700	11,451
Parking violations	21,600	16,079	21,391	18,041	20,452	15,772	12,150	12,327	5,493	6,139
Public works										
Streets:										
Street resurfacing (lane miles)	10	9	1	7	6	-	6	12	8	4
Potholes repaired (square miles)	31,055	40,411	39,473	39,705	27,724	38,290	13,282	12,573	14,515	24,059
Water utility customer repaired (sq. ft)	-	-	58,737	6,990	58,044	112,136	81,261	29,108	611	-
Crack sealing (lane miles)	-	-	-	16	23	-	20	33	12	37
Airport:										
Number of passengers enplaned (2)	50,782	49,525	28,470	25,640	22,514	19,188	16,532	11,703	-	-
Number of tenant aircraft	202	195	184	190	183	184	184	172	162	173
Number of hangars	109	109	109	118	118	118	118	118	119	119
Number of runways	2	2	2	2	2	2	2	2	2	2
Annual fuel consumption in gallons	1,102,439	1,140,426	672,406	639,971	311,500	645,283	653,153	682,769	582,473	443,272
Bus service:										
Number of buses	51	56	56	56	63	55	65	55	56	60
Number of routes	19	20	20	20	20	20	20	20	21	21
Total route miles	356	362	362	362	362	362	362	362	362	362
Average weekday number of passengers	12,295	12,599	12,599	12,524	10,688	11,553	11,616	12,538	11,598	12,441
Total number of passengers carried	3,629,128	3,699,846	3,699,846	3,478,120	3,145,400	3,413,421	3,434,409	3,666,824	3,416,314	3,664,689
Community development										
Building safety & NPU:										
Permits issued	5,174	4,182	3,242	3,733	3,801	3,288	3,566	3,871	4,511	4,939
Estimated cost of construction	$ 228,814,464	$ 157,006,451	$ 96,127,131	$ 67,488,906	$ 73,397,148	$ 76,362,371	$ 81,095,370	$ 58,850,241	$ 137,453,763	$ 92,768,634
Building inspections made	44,542	39,172	32,362	32,846	29,034	25,549	27,816	30,034	31,571	23,187
Traffic electrical:										
Street lights	-	13,595	13,764	13,765	13,765	13,765	13,765	13,761	13,764	13,764
Traffic signals	-	140	146	149	143	143	144	144	147	151
Lighted ped walks*	-	-	28	28	28	30	28	29	28	28
Beacons*	-	-	1	12	5	8	8	11	11	11
Four way flashers*	-	-	9	9	9	9	10	10	10	10
School flashers*	-	-	22	22	22	22	22	22	22	23
CCTV*	-	-	38	38	38	38	41	41	41	41
Hubs*	-	-	5	5	5	5	6	6	6	6
Culture and recreation:										
Recreation class participants	5,175	4,255	3,271	3,171	2,297	2,072	264,670	150,514	151,323	150,091
Solid waste:										
Recyclables processed (tons per year)	74,645	106,664	74,288	47,170	50,789	67,317	37,647	46,936	55,020	56,493
Yard waste	-	38,889	41,235	48,856	60,408	58,650	55,147	39,117	48,832	58,730
Commercial food waste	-	280	597	667	814	735	765	827	817	845
Waste tires	-	7,120	5,214	3,683	2,388	1,247	1,674	4,969	4,152	4,497

(1) FY13 Fire calls for service was originally reported incorrectly due to duplicate entries found on the NFIRS reports. This figure was corrected 10/24/2014.
Source: City of Modesto - Various Departments
(2) The enplanements subsided with the loss of commercial service in FY 2014.

CITY OF MODESTO
CAPITAL ASSET STATISTICS BY FUNCTION/PROGRAM

Function/Program	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Public safety:										
Fire stations	11	11	11	11	11	11	11	11	11	11
Police stations	1	1	1	1	1	1	1	1	1	1
Police patrol units	102	102	70	100	98	98	105	105	105	105
Public works										
Streets:										
Miles of streets (1)	674	675	675	675	676	684	684	691	691	692
Water:										
Miles of water mains	990	994	1,007	1,008	1,008	1,008	1,009	1,009	914	887
Fire hydrants	7,200	7,301	7,412	7,516	7,536	7,566	7,584	7,596	7,748	7,845
Storage capacity (thousands of gallons)	9,400,000	9,400,000	9,400,000	13,100,000	12,300,000	12,300,000	12,300,000	12,300,000	12,300,000	18,300,000
Wastewater:										
Miles of sanitary sewers	641.0	656.7	642	642	642	642	639	639	639	639
Miles of storm sewers	132.9	133.6	183	183	183	183	183	183	183	183
Number of treatment plants (2)	2	2	2	2	2	2	2	2	2	2
Treatment capacity (millions of gallons)	70	70	72	72	72	72	70	70	70	70
Community services:										
City parks (3)	75	76	76	76	76	76	76	76	76	76
City parks acreage	1,088	1,088	1,088	1,088	1,088	1,088	1,110	1,110	1,110	1,240
Playgrounds	55	55	55	55	55	55	55	55	58	58
City trails	4	4	4	4	4	7	7	7	6	6
City trails miles	11	12	12	12	12	14	14	14	15	15
Regional park acreage	324	324	324	324	324	324	324	324	375	375
Regional park facilities:										
Golf courses (18 holes)	2	2	2	2	2	2	2	2	2	2
Golf courses (9 holes)	1	1	1	1	1	1	1	1	1	1
Clubhouse and banquet facility	8	8	8	8	8	8	8	8	8	8
Historic house (4)	4	4	4	4	4	4	4	4	4	3
Community gardens	2	2	2	2	2	2	2	2	2	2
Community centers	6	6	7	7	6	6	7	7	7	7
Senior centers	1	1	1	1	1	1	1	1	1	1
Sports centers	1	1	1	1	1	1	1	1	1	1
Performing arts centers	1	1	1	1	1	1	1	1	1	1
Swimming pools	16	13	13	13	4	4	4	4	4	4
Tennis courts	37	37	37	37	37	37	37	37	37	37
Baseball/softball diamonds	24	24	24	24	24	24	24	24	24	24
Soccer/football fields	22	22	22	22	22	22	29	29	29	29
Splash play in Existing parks	-	-	-	-	-	10	10	10	10	10

(1) Information now reported from the City's GIS system.
(2) The City has both a Primary and a Secondary treatment facility.
(3) The number of parks for fiscal years 2013, 2014, 2015 was reported incorrectly as 77. Figures have been corrected to reflect accurately.
(4) The number of historic houses was reduced by one due to the Crismon House burning down. There are no plans to rebuild.
Source: City of Modesto - Various Departments

CONTINUING DISCLOSURE
SECTION
DIVIDER

CONTINUING DISCLOSURE SECTION

CITY OF MODESTO
CONTINUING DISCLOSURE REQUIREMENTS INFORMATION
YEAR ENDED JUNE 30, 2016

Wastewater Revenue Refunding Bonds, Series 2005 A and B,
Wastewater Revenue Bonds, Series 2006 A, and
Wastewater Revenue Refunding Bonds, Series 2015

Connection charge information: The Sewer Enterprise imposes connection fees on an on-time basis to new users of the sewer system and to users who significantly expand their usage. The fees have three components:

Capacity charge:	$ 2,643 per Equivalent Dwelling Unit for residential units. Commercial and industrial property charged based on type of business.
Sub-trunk sewer charge:	$645 per acre
Connection (lateral) charge:	$33 per linear foot of lot frontage adjacent to the sewer line.

Customer Base by Type of Account

Category	Number of Accounts	% of Total Accounts	% of Sewer Fee Operating Revenue
Residential	56,724	95.00%	49.82%
Commercial	4,056	5.00%	10.51%
Industrial	41	0.00%	29.95%
Total	60,821	100.00%	90.28%

Ten Largest Users of Sewer Facilities, Year Ended 6/30/16

User	Sewer Fee Revenue	% of Sewer Fee Operating Revenue
1) Stanislaus Food Products	$ 3,512,133	7.95%
2) Del Monte Food Plant 1	$ 2,000,576	4.53%
3) E & J Gallo Winery	$ 1,298,639	2.94%
4) Seneca Foods	$ 1,187,879	2.69%
5) Frito Lay, Inc.	$ 951,139	2.15%
6) City of Ceres	$ 892,548	2.02%
7) Foster Farms	$ 835,976	1.89%
8) Nestle Food Company	$ 379,915	0.86%
9) Sunopta	$ 336,928	0.76%
10) Stan CO Housing Authority	$ 223,319	0.51%
Total (Top Ten Customers)	$ 11,619,052	26.30%
Total (All Customers)	$ 44,180,072	

The average single-family residence monthly sewer charge is: $31.92

Commercial Group	Charge Per 1,000 Gallons	Fixed Charge
Group 1 (no food, just toilets or working facilities)	$2.35	$4.34
Group 2 (commercial laundromats, service stations, hotels without food)	$2.89	$4.34
Group 3 (industrial laundromats, hotels with food)	$3.45	$4.34
Group 4 (restaurants, bakeries, auto steam, markets)	$4.11	$4.34

Industrial users pay a minimum account charge of $4.34 with additional charges of: $2,534.00 per million gallons of flow, $129.00 per 1,000 pounds of excess biochemical oxygen demand (BOD), and $224.00 per 1,000 pounds of Total Suspended Solids (TSS).

The Annual Budget of the City of Modesto is available from the City of Modesto Finance Department.

Updates of other required disclosures may be found elsewhere in this report, as follows:

Statement of Revenues, Expenses and Changes in Fund Net Position	Page 27	
Principal Amount of Bonds and Other Parity Debt	Page 50-51	(Note III-C)
Historical Debt Service Coverage	Page 137	

(continued)

Residential, commercial and industrial rates have increased according to the following approved schedule.

CITY OF MODESTO
WASTEWATER SYSTEM
Ten Year History of Rate Increases

Fiscal Year	Percent Increase
2006-07	0.00
2007-08	30.00
2008-09	30.00
2009-10	0.00
2010-11	3.00
2011-12	8.00
2012-13	6.00
2013-14	6.00
2014-15	2.00
2015-16	3.00

Comparative Monthly Wastewater Service Charges.

The City's residential charges as of July 1, 2015 are set forth below with a comparison to other Central Valley and Northern California cities.

CITY OF MODESTO
WASTEWATER SYSTEM
Monthly Sewer Charge Comparison
Residential Service
As of July 1, 2015

City	Monthly Residential Charge
Fresno	$25.81
Lodi	$25.63
Modesto	**$27.58**
Stockton	$41.40
Tracy	$34.00
Turlock	$42.95

CITY OF MODESTO
WASTEWATER SYSTEM
Wastewater Connection Fees Comparison
As of July 1, 2015

City	Connection Fee
Fresno (1)	$3,438.50
Lodi (2)	$2,932.00
Modesto	**$5,146.00**
Stockton	$635.00
Tracy	$6,727.00
Turlock	$2,636.66

(1) Connection fees are based on the size of the lot & location.
(2) Connection fees are based on the size of the water meter.

Water Revenue Refinancing Certificates of Participation, 2008 Series A
Modesto Irrigation District Financing Authority Domestic Water Project Refunding Revenue Bonds, Series 2013G[1]
Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 2007F[1]

Reserve Account Requirement as of 6/30/16	$ 4,011,409
Surety Policy Value:	$ (2,082,512)
Balance in Parity Reserve Account as of 6/30/16	$ (2,544,685)
Shortfall/(Excess) Reserve Coverage:	$ (615,788)

Balance in Rate Stabilization Account as of 6/30/16:

Ten Largest Customers of Water Utility System, Year Ended 6/30/16

Customer	Business Type	Usage (ccf) (2)	% of Total Usage	Water Sales Revenue ($)	% of Total Water Sales Revenue
1) City of Modesto-Stores	Education	217,529	1.07%	$553,798	1.16%
2) Stanislaus Food Products	Local Government	350,941	1.73%	$521,457	1.10%
3) Modesto City Schools	Cannery	269,161	1.33%	$517,821	1.09%
4) Seneca Foods	Cannery	325,950	1.61%	$473,554	1.00%
5) Foster Farms	Dairy Processor	308,053	1.52%	$439,866	0.92%
6) Modesto Irrigation District	Power Company	225,365	1.11%	$349,864	0.74%
7) Sunopta	Housing Authority	186,039	0.92%	$268,475	0.56%
8) Stanislaus Housing Authority	Education	130,164	0.64%	$262,431	0.55%
9) E & J Gallo	County Offices	137,179	0.68%	$227,751	0.48%
10) Yosemite Community College	Cannery	100,876	0.50%	$183,271	0.39%
Total Top Ten		2,251,257	11.11%	$3,798,288	7.99%

Total Flat/Metered Revenues (Water Sales) $47,562,579

(1) Grover Landscaping maintains City parks
(2) "ccf" means "hundred cubic feet"

Water Sales Revenue, Year Ended 6/30/2016

Residential - flat rates	$ 7,320,096
Commercial, industrial and municipal - metered rates	$ 40,242,483
Total Water Sales	$ 47,562,579

The average monthly flat rate service charge for residential customers is: $ 46.38

Current Water Rates as of 07/01/2015- Commercial Accounts

Meter Size	
3/4"	$ 15.03
1"	$ 21.33
1 1/2"	$ 36.90
2"	$ 55.68
3"	$ 105.80
4"	$ 162.13
6"	$ 318.47
8"	$ 506.20
10"	$ 725.26
12"	$ 1,350.92

In addition to these minimum charges, commercial accounts are charged $1.33 per 100 cubic feet of water used.

The Annual Budget of the City of Modesto is available from the City of Modesto Finance Department.

(1) Water Fund parity debt obligations, issued by the Modesto Irrigation District Financing Authority, on behalf of the City, and pursuant to the 1992 Treatment and Delivery Agreement between the District and the City.
On August 14, 2013 Modesto Irrigation District Financing Authority refunded the 1998 D Bond, with the 2013 G Bond.
As of 6/30/2016, the balance of the 2013 G Bond was $35,190,000 and the balance of the 2007 F Bond was $93,190,000.

(continued)

CITY OF MODESTO
CITY WATER- HISTORICAL DEBT SERVICE COVERAGE
CONTINUING DISCLOSURE REQUIREMENTS
LAST TEN FISCAL YEARS

CITY WATER UTILITY SYSTEM
Historical Debt Service Coverage

	2007	2008	2009	2010	2011	2012	2013 (1)	2014	2015	2016 (10)
Charges for services	$ 49,258,673	$ 52,927,134	$ 52,990,138	$ 51,572,801	$ 51,876,505	$ 53,453,708	$ 56,906,488	$ 56,940,812	$ 54,779,417	$ 51,489,077
Connection charges	2,289,994	1,943,456	1,113,082	647,579	452,021	516,839	295,632	357,432	1,024,626	935,987
Refunds, damages & recoveries	566,307	232,570	29,033	428,083	460,766	166,522	260,802	215,271	20,988	511,063
Interest and rental income	735,396	1,984,517	2,055,531	1,006,611	588,917	670,046	174,224	235,246	353,305	535,823
Draw from (deposit to) rate stabilization fund	-	-	-	-	-	-	-	-	-	-
Service credits[2]	314,930	604,082	501,671	2,170,367	2,562,986	2,966,465	3,201,951	2,678,999	3,033,487	3,026,911
Miscellaneous		13,190	32,586	25,782	58,083	118,203	150,949	154,700	365,808	2,979,500
Total gross operating revenues	53,165,300	57,704,949	56,722,041	55,851,223	55,999,278	57,891,783	60,990,046	60,582,460	59,577,631	59,478,361
Operating expenses [3]	23,983,380	23,664,217	28,359,392	30,219,002	26,638,348	30,755,822	28,530,554	36,598,298	40,349,338	38,853,650
Operating transfers [4][5]	65,000	65,000	482,503	765,000	776,000	1,257,406	838,421	765,000	765,000	765,954
CIP expenses moved to operating [6]	2,023,261	2,156,833	3,054,407	1,127,185	-	-	-	-	-	-
Total operating expenses [7]	26,071,641	25,886,050	31,896,302	32,111,187	27,414,348	32,013,228	29,368,975	37,363,298	41,114,338	39,619,604
Net operating revenues	27,093,659	31,818,899	$ 24,825,739	$ 23,740,036	$ 28,584,930	$ 25,878,555	$ 31,621,071	$ 23,219,162	$ 18,463,293	$ 19,858,757
1997 Refunding Certificate of Participation[8]	1,794,120	1,791,930	1,792,258	1,794,688	1,797,013	-	-	-	-	-
2006 Revenue Certificates of Participation	1,082,432	1,982,256	-	-	-	-	-	-	-	-
2008 Revenue Certificates of Participation	-	-	2,262,117	2,145,966	2,271,034	2,684,462	2,632,225	2,648,783	2,501,891	2,313,857
MID Treatment & Delivery Agreement[9]	6,687,444	6,681,894	6,672,406	7,455,918	10,794,041	10,888,790	10,889,760	8,885,208	9,905,923	10,203,352
CDWR Loan	264,719	264,719	263,079	264,719	264,719	255,942	264,719	264,719	264,719	264,719
ARRA Grant			-	-	-	5,137	36,289	36,103	36,290	36,290
Total debt service	$ 9,828,715	$ 10,720,799	$ 10,989,860	$ 11,661,291	$ 15,126,807	$ 13,834,331	$ 13,822,993	$ 11,834,813	$ 12,708,823	$ 12,818,218
Debt service coverage	2.76	2.97	2.26	2.04	1.89	1.87	2.50	1.96	1.45	1.55

(1) In fiscal year 2012-13, the amount reported for Charges for Services was incorrectly reported in the amount of $59,906,488. The correct amount is $56,906,488 which is reflected in the table above.

(2) Service Credits are reimbursements from other City funds of costs associated with employee time worked on other projects. In fiscal year 2009-10 Cashiering, Utilities, and Collections division was moved into the Water Fund. This caused a structural change and in return an increase in service credits.

(3) Beginning in fiscal year 2008-09 total operating expenses increased as a result of the initiation of a meter program and increases in costs associated with supplies, maintenance, water treatment litigation and administration.

(4) Operating transfers in fiscal year 2008-09 increased due to an administrative oversight and funds were returned to the correct fund.

(5) Includes operating transfers for building rental fee of $65,000 annually and commencing in fiscal year 2009-10 $700,000 annual transfer to the Storm Drain Fund to actively protect the groundwater supply source from contamination. In fiscal year 2011-12 $668,610 a one time transfer for information technology internal service funds.

(6) In fiscal year 2009-10, the City made a prior period adjustment to reclassify certain operating costs previously recorded as capital improvements. This prior period adjustment has been reflected in this table in the years costs were incurred.

(7) Total operating expenses excludes depreciation and amortization, as well as the debt service component under the Treatment and Delivery Agreement.

(8) 1997 COPS were prepaid in full in fiscal year 2010-11

(9) Debt service payment increased by $4.1 million in fiscal year 2010-11 due to the expiration of capitalized interest.

(10) The sale of the Waterford-Hickman Water System for $2.6 million had a significant impact to the Water Fund debt service calculation. Without the sale of this system Water Fund debt service coverage would have been 1.35.

Source: City of Modesto

CITY OF MODESTO
CITY WATER UTILITY SYSTEM
PROJECTED OPERATING RESULTS [1]
CONTINUING DISCLOSURE REQUIREMENTS

The City has prepared the following table of projections of operating results of the Water Utility System for the five fiscal years 2017-21. The projected amounts set forth below are based on certain assumptions made by the City. To the extent that actual future conditions vary from those assumed in preparing the projections, the actual results will vary.

	Fiscal Year Projected 2017	Fiscal Year Projected 2018	Fiscal Year Projected 2019	Fiscal Year Projected 2020	Fiscal Year Projected 2021
Charges for services[2]	$ 59,415,000	$ 65,950,650	$ 71,886,209	$ 78,355,967	$ 85,408,004
Connection charges	357,432	357,432	357,432	357,432	357,432
Refunds, damages & recoveries	-	-	-	-	-
Interest and rental income	173,564	174,405	175,262	178,767	182,342
Draw from (deposit to) rate stabilization fund	-	-	-	-	-
Service credits	2,725,722	2,752,980	2,780,509	2,808,314	3,026,911
Miscellaneous	17,414	17,762	18,118	18,480	20,000
GF (parks loan) P/I	53,500	53,500	53,500	53,500	53,500
Total gross operating revenues	$62,742,632	$69,306,729	$75,271,030	$81,772,460	$89,048,189
Operating expenses[3]	41,702,000	42,521,000	43,307,000	44,134,000	44,978,000
Operating transfers	765,000	765,000	765,000	765,000	765,000
Total operating expenses[4]	$42,467,000	$43,286,000	$44,072,000	$44,899,000	$45,743,000
Net operating revenues	20,275,632	26,020,729	31,199,030	36,873,460	43,305,189
2008 Revenue Certificates of Participation	2,835,077	2,835,077	2,835,077	2,835,077	2,835,077
MID Treatment & Delivery Agreement	10,149,792	10,149,792	10,149,792	10,149,792	10,149,792
CDWR Loan	132,359	-	-	-	-
ARRA Grant	36,289	36,289	36,290	36,290	36,290
Total debt service	$13,153,517	$13,021,158	$13,021,159	$13,021,159	$13,021,159
Debt service coverage	1.54	2.00	2.40	2.83	3.33

(1) Calculated in conformity with the Contract and Trust Agreement.
(2) Revenues do NOT include a Consumer Price Index (CPI) increase. There were approved water rate increases as follows: FY 2016/17 25.04%, FY 2017/18 11.08%, FY 2018/19 9.00%, FY 2019/20 9.00%, and FY 2020/21 9.00%.
(3) Operating expenses have assumed an inflationary rate of 4% in 2017-21.
(4) Total operating expenses exclude depreciation and amortization, as well as the debt service component under the MID Treatment & Delivery Agreement.

* Please note that all of the projections have been updated to account for no annual CPI adjustment being used as well as drought impacts to the Water Fund. A current Water rate study is underway and will be completed by the start of FY2016-17.

Source: City of Modesto.

CITY OF MODESTO
CITY WATER UTILITY SYSTEM STATISTICS
CONTINUING DISCLOSURE REQUIREMENTS
YEAR ENDED JUNE 30, 2016

CITY WATER UTILITY SYSTEM STATISTICS
(Calendar Years 2007 through 2016)

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Number of Service Accounts	76,661.0	76,852.0	76,899.0	76,508.0	76,983.0	76,788.0	75,357.0	75,006.0	74,665.0	72,825.0
Total Water Production (MG)(1)	25,886.0	25,182.0	23,824.0	21,712.0	20,892.0	21,765.0	21,606.0	20,630.0	17,692.0	15,155.0
Capacity (MGD)(2)	166.0	166.0	166.0	166.0	166.0	175.2	175.2	175.2	175.2	175.2
Peak Daily Distribution (MGD)	115.4	116.5	113.0	110.0	98.5	97.2	99.8	95.3	84.6	74.7
Average Daily Distribution (MGD)	70.9	68.8	65.3	59.5	57.2	59.5	59.2	56.5	48.5	41.5

(1) "MG" means million gallons.
(2) "MGD" means million gallons daily.

CITY WATER UTILITY SYSTEM
Service Area Total Production (Billion Gallons)
(Fiscal Years 2007 through 2016)

Fiscal Year Ended	Well Water	Surface Water	Total
2007	13.97	11.92	25.89
2008	14.74	10.44	25.18
2009	14.14	9.69	23.83
2010	11.32	10.39	21.71
2011	11.72	9.17	20.89
2012	11.57	10.19	21.76
2013	10.62	10.99	21.61
2014	10.72	9.91	20.63
2015	10.63	5.85	16.48
2016	9.22	5.02	14.24

CITY WATER UTILITY SYSTEM
Average Monthly Water Rates Comparison
Flat Rate (1" Service)
As of July 1, 2015

City	Flat Rate Typical
Fresno (1)	$ 12.30
Lodi (2)	$ 26.92
Modesto	**$ 46.38**
Stockton (1)	$ 29.24
Tracy (1)	$ 16.05
Turlock (1)	$ 21.20

(1) Water is metered. Charge varies per meter size.
(2) Water is both metered and flat rate. Charge varies per meter and dwelling size.

The following table sets forth connection fees for all users except multi-family units by meter size for year 2015-2016:

CITY WATER UTILITY SYSTEM
Connection Fees Comparison
Except Multiple Family Units
(Fiscal Year 2015-2016)

Meter Size	Connection Fees
5/8" meter**	$2,282
1" meter	$5,702
1-1/2" meter	$11,406
2" meter	$18,247
3" meter	$36,494
4" meter	$57,023
6" meter	$114,044
8" meter	$182,470
10" meter	$262,301
12" meter	$490,389

**NOTE- Single-family residences qualify for the 5/8" connection fee only under the following conditions:
Single story, single-family residences on a lot of 4,000 square feet or less.
Two-story single family residence on a lot of 4,000 square feet or less, provided the request for such a service accompanied by a report from a licensed professional engineer that certifies that the 5/8" service is adequate to meet the needs of the proposed dwelling.
A 5/8" "service" shall not be allowed for a single-family dwellings of greater than 2 stories on lots less than 4,000 square feet.

CITY OF MODESTO
CONTINUING DISCLOSURE REQUIREMENTS INFORMATION
YEAR ENDED JUNE 30, 2016

CITY WATER UTILITY SYSTEM
Sale of Water
(Year Ended June 30, 2016)*

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Revenues ($000)										
Residential (Flat Rates)	$30,716	$31,495	$30,585,450	$21,256,928	$16,888,754	$14,464,689	$12,955,005	$10,723,594	$9,037,477	$7,320,096
Commercial, Industrial and Municipal (Metered)	17,006	17,890	20,445,393	28,758,412	33,190,426	37,162,861	42,452,862	44,093,862	43,118,855	40,242,493
Total Water Sales	$47,722	$49,385	$51,030,843	$50,015,340	$50,079,180	$51,627,550	$55,407,867	$54,817,456	$52,156,332	$47,562,589

The table below sets forth the adopted single family residential flat rates approved through fiscal year 2015-16.

CITY WATER UTILITY SYSTEM
Monthly Single Family Residential Flat Water Rates (1)

Lot Size	Effective July 1, 2006	Effective July 1,2007	Effective July 1, 2008	Effective July 1, 2009	Effective November 1, 2010	Effective July 1, 2011	Effective July 1, 2012	Effective July 1, 2013	Effective July 1, 2014	Effective July 1, 2015
0-5,000 sq. ft. lot	$33.77	$35.45	$37.23	$37.23	$38.01	$38.69	$39.89	$40.81	$40.81	$40.81
5,001-7,000 sq. ft. lot	38.38	40.30	42.31	42.31	43.20	43.98	45.34	46.38	46.38	46.38
7,001-11,000 sq. ft. lot	45.54	47.82	50.21	50.21	51.26	52.18	53.80	55.04	55.04	55.04
11,001-17,000 sq. ft. lot	48.34	50.76	53.30	53.30	54.42	55.40	57.12	58.43	58.43	58.43
over 17,000 sq. ft. lot	56.84	59.68	62.66	62.66	63.98	65.13	67.15	68.69	68.69	68.69

(1) Single family residential properties with water meters that are read for billing purposes, are charged the meter water rate.

NOTE: Additional financial information available at www.modestogov.com

The following table sets forth the adopted monthly service charge and volume charge for commercial accounts through fiscal year 2015-16.

CITY WATER UTILITY SYSTEM
Water Rates and Charges
Commercial Accounts

	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009	Effective July 1, 2010	Effective November 1, 2010	Effective July 1, 2011	Effective July 1, 2012	Effective July 1, 2013	Effective July 1, 2014	Effective July 1, 2015
Volume-based Rate ($/hcf)	$1.22	$1.28	$1.28	$1.28	$1.33	$1.33	$1.37	$1.40	$1.40	$1.40
Fixed Monthly Meter Charge (in addition to volume-based charges)										
5/8"-3/4" meter	$13.06	$13.71	$13.71	$13.71	$14.00	$14.25	$14.69	$15.03	$15.03	$15.03
1" meter	18.52	19.45	19.45	19.45	19.86	20.22	20.85	21.33	21.33	21.33
1-1/2" meter	32.06	33.66	33.66	33.66	34.37	34.99	36.07	36.90	36.90	36.90
2" meter	48.37	50.79	50.79	50.79	51.86	52.79	54.43	55.68	55.68	55.68
3" meter	91.91	96.51	96.51	96.51	98.54	100.31	103.42	105.80	105.80	105.80
4" meter	140.83	147.88	147.88	147.88	150.99	153.71	158.48	162.13	162.13	162.13
6" meter	276.68	290.51	290.51	290.51	296.61	301.95	311.31	318.47	318.47	318.47
8" meter	439.76	461.75	461.75	461.75	471.45	479.94	494.82	506.20	506.20	506.20
10" meter	630.08	661.58	661.58	661.58	675.47	687.63	708.95	725.26	725.26	725.26
12" meter	1,173.62	1,232.31	1,232.31	1,232.31	1,258.19	1,280.84	1,320.55	1,350.92	1,350.92	1,350.92

Note: Additional financial information is available at www.modestogov.com

CITY OF MODESTO
BOND RATINGS
FISCAL YEAR ENDED JUNE 30, 2016

Bonds	Moody's Rating	Standard & Poor's Rating	Fitch Rating
1993 Golf Certificates of Participation		AA-	
Wastewater Revenue Bonds, Series 2006A	A2	AA	AA-
2008 Lease Revenue Bonds		A/A-1	A+
2008 Water Certificates of Participation	Aa1	AA+/A-1	

Sources: www.moodys.com
www.standardandpoors.com
www.Fitchratings.com

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-
BANGS/PELANDALE-SNYDER)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

mgo Certified Public Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
FOR THE YEAR ENDED JUNE 30, 2016

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and each major fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

The Carver-Bangs Specific Plan (Resolution No. 97-1 61) was adopted by the City Council on April 1, 1997, and was subsequently amended on November 4, 1997 (Resolution No. 97-633). The Carver-Bangs Specific Plan has been developed under the City's Village Residential guidelines and should yield approximately 800 single-family residential units. On January 16, 1996, the City Council approved the Pelandale-Snyder Specific Plan (Resolution No. 95-16) and amended the Pelandale-Snyder Specific Plan on March 18, 1997 (Resolutions 97-136 and 97-139). The Pelandale-Snyder Specific Plan area contains approximately 227 acres designated as single-family residential and approximately 57 acres are designated multi-family residential.

In December 1998, the City formed the District to provide a funding and reimbursement mechanism for public facilities and services required to serve the Carver-Bangs and Pelandale-Snyder Specific Plan areas in the City and to fund ongoing maintenance costs. Portions of both Specific Plan areas were included within the initial boundaries of the District and the remainder of the property within both Specific Plan areas, excluding a remainder parcel, have annexed to the District.

As a condition of development, developers are required to install various public improvements that will serve the increased population generated from the projects. Many of these improvements must be provided in the early stages of development and, therefore, the first developer(s) to build within the Specific Plan areas must install the improvements. The District was established as a funding/reimbursement for many of the improvements. Up until a few years ago, developers installed most of the improvements. The developers received a cash reimbursement or tax credit equal to the cost of that improvement(s) as set forth in the Public Report adopted in connection with the formation of the District.

Over the past several years, the City has designed and overseen the installation of the improvements. Construction of the storm drain pump stations located at the East and West Basins on Prescott Road between Pelandale and Snyder was completed in the summer of 2007 while the Snyder Avenue widening project between Prescott Road and Carver Road commenced in the spring of 2008. Design of the bike trail commenced in 2009.

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's net position increased to $1,886,094 for fiscal year 2016.
- Total District revenues were $977,187.

Fund Basis:

- Capital Projects Fund revenues of $801,242 were $798,603 more than the prior year due to the collection of the facilities special tax. This revenue was not collected in prior year. Expenditures of $36,826 were $36,209 more than the previous year. The Capital Projects Fund ending fund balance increased by $764,416, with ending fund balance of $1,545,156.
- Special Revenue Fund revenues of $175,945 were $1,931 more than the prior year due to increased interest earnings and expenditures of $168,874 were $8,249 less than the prior year. The Special Revenue Fund balance increased by $7,071 to an ending fund balance of $340,938.

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. These services are supported by formation deposits, special facilities taxes, and annual maintenance assessments.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, total assets of $1,897,174 were offset by liabilities of $11,080. The District's net position from governmental activities increased to $1,886,094 in 2016 from $1,114,607 in 2015. All of the District's net position is restricted as follows: $1,545,156 for acquisition or construction of infrastructure and $340,938 for maintaining that infrastructure.

The following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 1,891,149	$ 1,134,652
Assessments receivable	1,984	-
Interest receivable	4,041	1,980
Total assets	1,897,174	1,136,632
Current and other liabilities	11,080	22,025
Net position:		
Restricted for:		
Capital projects	1,545,156	780,740
District maintenance	340,938	333,867
Total net position	$ 1,886,094	$ 1,114,607

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came primarily from facilities special tax and maintenance special tax which contributed $787,482 and $172,843, respectively, while interest income contributed $16,862. District expenses of $205,700 were for services and professional and utilities expenses.

The following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
General revenues:		
Facilities special tax	$ 787,482	$ 172,810
Maintenance special tax	172,843	-
Investment earnings	16,862	3,843
Total revenues	977,187	176,653
Expenses:		
Community development	205,700	177,740
Change in net position	771,487	(1,087)
Net position, beginning of year	1,114,607	1,115,694
Net position, end of year	$ 1,886,094	$ 1,114,607

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's two funds. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about each of the District's most significant funds, called major funds. Major funds present the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of District's activities. All of the District's funds are presented here as major funds; their purpose is explained in Note 1 to the financial statements.

All the District's funds are governmental funds; financial statements for these funds are prepared on the modified accrual basis of accounting, which means they measure only current financial resources and uses.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The following is a condensed statement of revenues, expenditures, and changes in fund balances for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Activities

	Capital Projects Fund	Special Revenue Fund	Total
Revenues	$ 801,242	$ 175,945	$ 977,187
Expenditures	36,826	168,874	205,700
Changes in fund balances	764,416	7,071	771,487
Fund balances, beginning of year	780,740	333,867	1,114,607
Fund balances, end of year	$ 1,545,156	$ 340,938	$ 1,886,094

THE DISTRICT'S FUND FINANCIAL STATEMENTS

At June 30, 2016, the District's governmental funds reported combined fund balances of $1,886,094, which was a $771,487 increase from fiscal year 2015. The Capital Projects Fund realized a $764,416 increase, due to the facilities special tax and interest income, while the Special Revenue Fund realized a $7,071 increase due to maintenance special tax and investment revenues exceeding professional services and utilities.

CAPITAL ASSETS

Under GASB Statement No. 34, the District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures are reported in both the District's fund and government-wide financial statements. Therefore, the District reports no long-term capital assets.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting that is used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenues – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

ASSETS	
Cash and investments	$ 1,891,149
Assessments receivable	1,984
Interest receivable	4,041
Total Assets	1,897,174
LIABILITIES	
Accounts payable	11,080
NET POSITION	
Restricted for:	
Capital projects	1,545,156
District maintenance	340,938
Total Net Position	$ 1,886,094

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES	
Community development	$ 205,700
GENERAL REVENUES	
Facilities special tax	787,482
Maintenance special tax	172,843
Investment earnings	16,862
Total General Revenues	977,187
Change in Net Position	771,487
Net Position, beginning of year	1,114,607
Net Position, end of year	$ 1,886,094

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District determined all its funds to be major funds. They are:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
ASSETS			
Cash and investments	$ 1,543,287	$ 347,862	$ 1,891,149
Assessments receivable	-	1,984	1,984
Interest receivable	1,869	2,172	4,041
Total Assets	$ 1,545,156	$ 352,018	$ 1,897,174
LIABILITIES			
Accounts payable	$ -	$ 11,080	$ 11,080
FUND BALANCES			
Restricted:			
Capital projects	1,545,156	-	1,545,156
District maintenance	-	340,938	340,938
Total Fund Balances	1,545,156	340,938	1,886,094
Total Liabilities and Fund Balances	$ 1,545,156	$ 352,018	$ 1,897,174

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
REVENUES			
Facilities special tax	$ 787,482	$ -	$ 787,482
Maintenance special tax	-	172,843	172,843
Interest income	12,194	2,749	14,943
Change in fair value of investments	1,566	353	1,919
Total Revenues	801,242	175,945	977,187
EXPENDITURES			
Current:			
Services - professional and other	617	160,527	161,144
Utilities	-	8,347	8,347
Capital outlay	36,209	-	36,209
Total Expenditures	36,826	168,874	205,700
Changes in Fund Balances	764,416	7,071	771,487
Fund Balances, beginning of year	780,740	333,867	1,114,607
Fund Balances, end of year	$ 1,545,156	$ 340,938	$ 1,886,094

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Maintenance special tax	$ 160,000	$ 160,000	$ 172,843	$ 12,843
Interest income	-	-	2,749	2,749
Change in fair value of investments	-	-	353	353
Total Revenue	160,000	160,000	175,945	15,945
EXPENDITURES				
Current:				
Services - professional and other	194,833	194,833	160,527	34,306
Utilities	14,000	14,000	8,347	5,653
Total Expenditures	208,833	208,833	168,874	39,959
Changes in Fund Balance	$ (48,833)	$ (48,833)	7,071	$ 55,904
Fund Balance, beginning of year			333,867	
Fund Balance, end of year			$ 340,938	

See accompanying notes to the basic financial statem ents.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-2 (CARVER-BANGS/PELANDALE-SNYDER)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder) (the District) was formed in December 1998 by a vote of the property owners within the proposed district. The District, a separate legal entity, was formed to provide a funding and reimbursement mechanism for public facilities and services required by the District Specific Plans. The District is the vehicle that will be used to ensure that all landowners in the District pay their share of the public improvements. The District is a proposed 480-acre project bounded on the East by Carver Road, on the North by Bangs Avenue, on the West by Dale Road, and the Modesto Irrigation District canal and Snyder Avenue on the South. The District is expected to yield 3,413 residential dwelling units at buildout; in addition, 36 acres of the District will be used for an elementary school site, a City park, and a church.

The District is an integral part of the City of Modesto (the City) and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities to the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental funds:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

D. Capital Assets

The District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures/expenses are reported in both the District's fund and government-wide financial statements.

E. Facilities and Maintenance Special Taxes

The facilities and maintenance special taxes are collected by the County of Stanislaus on the property tax bill. The special taxes are due November 1 and February 1 and are delinquent if not paid by December 10 and April 10, respectively. The County of Stanislaus bills and collects the special taxes and remits them to the District. The Rate and Method of Apportionment of Special Tax (RMA), set forth in the District's Public Report, describes how the tax will be allocated among properties in the District. The Public Report was established during the formation of the District. A cost of living adjustment is applied to the special taxes annually.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

F. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through the adoption or the amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through the adoption or the amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

G. Governmental Accounting Standards Update

During the year ended June 30, 2016, the District implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68*. This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*. This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*. This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14.* The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District are pooled with other City funds. The District's portion of this pooled amount was $1,891,149 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The District's investment in the City's investment pool is exempt from fair value measurement disclosures.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received for capital projects and District maintenance.

B. Restrictions of Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for Capital Projects, the portion of fund balance legally restricted for the acquisition, construction, and formation/annexation activities.

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 1998-2 (Carver-Bangs/Pelandale-Snyder) (the District), as of and for the year ended June 30, 2016, and related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

Certified
Public
Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)
FOR THE YEAR ENDED JUNE 30, 2016

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and Special Revenue Fund of the City of Modesto Community Facilities District Number 2000-2 (Coffee-Claratina) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and Special Revenue Fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 2000-2 (Coffee-Claratina) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

In November 1999, the City Council approved the Coffee-Claratina Specific Plan that set forth a plan for development of 170 acres that includes up to 1,000 residential dwelling units, 40 acres of "Regional Commercial" property and 15 acres of "Mixed Community Commercial" development. The District was formed in December 2000 to provide a funding source for maintenance and repair of the storm drain basin and dual-use flood control/recreation facility and for maintenance of median, bikeway, round-about, and miscellaneous planting areas within the Coffee-Claratina Specific Plan.

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's net position decreased $449 in fiscal year 2016.
- At June 30, 2016, net position was $302,503.
- Total District revenues were $102,328.

Fund Basis:

- Special Revenue Fund revenues were $102,328, while expenditures were $102,777. The Special Revenue Fund ending fund balance decreased $449 to $302,503.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. These services are supported by formation deposits, special facilities taxes, and annual maintenance assessments.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide statement of net position and statement of activities that follow.

As of June 30, 2016, total assets of $305,456 were offset by liabilities of $2,953. The District's net position from governmental activities decreased to $302,503 in 2016 from $302,952 in 2015. All of the District's net position is restricted for maintenance.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 303,370	$ 307,975
Assessments receivable	1,457	-
Interest receivable	629	558
Total assets	305,456	308,533
Current and other liabilities	2,953	5,581
Net position:		
Restricted for:		
District maintenance	$ 302,503	$ 302,952

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came primarily from maintenance special tax of $99,564, along with additional investments earnings of $2,764. District expenses of $102,777 in fiscal year 2016 were for maintenance and administration.

The following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
General revenues:		
Maintenance special tax	$ 99,564	$ 101,227
Investment earnings	2,764	1,034
Total revenues	102,328	102,261
Expenses:		
Community development	102,777	111,268
Change in net position	(449)	(9,007)
Net position, beginning of year	302,952	311,959
Net position, end of year	$ 302,503	$ 302,952

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide statements and focus primarily on the short-term activities of the District's one fund. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about the District's most significant fund, called a major fund. The major fund presents the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of District's activities. The District's fund is presented here as a major fund; its purpose is explained in Note 1 to the financial statements.

The District's fund is a governmental fund; a financial statement for this fund is prepared on the modified accrual basis of accounting, which means it measures only current financial resources and uses.

The following is a condensed statement of revenues, expenditures, and change in fund balance for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Change in Fund Balance – Special Revenue Fund

Revenues	$ 102,328
Expenditures	102,777
Change in fund balance	(449)
Fund balance, beginning of year	302,952
Fund balance, end of year	$ 302,503

THE DISTRICT'S FUND FINANCIAL STATEMENTS

At June 30, 2016, the District's governmental fund reported a fund balance of $302,503, which is a decrease of $449 compared with last year.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)

STATEMENT OF NET POSITION
AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting that is used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenues – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District's only fund is considered to be a major fund:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATI NA)
STATEMENT OF NET POSI TION - GOVERNMENTAL ACTI VITIES
AND BALANCE SHEET - SPECI AL REVENUE FUND
JUNE 30, 2016

ASSETS		
Cash and investments	$	303,370
Assessments receivable		1,457
Interest receivable		629
Total Assets		305,456
LIABILITIES		
Accounts payable		2,953
FUND BALANCE/NET POSI TION		
Restricted for:		
District maintenance	$	302,503

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)
STATEMENT OF NET ACTIVITIES - GOVERNMENTAL ACTIVITIES
AND STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGE IN FUND BALANCE - SPECIAL REVENUE FUND
FOR THE YEAR ENDED JUNE 30, 2016

EXPENDITURES/EXPENSES		
Community development:		
Current:		
Services - professional and other	$	85,493
Utilities		17,284
Total expenditures/expenses		102,777
GENERAL REVENUES		
Maintenance special tax		99,564
Interest income		2,416
Change in fair value of investments		348
Total general revenues		102,328
Change in Fund Balance/Net Position		(449)
Fund Balance/Net Position, beginning of year		302,952
Fund Balance/Net Position, end of year	$	302,503

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Maintenance special tax	$ -	$ -	$ 99,564	$ 99,564
Interest income	-	-	2,416	2,416
Change in fair value of investments	-	-	348	348
Total Revenue	-	-	102,328	102,328
EXPENDITURES				
Current:				
Services - professional and other	95,495	95,495	85,493	10,002
Utilities	45,200	45,200	17,284	27,916
Total Expenditures	140,695	140,695	102,777	37,918
Changes in Fund Balance	$ (140,695)	$ (140,695)	(449)	$ 140,246
Fund Balance, beginning of year			302,952	
Fund Balance, end of year			$ 302,503	

See accompanying notes to the basic financial statem ents.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2000-2 (COFFEE-CLARATINA)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 2000-2 (Coffee-Claratina) (the District) was formed in October 2000 by vote of the property owners within the proposed district. The District, a separate legal entity, was formed for the purpose of setting forth a plan of rehabilitation and development for the site, which is located on the south side of Claratina Avenue, bound by Coffee Road on the East, McHenry on the West, and the Modesto City limits to the South. Coffee-Claratina is a 170-acre project designated for a maximum of 1,000 residential dwelling units, 40 acres designated "Regional Commercial," and 15 acres of "Mixed Community Commercial." In addition, the District is intended to fund the maintenance of median, bikeway, round-about, and miscellaneous planting areas, in addition to the funding maintenance and repair of a storm drain basin and dual-use flood control/recreation facility.

The District is an integral part of the City of Modesto (the City) and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

The fund financial statements (i.e., balance sheet and statement of revenues, expenditures, and changes in fund balance) report information on the Special Revenue Fund of the District.

Since the amounts presented in the District's balance sheet and statement of net position are the same, they are presented as one financial statement. Similarly, since the amounts presented in the District's statement of revenues, expenditures, and change in fund balance and the statement of activities are the same, they are presented as one financial statement.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities to the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental fund:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

D. Maintenance Special Tax

The maintenance special tax is collected by the County of Stanislaus on the property tax bill. The maintenance charges are due November 1 and February 1 and are delinquent if not paid by December 10 and April 10, respectively. The County of Stanislaus bills and collects the maintenance taxes and remits them to the District. The Rate and Method of Apportionment of Special Tax (RMA), set forth in the District's Public Report, describes how the tax will be allocated among properties in the District. The Public Report was established during the formation of the District. A cost of living adjustment is applied to the maintenance taxes annually. The District levied maintenance taxes during the year ended June 30, 2016.

E. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification of the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through the adoption and the amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through the adoption or the amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

F. Governmental Accounting Standards Update

During the year ended June 30, 2016, the District implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the District's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District are pooled with other City funds. The District's portion of this pooled amount was $303,370 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The District's investment in the City's investment pool is exempt from fair value measurement disclosures.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received for District maintenance.

B. Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and Special Revenue Fund of the City of Modesto Community Facilities District Number 2000-2 (Coffee- Claratina) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The

results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE
BUSINESS PARK)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

mGO Certified Public Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE BUSINESS PARK)
FOR THE YEAR ENDED JUNE 30, 2016

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Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities and Special Revenue Fund of the City of Modesto Community Facilities District Number 1998-1 (Enterprise Business Park) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and Special Revenue Fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE BUSINESS PARK)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 1998-1 (Enterprise Business Park) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

On April 7, 1997, the City's Planning Commission approved a vesting tentative map for the Enterprise Business Park subdivision. The project area included two assessor's parcels and more than 80 acres of property located in the southwestern section of the City. Upon recordation of the final map, the property was subdivided into eight parcels ranging in size from 1.12 to 24.17 acres. The parcels are zoned M-2, a heavy industrial designation allowing for development of warehouse, distribution, processing, manufacturing, and other related uses.

In July 1998, the City Council formed the District and authorized the District to issue up to $2.05 million in bonds to fund certain street improvements, water and sewer main extensions, and other water, sewer, and storm drainage improvements required to serve the District. All District-funded improvements have been completed.

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's net position decreased $5,959 in fiscal year 2016.
- At June 30, 2016, net position was $80,514.
- Total District revenues were $801.

Fund Basis:

- Special Revenue Fund revenues of $801 were $497 more than last year and expenditures of $6,760 were $2,178 more than last year.
- Special Revenue Fund ending fund balance decreased $5,959 to $80,514.

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. These services are supported by formation deposits, special facilities taxes, and annual maintenance assessments.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, the District total assets were $80,551. The District's net position from governmental activities decreased from $86,473 in fiscal year 2015 to $80,514 in fiscal year 2016. All of the District's net position is restricted for District maintenance.

Following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 80,381	$ 86,388
Interest receivable	170	161
Total assets	80,551	86,549
Current and other liabilities	37	76
Net position:		
Restricted for:		
District maintenance	$ 80,514	$ 86,473

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came from investment earnings generating $801. District expenses of $6,760 in fiscal year 2016 were for maintenance and ongoing administrative expenses.

Following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
General revenues:		
Investment earnings	$ 801	$ 304
Expenses:		
Community development	6,760	4,582
Change in net position	(5,959)	(4,278)
Net position, beginning of year	86,473	90,751
Net position, end of year	$ 80,514	$ 86,473

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's one fund. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about the District's significant fund, called a major fund. The major fund presents the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of District's activities. The District's fund is presented here as a major fund; its purpose is explained in Note 1 to the financial statements.

The District's fund is a governmental fund; financial statements for this fund are prepared on the modified accrual basis of accounting, which means it measures only current financial resources and uses.

Following is a condensed statement of revenues, expenditures, and change in fund balance for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Change in Fund Balance – Special Revenue Fund

Revenues	$ 801
Expenditures	6,760
Change in fund balance	(5,959)
Fund balance, beginning of year	86,473
Fund balance, end of year	$ 80,514

THE DISTRICT'S FUND FINANCIAL STATEMENTS

At June 30, 2016, the District's governmental fund reported a fund balance of $80,514 which was a decrease of $5,959 from fiscal year 2015.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE BUSINESS PARK)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting as that used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenue – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District's only fund is considered to be a major fund:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE BUSINESS PARK)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
AND BALANCE SHEET - SPECIAL REVENUE FUND
JUNE 30, 2016

ASSETS		
Cash and investments	$	80,381
Interest receivable		170
Total Assets		80,551
LIABILITIES		
Accounts payable		37
FUND BALANCE/NET POSITION		
Restricted for:		
District maintenance	$	80,514

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE BUSINESS PARK)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
AND STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGE IN FUND BALANCE - SPECIAL REVENUE FUND
FOR THE YEAR ENDED JUNE 30, 2016

EXPENDITURES/EXPENSES		
Community development:		
Current:		
Services - professional and other	$	6,390
Utilities		370
Total Expenditures/Expenses		6,760
GENERAL REVENUES		
Interest income		699
Change in fair value of investments		102
Total General Revenues		801
Change in Fund Balance/Net Position		(5,959)
Fund Balance/Net Position, beginning of year		86,473
Fund Balance/Net Position, end of year	$	80,514

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE BUSINESS PARK)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Interest income	$ -	$ -	$ 699	$ 699
Change in fair value of investments	-	-	102	102
Total Revenue	-	-	801	801
EXPENDITURES				
Current:				
Services - professional and other	17,262	17,262	6,390	10,872
Utilities	500	500	370	130
Total Expenditures	17,762	17,762	6,760	11,002
Changes in Fund Balance	$ (17,762)	$ (17,762)	(5,959)	$ 11,803
Fund Balance, beginning of year			86,473	
Fund Balance, end of year			$ 80,514	

See accompanying notes to the basic financial statem ents.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1998-1 (ENTERPRISE BUSINESS PARK)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 1998-1 (Enterprise Business Park) (the District) was formed in July of 1998 by a vote of the property owners within the proposed District. The District, a separate legal entity, was formed to provide a financing mechanism for the purchase, construction, expansion, or rehabilitation of any real or tangible property, including public facilities and infrastructure improvements, necessary to meet increased demands placed upon local agencies as a result of development occurring within the District. In addition, the District can fund a variety of public services including maintenance of parks, parkways, and open space. The District is the vehicle that will be used to ensure that all landowners within the District pay their share of the public improvements and services needed. The District includes two assessor's parcels and more than 80 acres of property located in the southwestern section of the City of Modesto (the City). The property is subdivided into eight parcels ranging in size from 1.12 to 24.17 acres. The parcels have been zoned M-2, which is a heavy industrial designation allowing for development of warehouse, distribution, processing, manufacturing, and other related uses.

The District is an integral part of the City and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

The fund financial statements (i.e., balance sheet and statement of revenues, expenditures, and changes in fund balance) report information on the Special Revenue Fund of the District.

Since the amounts presented in the District's balance sheet and statement of net position are the same, they are presented as one financial statement. Similarly, since the amounts presented in the District's statement of revenues, expenditures, and change in fund balance and the statement of activities are the same, they are presented as one financial statement.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental fund:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space with the District.

D. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption and amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

E. Governmental Accounting Standards Update

In the year ended June 30, 2016, the District has implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14.* The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District are pooled with other City funds. The District's portion of this pooled amount was $80,381 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The District's investment in the City's investment pool is exempt from fair value measurement disclosures.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received for use on District maintenance.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES (Continued)

B. Restrictions of Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and Special Revenue Fund of the City of Modesto Community Facilities District Number 1998-1 (Enterprise Business Park) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

mgo Certified Public Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
FOR THE YEAR ENDED JUNE 30, 2016

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 2003-1 (Fairview Village) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and each major fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for needed public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

In 1989, the City adopted the Urban Growth Management Strategy, which requires that any future development within the "Urban Reserve" be planned and annexed as "villages" under the auspices of Specific Plans. This action was seen as necessary to prevent new development from occurring in undeveloped areas prior to there being adequate consideration for public facilities such as roadways, parks, schools, and utility improvements.

Fairview Village is a proposed planned community with an expected population of 5,000 people living in approximately 2,250 homes. The project is to be developed on a 364-acre site located just outside the southwest edge of the City in Stanislaus County. The Fairview Village Plan Area is essentially square with each edge approximately three-quarters of a mile in length. It is contiguous to the Bret Harte neighborhood on the east, and is bounded by the expanded Hatch Road to the north, Carpenter Road to the west, and Whitmore Avenue to the south. The District is designed around a large central neighborhood park and new elementary school that forms the center of the new community. Fairview Village will also include a secondary elementary school and a commercial center with shops, offices, and apartments.

In December 2003, the City Council formed the District and authorized the District to issue up to $25 million in bonded indebtedness to acquire or construct certain water, storm drain, and sewer system improvements and a bike trail and all appurtenances and appurtenant work in connection therewith. The only qualified voter eligible to vote during the formation of the District was Del Valle Corporation (the Developer), the owner of approximately 81.66 acres. A final map was recorded subdividing the Developer's 81.66 acres into 382 single-family residential lots.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

In September 2005, the District issued Special Tax Bonds, Series 2005 in the principal amount of $5.0 million. The majority of the net construction proceeds were used to reimburse the Developer for the District-funded infrastructure it will install pursuant to the Acquisition & Shortfall Agreements entered into with the District. In October 2005, supplemental information concerning the bond issue was distributed to the repositories. This supplemental information advised the bond holders and market of the amendments to the Acquisition & Shortfall Agreement that allow the issuance of certain occupancy permits prior to the completion of the infrastructure projects specified in the Acquisition & Shortfall Agreement.

Matters related to the Developer's subdivision located in the District were first memorialized in an Acquisition & Shortfall Agreement between the City and Norman Galas, etc. in December 1997. On January 9, 2003, the Acquisition & Shortfall Agreement was amended and named Del Valle Capital Corporation, Inc., as a party to the Acquisition & Shortfall Agreement. Since that time, two subsequent amendments have occurred and additional agreements have between executed between the City and the District. The chronology of the agreements related to the Developer's subdivision follows:

- The Acquisition & Shortfall Agreement between the City and Norman Galas, June Galas, Stanley Galas, and Bonnie K. Galas dated as of September 16, 1997, as amended by the First Amendment to the Acquisition & Shortfall Agreement between the City and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas, and Del Valle Capital Corporation, Inc., dated as of January 9, 2003, and as further amended by the Second Amendment to the Acquisition & Shortfall Agreement between the City and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas, and Del Valle Capital Corporation, Inc., dated as of June 10, 2003, and as finally amended by the Third Amendment to the Acquisition & Shortfall Agreement between the City and Norman Galas, June Galas, Stanley Galas, Bonnie K. Galas, Del Valle Capital Corporation, Inc., dated as of June 22, 2004.
- Advanced Funding Agreement for the District dated as of October 28, 2003, Subdivision Agreement, dated as of December 23, 2003, pertaining to Galas Brothers Subdivision Unit No. 1.
- Subdivision Agreement, dated as of December 23, 2003, pertaining to Galas Brothers Subdivision Unit No. 2.
- Agreement to Complete Necessary Infrastructure Prior to Final Inspection or Occupancy, dated as of December 23, 2003, as amended by the Amendment to Agreement dated as of January 25, 2005, and as further amended by the Second Amendment to Agreement dated as of November 9, 2005, and as further amended by the Third Amendment to Agreement dated as of December 14, 2005, and as finally amended by the Fourth Amendment to Agreement, dated as of June 27, 2006.
- Two Acquisition & Shortfall Agreements between the District and Del Valle Homes, each dated as of June 22, 2004.
- Agreement by and between the City, Del Valle Capital Corporation, Inc., D.R. Horton, Inc., and Pulte Home Corporation Regarding the Funding and Construction of Certain Interim Water Improvements in Return for City's Issuance of Certain Permits, dated as of September 30, 2005.
- Letter of Agreement between City and Del Valle Homes dated as of February 2, 2007.
- Agreement for the Acceptance of Completed Public Improvements and Partial Release of Security, dated as of June 12, 2007.

On November 25, 2008, the City Council approved a *Settlement Agreement and Mutual Release* with the Developer. The City agreed to accept the infrastructure improvements remaining to be accepted such as the well, storage, booster pumps, wellhead treatment system, and some in-tract subdivision improvements. In return, the Developer received a gross payment of $1.3 million minus approximately $452,365 that was withheld pursuant to the terms of the Settlement Agreement, of which approximately $99,000 will be utilized by City crews to complete repairs to the accepted infrastructure. The Developer received a net payment of $847,635.

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's total net position in fiscal year 2016 was $1.1 million.
- At June 30, 2016, total assets were $5.2 million while total liabilities were $4.3 million.
- Total District revenues were $285,715 and expenses were $372,519.

Fund Basis:

- Special Revenue Fund revenues decreased from $175,479 in the prior year to $168,781 for fiscal year 2016 and expenditures increased from $170,791 in the prior year to $176,666 for fiscal year 2016. Both revenues and expenditures were consistent with the prior year.
- Special Revenue Fund ending fund balance decreased from $266,575 in prior year to $258,690 in current year.
- Debt Service Fund revenues decreased from $331,293 for fiscal year 2015 to $291,934 for fiscal year 2016 and expenditures decreased from $777,097 in the prior year to $365,253 for fiscal year 2016. Revenues decreased from previous year due to excess reserves. The decrease in expenditures is attributed to the District's refunding in the prior year.
- Debt Service Fund ending fund balance for fiscal year 2016 decreased from $771,527 for fiscal year 2015 to $698,208 for fiscal year 2016.

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. These services are supported by formation deposits, special facilities taxes, and annual maintenance assessments.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, total assets and deferred outflows of resources of $5.4 million were offset by liabilities of $4.3 million. The District's net position from governmental activities remained unchanged at $1.1 million from prior year. The District's net position is restricted as follows: $0.3 million for maintenance activities and $0.8 million for debt service.

Following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 759,503	$ 840,343
Cash and investments with fiscal agent	195,192	206,935
Interest receivable	2,349	1,331
Prepaid expenses	573	-
Assessments receivable	4,252,513	4,424,254
Total assets	5,210,130	5,472,863
Deferred loss on refunding	153,182	161,174
Current and other liabilities	66,247	75,168
Long-term debt	4,245,000	4,420,000
Total liabilities	4,311,247	4,495,168
Net postion:		
Restricted for:		
District maintenance	258,690	266,575
Debt service	793,375	872,294
Total net position	$ 1,052,065	$ 1,138,869

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came primarily from annual maintenance and facilities special taxes, which amounted to $274,750. District expenses of $372,519 were primarily for services and professional expenses and interest on long-term debt.

Following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
Program revenues:		
Operating grants and contributions	$ 954	$ -
General revenues:		
Facilities special tax	109,247	24,589
Maintenance special tax	165,503	174,590
Investment earnings	10,011	2,593
Total revenues	285,715	201,772
Expenses:		
Community development	187,698	316,418
Interest on long-term debt	184,821	143,794
Total expenses	372,519	460,212
Change in net position	(86,804)	(258,440)
Net postion, beginning of year	1,138,869	1,397,309
Net position, end of year	$ 1,052,065	$ 1,138,869

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's two funds. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about each of the District's most significant funds, called major funds. Major funds present the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of the District's activities. All of the District's funds are presented here as major funds; their purpose is explained in Note 1 to the financial statements.

All the District's funds are governmental funds; financial statements for these funds are prepared on the modified accrual basis of accounting, which means they measure only current financial resources and uses.

Following is a condensed statement of revenues, expenditures, and changes in fund balances for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds

	Special Revenue Fund	Debt Service Fund	Total
Revenues	$ 168,781	$ 291,934	$ 460,715
Expenditures	176,666	365,253	541,919
Changes in fund balances	(7,885)	(73,319)	(81,204)
Fund balances, beginning of year	266,575	771,527	1,038,102
Fund balances, end of year	$ 258,690	$ 698,208	$ 956,898

THE DISTRICT'S FUND FINANCIAL STATEMENTS

The District's fiscal year 2016 revenue primarily came from facilities special taxes in the amount of $284,247 and maintenance special taxes in the amount of $165,503.

District expenditures of $541,919 in fiscal year 2016 consisted of $176,666 in Special Revenue Fund expenditures and $365,253 in Debt Service Fund expenditures.

At June 30, 2016, the District's governmental funds reported combined fund balances of $956,898, a decrease of $81,204 compared with last year. This decrease was due to the District's debt service expenditures of $354,221 exceeding the facilities special tax revenue of $284,247.

DEBT ADMINISTRATION

The District issued Special Tax Bonds, Series 2005 in the principal amount of $5.0 million in September 2005. Except for approximately $20,000 that was used to reimburse the City water fund for work performed by its crews, the proceeds were used to reimburse the Developer for infrastructure it installed pursuant to the Acquisition & Shortfall Agreements entered into between Developer and the District.

The District issued Refunding Special Tax Bonds, Series 2014 in the principal amount of $4.4 million in December 2014 to refund the outstanding Special Tax Bonds, Series 2005.

The balance of the long-term debt at June 30, 2016, is $4.2 million. Additional details can be found in Note 3 to the financial statements.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting that is used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets, deferred outflows of resources, and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets and deferred outflows of resources. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues, and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenues – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

ASSETS	
Cash and investments	$ 759,503
Cash and investments with fiscal agent	195,192
Interest receivable	2,349
Prepaid expenses	573
Assessments receivable	4,252,513
Total Assets	5,210,130
DEFERRED OUTFLOWS OF RESOURCES	
Loss on refunding	153,182
LIABILITIES	
Accounts payable	8,232
Interest payable	58,015
Long-term debt:	
Due in one year	90,000
Due in more than one year	4,155,000
Total Liabilities	4,311,247
NET POSITION	
Restricted for:	
District maintenance	258,690
Debt service	793,375
Total Net Position	$ 1,052,065

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES	
Community development	$ 187,698
Interest on long-term debt	184,821
Total Expenses	372,519
PROGRAM REVENUES	
Operating grants and contributions	954
Net Program Expense	(371,565)
GENERAL REVENUES	
Facilities special tax	109,247
Maintenance special tax	165,503
Investment earnings	10,011
Total General Revenues	284,761
Change in Net Position	(86,804)
Net Position, beginning of year	1,138,869
Net Position, end of year	$ 1,052,065

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District determined all its funds to be major funds. They are:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

The **Debt Service** Fund accounts for the payment of principal and interest on the 2014 Refunding Special Tax Bonds.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	Special Revenue Fund	Debt Service Fund	Total
ASSETS			
Cash and investments	$ 265,176	$ 494,327	$ 759,503
Cash and investments with fiscal agent	-	195,192	195,192
Interest receivable	546	1,803	2,349
Prepaid expenses	-	573	573
Assessments receivable	1,200	4,251,313	4,252,513
Total Assets	$ 266,922	$ 4,943,208	$ 5,210,130
LIABILITIES			
Accounts payable	$ 8,232	$ -	$ 8,232
DEFERRED INFLOWS OF RESOURCES			
Unavailable revenues	-	4,245,000	4,245,000
FUND BALANCES			
Restricted:			
District maintenance	258,690	-	258,690
Debt service	-	698,208	698,208
Total Fund Balances	258,690	698,208	956,898
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	$ 266,922	$ 4,943,208	

Amounts reported for governmental activities in the statement of net position are different because of the following:

Other long-term assets are not available to pay for the current-period expenditures and therefore are deferred in the funds.	4,245,000
Long-term liabilities, and the related deferred loss on refunding, are not due and payable in the current period and therefore are not reported in the funds.	
Long-term debt	(4,245,000)
Deferred loss on refunding	153,182
Interest payable	(58,015)
Net Position of Governmental Activities	$ 1,052,065

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Special Revenue Fund	Debt Service Fund	Total
REVENUES			
Facilities special tax	$ -	$ 284,247	$ 284,247
Maintenance special tax	165,503	-	165,503
Intergovernmental	954	-	954
Interest income	2,030	6,819	8,849
Change in fair value of investments	294	868	1,162
Total Revenues	168,781	291,934	460,715
EXPENDITURES			
Current:			
Services - professional and other	160,743	11,032	171,775
Utilities	15,923	-	15,923
Debt service:			
Principal	-	175,000	175,000
Interest and fiscal charges	-	179,221	179,221
Total Expenditures	176,666	365,253	541,919
Changes in Fund Balances	(7,885)	(73,319)	(81,204)
Fund Balances, beginning of year	266,575	771,527	1,038,102
Fund Balances, end of year	$ 258,690	$ 698,208	$ 956,898

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
RECONCILIATION OF THE STATEMENT OF REV ENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES OF GOV ERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Changes in Fund Balances of Governmental Funds	$ (81,204)
Amounts reported for governmental activities in the statement of activities are different because of the following:	
Revenues previously recognized in the statement of activities that did not provide current financial resources and therefore were not reported as revenues in the funds are reported as revenues in the funds this year when received.	(175,000)
The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt and the payment to refunding escrow consumes current financial resources of governmental funds. Neither transaction, however, has any effect on net position:	
Repayment of the principal of long-term debt	175,000
Some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds:	
Amortization of deferred loss on refunding	(7,992)
Interest payable	2,392
Change in Net Position of Governmental Activities	$ (86,804)

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Maintenance special tax	$ 166,400	$ 166,400	$ 165,503	$ (897)
Intergovernmental		954	954	-
Interest income	-	-	2,030	2,030
Change in fair value of investments	-	-	294	294
Total Revenue	166,400	167,354	168,781	1,427
EXPENDITURES				
Current:				
Services - professional and other	179,300	179,300	160,743	18,557
Utilities	42,900	42,900	15,923	26,977
Total Expenditures	222,200	222,200	176,666	45,534
Changes in Fund Balance	$ (55,800)	$ (54,846)	(7,885)	$ (44,107)
Fund Balance, beginning of year			266,575	
Fund Balance, end of year			$ 258,690	

See accompanying notes to the basic financial statem ents.

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CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 2003-1 (Fairview Village) (the District) was formed in December 2003 by a vote of the property owners within the proposed district. The District, a separate legal entity, was formed to provide a funding and reimbursement mechanism for public facilities and services required by the District Specific Plan. The District encompasses approximately 359 gross acres of land located in the southwest area of the City of Modesto (the City), the south side of Hatch Road and east of Carpenter Road. The District is expected to yield 383 single-family residential lots, a water well, storm drainage basin, water tank, sewer outfall line, and a portion of the central neighborhood park site and related infrastructure on 81.66 acres located in the northeast portion of the District. The remaining properties with the 359 acres are expected to annex to the District in the future, as the area develops.

The District is an integral part of the City and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities to the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting. However, principal and interest expenditures are recorded as fund liabilities when due or when amounts have been accumulated in the Debt Service Fund for payments early in the following year.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental funds:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of infrastructure within the District.

The **Debt Service** Fund accounts for the payment of principal and interest on the 2014 Refunding Special Tax Bonds.

D. Facilities and Maintenance Special Taxes

The facilities and maintenance special taxes are collected by the County of Stanislaus on the property tax bill. The special taxes are due November 1 and February 1 and are delinquent if not paid by December 10 and April 10, respectively. The County of Stanislaus bills and collects the special taxes and remits them to the District. The Rate and Method of Apportionment of Special Tax (RMA), set forth in the District's Public Report, describes how the special taxes will be allocated among properties in the District. The Public Report was established during the formation of the District. A cost of living adjustment is applied to the special taxes annually.

E. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

F. Governmental Accounting Standards Update

During the year ended June 30, 2016, the District implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application.* This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement requires additional disclosures and did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14.* The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements.* The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District, with the exception of cash and investments with fiscal agents, are pooled with other City funds. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares. The following table shows the distribution of the District's investments by type, credit rating, and maturity:

	Amount	Weighted Average Maturity	Rating
Cash and investments with fiscal agent:			
Money Market Fund	$ 195,192	26 days	AAAm
Pooled with the City of Modesto	759,503		
Total Cash and Investments	$ 954,695		

NOTE 2 – CASH AND INVESTMENTS (Continued)

Concentration of Credit Risk

The District is required to disclose investments that represent a concentration of five percent or more of investments in any one issuer held by individual funds in the securities of issuers other than U.S. Treasury securities, mutual funds, and external investment pools. At June 30, 2016, the Debt Service Fund did not hold any other investments.

Fair Value Hierarchy

The District categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the assets. Level 1 inputs are quoted prices in an active market for identical assets; level 2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs. The inputs and techniques used for valuing securities are not necessarily an indication of risk associated with investing in those securities. The District's investment in the City's Pool and money market fund are exempt from fair value measurement disclosures.

NOTE 3 – LONG-TERM DEBT

On December 16, 2014, the District issued Refunding Special Tax Bonds (refunding bonds) with a par amount of $4,420,000 to refund the District's $4,660,000 outstanding Special Tax Bonds (refunded bonds) issued on September 1, 2005, which were issued primarily to finance various public improvements needed to develop property located within the District. Interest on the refunding bonds is payable semiannually on each March 1 and September 1 through September 1, 2035. The refunding bonds were issued with an interest rate of 4.1% and are payable solely from revenues derived from the assessment of annual special taxes to be levied on the taxable property within the District and from certain other funds pledged under the Trust Indenture.

The long-term debt activity for the year ended June 30, 2016 was as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Refunding Special Tax Bonds	$4,420,000	$ -	$ (175,000)	$4,245,000	$ 90,000

NOTE 3 – LONG-TERM DEBT (Continued)

Annual debt service requirements for the refunding bonds are shown below:

Year Ended June 30,	Principal	Interest
2017	$ 90,000	$ 172,200
2018	100,000	168,305
2019	115,000	163,897
2020	120,000	159,080
2021	130,000	153,955
2022-2026	835,000	676,398
2027-2031	1,200,000	469,245
2032-2036	1,655,000	178,248
	$ 4,245,000	$ 2,141,328

NOTE 4 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received, reduced by related liabilities, for District maintenance and debt service requirements.

NOTE 4 – RESTRICTED NET POSITION AND FUND BALANCES (Continued)

B. Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Restricted for Debt Service, the portion of fund balance legally restricted to the payment of principal and interest on long-term liabilities.

NOTE 5 – DELINQUENCIES AND FORECLOSURES

The District has made a covenant under the Trust Indenture of the Special Tax Bonds discussed in Note 3 that it will initiate foreclosure proceedings against delinquent parcels as follows:

a. Any parcel that is delinquent for three consecutive payments. Foreclosure against these parcels is to be initiated within 120 days after the third delinquency.

b. All parcels delinquent at June 30 when the District received Special Taxes totaling less than 95% of the total Special Tax levied for that fiscal year. Foreclosure against these parcels is to be initiated by September 1 following the end of the fiscal year.

The District has also covenanted that it will pursue the foreclosure proceedings until the delinquent Special Taxes have been paid.

At June 30, 2016, the District had 8 parcels that were delinquent for a total of $6,508, of which one parcel was delinquent more than three consecutive payments. The delinquencies total of $6,508 at June 30, 2016 is included in assessments receivable on the statement of net position and balance sheet.

The District received 98.56% of the Debt Service Fund facilities special taxes levied during the year ended June 30, 2016.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 2003-1 (Fairview Village) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2016

2015 Comment:	***2015-001 – Unrecorded Assessments Receivable***
Condition/Effect:	The City did not record the assessments receivable (asset) or the related unavailable revenues (deferred inflow of resources) in the trial balance of the District's Debt Service Fund. This condition resulted in a material audit adjustment adding the 'assessments receivable' balance of $4,424,254 and the 'unavailable revenues' balance of $4,420,000, while increasing the 'facilities special tax' revenue by $4,254 in the District's Debt Service Fund.
Recommendation:	The City should record this audit adjustment in the District's trial balance and maintain the correct balances of these accounts going forward.
Status:	Corrected.
2015 Comment:	***2015-002 – Incorrect Recording of Refunding***
Condition/Effect:	The City incorrectly recorded the refunding transaction in the trial balance of the District's Debt Service Fund. This condition resulted in a material audit adjustment adding the 'refunding escrow' (debt service expenditure) amount of $407,116 and the 'payment to refunding escrow' (other financing use) amount of $4,418,395; and reducing 'refunding bonds issued' (other financing source) by $1,387, 'principal' (debt service expenditure) by $4,706,600, and 'interest and fiscal charges' (debt service expenditure) by $120,298 in the District's Debt Service Fund.
Recommendation:	The City should do the research to determine the correct accounting when it encounters unusual transactions such as the refunding transaction that occurred this year.
Status:	Corrected.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2003-1 (FAIRVIEW VILLAGE)
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2016

2015 Comment:	***2015-003 – Misposting of Special Tax***
Condition/Effect:	The City posted one of the District's Debt Service Fund's two special tax receipts from Stanislaus County incorrectly to the trial balance of another community facilities district. This condition resulted in a material audit adjustment increasing 'cash and investments' and 'facilities special tax' revenue by $153,684 in the District's Debt Service Fund.
Recommendation:	The City should review the District's trial balance at the end of the year against both the prior year actual amounts and the current year budget amounts, and research any unexpected differences.
Status:	Corrected.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

mgo Certified Public Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)
FOR THE YEAR ENDED JUNE 30, 2016

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities and Special Revenue Fund of the City of Modesto Community Facilities District Number 2007-2 (Kiernan Business Park West) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and Special Revenue Fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 2007-2 (Kiernan Business Park West) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

On April 1, 1997, the City Council approved the Kiernan Business Park Specific Plan that set forth a plan of development for approximately 614 acres that were, at that time, located adjacent to the City's northern border, east of Highway 99 and south of Kiernan Avenue in a portion of unincorporated Stanislaus County. To date, approximately 250 acres within the Kiernan Business Park Specific Plan have been annexed into the City. Approximately 88 of the City annexed acres will ultimately be included within the District. The Kiernan Business Park Specific Plan is intended to provide for the development of a new business park, commercial and industrial uses that will assist in implementing the City's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The District was formed by the City Council in September 2007 to generate funding for construction of certain roadway improvements and the ongoing maintenance of landscaped medians, a bike path, well site, storm drainage pump and basin, and related facilities.

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's net position was $175,842 in fiscal year 2016.
- At June 30, 2016, total assets were $177,417 while total liabilities were $1,575.
- Total District revenues were $1,937.

Fund Basis:

- Special Revenue Fund revenues were $1,937 from investment earnings. Expenditures of $34,002 were for ongoing maintenance and administrative expenses.

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the period July 1, 2015 to June 30, 2016.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. Formation deposits, special facilities taxes, and annual maintenance assessments support these services.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, total assets of $177,417 were offset by liabilities of $1,575. The District's net position from governmental activities was $175,842. All of the District's net position is restricted for District maintenance.

Following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 177,010	$ 210,636
Interest receivable	407	421
Total assets	177,417	211,057
Current and other liabilities	1,575	3,150
Net position:		
Restricted for:		
District maintenance	$ 175,842	$ 207,907

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's revenue for fiscal year 2016 came from investment earnings in the amount of $1,937. District expenses of $34,002 during fiscal year 2016 were for ongoing maintenance and administrative expenses.

Following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
General revenues:		
Investment earnings	$ 1,937	$ 875
Expenses:		
Community development	34,002	28,800
Change in net position	(32,065)	(27,925)
Net position, beginning of year	207,907	235,832
Net position, end of year	$ 175,842	$ 207,907

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's one fund. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about each of the District's most significant funds, called major funds. Major funds present the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of District's activities. All of the District's funds are presented here as major funds; their purpose is explained in Note 1 to the financial statements.

All the District's funds are governmental funds; financial statements for these funds are prepared on the modified accrual basis of accounting, which means they measure only current financial resources and uses.

The Special Revenue Fund accounts for all activity of the District. The Capital Projects Fund was developed for the formation of the District. During the year ended June 30, 2010, the Capital Projects Fund was considered no longer necessary, and was closed out with all remaining fund balance transferred to the Special Revenue Fund to continue operations and activities of the District.

Following is a condensed statement of revenues, expenditures, and change in fund balance for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Change in Fund Balance – Special Revenue Fund

Revenues	$ 1,937
Expenditures	34,002
Change in fund balance	(32,065)
Fund balance, beginning of year	207,907
Fund balance, end of year	$ 175,842

THE DISTRICT'S FUND FINANCIAL STATEMENTS

At June 30, 2016, the District's governmental special revenue fund reported a fund balance of $175,842.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting that is used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenues – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District's only fund is considered to be a major fund:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
AND BALANCE SHEET - SPECIAL REVENUE FUND
JUNE 30, 2016

ASSETS		
Cash and investments	$	177,010
Interest receivable		407
Total Assets		177,417
LIABILITIES		
Accounts payable		1,575
FUND BALANCE/NET POSITION		
Restricted for:		
District maintenance	$	175,842

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
AND STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGE IN FUND BALANCE - SPECIAL REVENUE FUND
FOR THE YEAR ENDED JUNE 30, 2016

EXPENDITURES/EXPENSES		
Community development:		
Current:		
Services - professional and other	$	32,722
Utilities		1,280
Total expenditures/expenses		34,002
GENERAL REVENUES		
Interest income		1,685
Change in fair value of investments		252
Total general revenues		1,937
Change in Fund Balance/Net Position		(32,065)
Fund Balance/Net Position, beginning of year		207,907
Fund Balance/Net Position, end of year	$	175,842

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Interest income	$ -	$ -	$ 1,685	$ 1,685
Change in fair value of investments	-	-	252	252
Total Revenue	-	-	1,937	1,937
EXPENDITURES				
Current:				
Services - professional and other	41,046	41,046	32,722	8,324
Utilities	1,300	1,300	1,280	20
Total Expenditures	42,346	42,346	34,002	8,344
Changes in Fund Balance	$ (42,346)	$ (42,346)	(32,065)	$ 10,281
Fund Balance, beginning of year			207,907	
Fund Balance, end of year			$ 175,842	

See accompanying notes to the basic financial statem ents.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2007-2 (KIERNAN BUSINESS PARK WEST)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 2007-2 (Kiernan Business Park West) (the District) was formed in October 2007 by a vote of the property owners within the proposed district. The District, a separate legal entity, was formed to provide a funding and reimbursement mechanism for public facilities and services required by the District Specific Plans. The District is the vehicle that will be used to ensure that all landowners in the District pay their share of the public improvements. The District is a proposed 88-acre project, a portion of the Kiernan-Carver Comprehensive Planning District, and bounded on the North by Kiernan Avenue, on the East by Dale Road, on the South by Bangs Avenue, and on the West by Modesto's City Limits.

The District is an integral part of the City of Modesto (the City) and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

The fund financial statements (i.e., balance sheet and statement of revenues, expenditures, and change in fund balance) report information on the Special Revenue Fund of the District.

Since the amounts presented in the District's balance sheet and statement of net position are the same, they are presented as one financial statement. Similarly, since the amounts presented in the District's statement of revenues, expenditures, and change in fund balance and the statement of activities are the same, they are presented as one financial statement.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities to the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to the accrual basis of accounting and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental fund:

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

D. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

E. Governmental Accounting Standards Update

During the year ended June 30, 2016, the District implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District are pooled with other City funds. The District's portion of this pooled amount was $177,010 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The District's investment in the City's investment pool is exempt from fair value measurement disclosures.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received for District maintenance.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES (Continued)

B. Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and Special Revenue Fund of the City of Modesto Community Facilities District Number 2007-2 (Kiernan Business Park West) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

mgo Certified Public Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
FOR THE YEAR ENDED JUNE 30, 2016

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 1997-1 (North Beyer Park) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and each major fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 1997-1 (North Beyer Park) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City. It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

On November 26, 1996, the City Council of the City approved the North Beyer Park Specific Plan, allowing for a maximum of 1,200 residential units to be developed on 160 acres within the Specific Plan area. In addition, three areas within the Specific Plan were designated "Mixed Use," two of which were expected to develop as neighborhood commercial shopping centers and the third which was expected to develop as office space. At the same meeting at which the City Council approved the Specific Plan, a residential subdivision was approved for 263 dwelling units to be built on 55 acres within the Specific Plan. One condition of the tentative map of this subdivision required formation of or annexation into a Mello-Roos Community Facilities District (CFD) to fund maintenance of parkways and open space within the development.

In order to comply with the condition of the tentative map, in June 1997 the District was formed and authorized to levy a special tax to pay for capital improvements (medians on Coffee and Oakdale Roads) and ongoing maintenance costs. Subsequent development has annexed to this CFD.

To date, the CFD has been unable to construct the medians. This is because (1) insufficient tax monies have been collected for the construction projects and (2) the medians cannot be installed until the property owners on both sides of Coffee and Oakdale Roads dedicate the necessary right-of-way to construct the full street width. However, the CFD has levied and collected taxes sufficient for the ongoing maintenance expenses. In fact, the CFD has built sufficient reserves that the levy of the annual maintenance tax ceased as of fiscal year 2003-2004 and is not expected to be reinstated until the authorized improvements have been installed.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's net position decreased $4,087 in fiscal year 2016.
- At June 30, 2016, net position was $94,216.
- Total general revenues were $918.

Fund Basis:

- Capital Projects Fund revenues were $414. This is an increase of $265 from the prior year. The revenues are attributed to interest earnings.
- Capital Projects Fund ending fund balance increased $414 to $42,619.
- Special Revenue Fund revenues of $504 were $306 more than last year, attributed to an increase in interest earnings. Expenditures of $5,005 were $2,113 more than the prior year.
- Special Revenue Fund ending fund balance decreased $4,501 to $51,597.

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. Formation deposits, special facilities taxes, and annual maintenance assessments support these services.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, total assets were $94,216. The District's net position from governmental activities decreased $4,087 in 2016 from $2,545 in 2015. All of the District's net position is restricted as follows: $42,619 for capital projects and $51,597 for District maintenance.

Following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 94,018	$ 98,121
Interest receivable	198	182
Total assets	94,216	98,303
Net position:		
Restricted for:		
Capital projects	42,619	42,205
District maintenance	51,597	56,098
Total net position	$ 94,216	$ 98,303

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came from interest income. Community development expense increased by $2,113 due to related increases in salaries and benefits of City employees providing administrative and program services for the District.

Following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
General revenues:		
Investment earnings	$ 918	$ 347
Expenses:		
Community development	5,005	2,892
Change in net position	(4,087)	(2,545)
Net position, beginning of year	98,303	100,848
Net position, end of year	$ 94,216	$ 98,303

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's two funds. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about each of the District's most significant funds, called major funds. Major funds present the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of the District's activities. All of the District's funds are presented here as major funds; their purposes are explained in Note 1 to the financial statements.

All the District's funds are governmental funds; financial statements for these funds are prepared on the modified accrual basis of accounting, which means they measure only current financial resources and uses.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

Following is a condensed statement of revenues, expenditures, and changes in fund balances for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds

	Capital Projects Fund	Special Revenue Fund	Total
Revenues	$ 414	$ 504	$ 918
Expenditures	-	5,005	5,005
Changes in fund balances	414	(4,501)	(4,087)
Fund balances, beginning of year	42,205	56,098	98,303
Fund balances, end of year	$ 42,619	$ 51,597	$ 94,216

THE DISTRICT'S FUND FINANCIAL STATEMENTS

At June 30, 2016, the District's governmental funds reported combined fund balances of $94,216, which is a decrease of $4,087 compared with last year.

CAPITAL ASSETS

Under GASB Statement No. 34, the District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures are reported in both the District's fund and government-wide financial statements. Therefore, the District reports no long-term capital assets.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting as that used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenues – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

ASSETS		
Cash and investments	$	94,018
Interest receivable		198
Total Assets		94,216
NET POSITION		
Restricted for:		
Capital projects		42,619
District maintenance		51,597
Total Net Position	$	94,216

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES		
Community development	$	5,005
GENERAL REVENUES		
Investment earnings		918
Change in Net Position		(4,087)
Net Position, beginning of year		98,303
Net Position, end of year	$	94,216

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District determined all its funds to be major funds. They are:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
ASSETS			
Cash and investments	$ 42,421	$ 51,597	$ 94,018
Interest receivable	198	-	198
Total Assets	$ 42,619	$ 51,597	$ 94,216
FUND BALANCES			
Restricted:			
Capital projects	$ 42,619	$ -	$ 42,619
District maintenance	-	51,597	51,597
Total Fund Balances	$ 42,619	$ 51,597	$ 94,216

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
REVENUES			
Interest income	$ 361	$ 440	$ 801
Change in fair value of investments	53	64	117
Total Revenues	414	504	918
EXPENDITURES			
Current:			
Services - professional and other	-	5,005	5,005
Changes in Fund Balances	414	(4,501)	(4,087)
Fund Balances, beginning of year	42,205	56,098	98,303
Fund Balances, end of year	$ 42,619	$ 51,597	$ 94,216

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1997-1 (NORTH BEYER PARK)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Interest income	$ -	$ -	$ 440	$ 440
Change in fair value of investments	-	-	64	64
Total Revenue	-	-	504	504
EXPENDITURES				
Current:				
Services - professional and other	7,780	7,780	5,005	2,775
Changes in Fund Balance	$ (7,780)	$ (7,780)	(4,501)	$ 3,279
Fund Balance, beginning of year			56,098	
Fund Balance, end of year			$ 51,597	

See accompanying notes to the basic financial statem ents.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 1997-1 (North Beyer Park) (the District) was formed in June 1997 by a vote of the property owners within the proposed District. The District, a separate legal entity, was formed to provide a funding mechanism for public facilities and services as required by the District Specific Plan. The District is a 160-acre project, the boundaries of which are recorded in Book 2, page 80 of the Book of Assessment District Maps in the Stanislaus County Recorder's Office.

The District is an integral part of the City of Modesto (the City) and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental funds:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

D. Capital Assets

The District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures/expenses are reported in both the District's fund and government-wide financial statements.

E. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

F. Governmental Accounting Standards Update

During the year ended June 30, 2016, the District implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68*. This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans,* No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District are pooled with other City funds. The District's portion of this pooled amount was $94,018 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The District's investment in the City's investment pool is exempt from fair value measurement disclosures.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received for use on capital projects and District maintenance.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES (Continued)

B. Restrictions of Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for Capital Projects, the portion of fund balance legally restricted for the acquisition, construction, and formation/annexation activities.

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 1997-1 (North Beyer Park) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

Certified
Public
Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
FOR THE YEAR ENDED JUNE 30, 2016

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mgo Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 2002-1 (Northpointe) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and each major fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 2002-1 (Northpointe) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

On April 1, 1997, the City Council approved the Kiernan Business Park Specific Plan that set forth a plan of development for approximately 614 acres that were, at that time, located adjacent to the City's northern border, east of Highway 99 and south of Kiernan Avenue in a portion of unincorporated Stanislaus County. To date, approximately 250 acres within the Kiernan Business Park Specific Plan have been annexed into the City. Approximately 55 of the City-annexed acres are included within the District. The Kiernan Business Park Specific Plan is intended to provide for the development of a new business park, commercial and industrial uses that will assist in implementing the City's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The District was formed by the City Council in February 2002 in order to generate funding for landscaping improvements, a variety of maintenance responsibilities (weed control, litter removal, landscape maintenance, and general maintenance and replacement of storm drainage facilities), and improvement and replacement costs necessitated by development of the projects within the District. The Capital Projects Fund, earmarked to fund the storm drain basin landscape improvements, will be utilized once the final configuration of the storm drain basin has been determined.

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- At June 30, 2016, net position was $296,921.
- Total District revenues were $10,003.
- Total District expenses were $20,347.

Fund Basis:

- Capital Projects Fund revenues of $401 were $211 more than the prior year. The Capital Projects Fund ending fund balance increased $52 to $42,544.
- Special Revenue Fund revenues of $9,602 were $3,555 more than the prior year due to an increase of other revenue and expenditures of $19,998 were $1,909 more than the prior year. The Special Revenue Fund balance decreased by $10,396 to an ending fund balance of $254,377 due to maintenance expenditures of $19,998 with no maintenance special tax collected.

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements,

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. These services are supported by formation deposits, special facilities taxes, and annual maintenance assessments.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, total assets of $298,221 were offset by liabilities of $1,300. The District's net position from governmental activities decreased from $307,265 in 2015 to $296,921 in 2016. All of the District's assets are restricted as follows: $42,544 for acquisition or construction of capital projects and $254,377 for maintenance.

The following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 297,575	$ 306,476
Interest receivable	646	789
Total assets	298,221	307,265
Current and other liabilities	1,300	-
Net position:		
Restricted for:		
Capital projects	42,544	42,492
District maintenance	254,377	264,773
Total net position	$ 296,921	$ 307,265

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came from investment earnings which contributed $2,803 and other of $7,200. District expenses consisted of $20,347 in maintenance and administration.

The following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
General revenues:		
Investment earnings	$ 2,803	$ 1,379
Other	7,200	4,858
Total revenues	10,003	6,237
Expenses:		
Community development	20,347	91,920
Change in net position	(10,344)	(85,683)
Net position, beginning of year	307,265	392,948
Net position, end of year	$ 296,921	$ 307,265

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's two funds. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about each of the District's most significant funds, called major funds. Major funds present the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of District's activities. All of the District's funds are presented here as major funds; their purpose is explained in Note 1 to the financial statements.

All the District's funds are governmental funds; financial statements for these funds are prepared on the modified accrual basis of accounting, which means they measure only current financial resources and uses.

The following is a condensed statement of revenues, expenditures, and changes in fund balances for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds

	Capital Projects Fund	Special Revenue Fund	Total
Revenues	$ 401	$ 9,602	$ 10,003
Expenditures	349	19,998	20,347
Changes in fund balances	52	(10,396)	(10,344)
Fund balances, beginning of year	42,492	264,773	307,265
Fund balances, end of year	$ 42,544	$ 254,377	$ 296,921

THE DISTRICT'S FUND FINANCIAL STATEMENTS

At June 30, 2016, the District's governmental funds reported fund balances of $296,921, a decrease of $10,344 from 2015, all restricted as follow: $42,544 will be used to fund future capital projects while $254,377 will be used to fund maintenance and administrative expenditures.

CAPITAL ASSETS

Under GASB Statement No. 34, the District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures are reported in both the District's fund and government-wide financial statements. Therefore, the District reports no long-term capital assets.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting that is used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenues – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

ASSETS	
Cash and investments	$ 297,575
Interest receivable	646
Total Assets	298,221
LIABILITIES	
Accounts payable	1,300
NET POSITION	
Restricted for:	
Capital projects	42,544
District maintenance	254,377
Total Net Position	$ 296,921

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES	
Community development	$ 20,347
GENERAL REVENUES	
Investment earnings	2,803
Other	7,200
Total General Revenues	10,003
Change in Net Position	(10,344)
Net Position, beginning of year	307,265
Net Position, end of year	$ 296,921

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District determined all its funds to be major funds. They are:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
ASSETS			
Cash and investments	$ 42,544	$ 255,031	$ 297,575
Interest receivable	-	646	646
Total Assets	$ 42,544	$ 255,677	$ 298,221
LIABILITIES			
Accounts payable	$ -	$ 1,300	$ 1,300
FUND BALANCES			
Restricted:			
Capital projects	42,544	-	42,544
District maintenance	-	254,377	254,377
Total Fund Balances	42,544	254,377	296,921
Total Liabilities and Fund Balances	$ 42,544	$ 255,677	$ 298,221

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
REVENUES			
Interest income	$ 346	$ 2,076	$ 2,422
Change in fair value of investments	55	326	381
Other	-	7,200	7,200
Total Revenues	401	9,602	10,003
EXPENDITURES			
Current:			
Services - professional and other	349	16,660	17,009
Utilities	-	3,338	3,338
Total Expenditures	349	19,998	20,347
Changes in Fund Balances	52	(10,396)	(10,344)
Fund Balances, beginning of year	42,492	264,773	307,265
Fund Balances, end of year	$ 42,544	$ 254,377	$ 296,921

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Interest income	$ -	$ -	$ 2,076	$ 2,076
Change in fair value of investments	-	-	326	326
Other	-	-	7,200	7,200
Total Revenue	-	-	9,602	9,602
EXPENDITURES				
Current:				
Services - professional and other	28,631	28,631	16,660	11,971
Utilities	7,000	7,000	3,338	3,662
Total Expenditures	35,631	35,631	19,998	15,633
Changes in Fund Balance	$ (35,631)	$ (35,631)	(10,396)	$ 25,235
Fund Balance, beginning of year			264,773	
Fund Balance, end of year			$ 254,377	

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 2002-1 (Northpointe) (the District) was formed in February 2002 by a vote of the property owners within the proposed District. The District, a separate legal entity, was formed to provide a funding and reimbursement mechanism for public facilities and services required by the District Specific Plans. The District is the vehicle used to ensure that all landowners in the Specific Plans pay their fair share of the public improvements. The District is a 55-acre project bounded on the East by Highway 99, and by Pelandale Avenue on the South. The District will provide for the development of new business park and industrial uses and includes such tenants as Costco, Lowe's, and Union Safe Deposit Bank.

The District is an integral part of the City of Modesto (the City) and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities to the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental funds:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

D. Capital Assets

The District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures/expenses are reported in both the District's fund and government-wide financial statements.

E. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.

- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption and amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

F. Governmental Accounting Standards Update

In the year ended June 30, 2016, the District has implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68*. This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District are pooled with other City funds. The District's portion of this pooled amount was $297,575 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The District's investment in the City's investment pool is exempt from fair value measurement disclosures.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received for capital projects and District maintenance.

NOTE 3 – RESTRICTED NET POSITION AND FUND BALANCES (Continued)

B. Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for Capital Projects, the portion of fund balance legally restricted for the acquisition, construction, and formation/annexation activities.

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 2002-1 (Northpointe) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2002-1 (NORTHPOINTE)
SUMMARY SCHEDULE OF PRIOR AUDIT FINDING
FOR THE YEAR ENDED JUNE 30, 2016

2015 Comment:	***2015-001*** **– Misposting of Special Tax**
Condition/Effect:	The City posted a special tax receipt from Stanislaus County for another community facilities district incorrectly to the trial balance of the District's Special Revenue Fund. This condition resulted in a material audit adjustment reducing 'maintenance special tax' revenue and 'cash and investments' by $153,684 in the District's Special Revenue Fund.
Recommendation:	The City should review the District's trial balance at the end of the year against both the prior year actual amounts and the current year budget amounts, and research any unexpected differences.
Status:	Corrected.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

mGO Certified Public Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
FOR THE YEAR ENDED JUNE 30, 2016

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mgo Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 2004-1 (Village One #2) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly in all material respects the respective financial position of the governmental activities and each major fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 2004-1 (Village One #2) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the fiscal year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for needed public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners within the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

The Village One #2 Specific Plan encompasses approximately 1,840 gross acres of land within the City, on which a pedestrian-oriented, mixed-use, planned community is anticipated to be developed. In 1996 the City Council formed City of Modesto Community Facilities District (CFD) No. 1996-1 to provide funding for the acquisition or construction of certain road, storm drainage, and park improvements. In 2004 it was determined that the tax rates set forth in CFD No. 1996-1 would be insufficient to fund the required infrastructure; therefore, in early 2004, the City Council formed the District to assist in the financing of the remaining required infrastructure. The District includes a one-time facilities special tax, an annual facilities special tax, and an annual maintenance special tax. The District, in conjunction with CFD No. 1996-1, will provide the funding needed to complete the District funded core infrastructure needed for the Village One area.

Below is a summary of the District funded infrastructure that was under design, construction or constructed/acquired for the Village One area in fiscal year 2015-16 using tax monies and bond proceeds from the District:

Under Design

- Sylvan Avenue between Oakdale and Wood Sorrell
- Oakdale Road between Floyd Avenue and Sylvan Avenue
- Roselle Avenue between Sylvan Avenue and Floyd Avenue

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's total net position in fiscal year 2016 was $15.2 million.
- At June 30, 2016, total assets were $44.8 million while total liabilities were $30.8 million.
- Total District revenues were $2.4 million and expenses were $2.0 million.

Fund Basis:

- Capital Projects Fund revenues increased from $101,422 in the prior year to $426,180 for fiscal year 2016 and expenditures decreased from $392,450 in the prior year to $137,986 for fiscal year 2016. The increase in revenues is attributed to an increase in the facilities special tax and interest income, as well as a contribution of $153,550 from the Community Facilities District Number 1996-1 (Village One), and the decrease in expenditures is attributed to decrease in work on capital projects.
- Capital Projects Fund ending fund balance for fiscal year 2016 increased from $12.0 million to $12.3 million. This increase is primarily attributed to the intergovernmental contributions of $153,550, increase in facilities special tax of $85,362, and an increase in the interest income of $52,157.
- Special Revenue Fund revenues decreased from $636,647 in the prior year to $513,332 for fiscal year 2016 and expenditures decreased from $652,503 in the prior year to $551,160 for fiscal year 2016. The decrease in revenue is due to a decrease in the maintenance special tax levy, and the decrease in expenditures is due to decreases in professional and other services.
- Special Revenue Fund ending fund balance decreased from $557,560 in prior year to $519,732 in current year.
- Debt Service Fund revenues remained the same at $1.8 million for fiscal year 2016 from prior year and expenditures decreased from $2.0 million in the prior year to $1.6 million for fiscal year 2016. The decrease in expenditures is attributed to the District's refunding in the prior year.
- Debt Service Fund ending fund balance for fiscal year 2016 increased from $2.8 million for fiscal year 2015 to $3.0 million for fiscal year 2016. This increase is primarily attributed facilities special tax revenue exceeding the debt service payments.

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. These services are supported by formation deposits, special facilities taxes, and annual maintenance assessments.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, total assets and deferred outflows of resources of $46.0 million were offset by liabilities of $30.8 million. The District's net position from governmental activities increased to $15.2 million in 2016 from $14.8 million in 2015. This increase was partly due to an increase in facilities special tax revenue and a decrease in community development expenses. The District's net position has restrictions as follows: $12.3 million for acquisition or construction of infrastructure, $2.4 million for debt service, and $0.5 million for District maintenance.

Following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 13,013,198	$ 12,595,074
Cash and investments with fiscal agent	2,740,946	2,736,623
Due from other governments	7,954	12,040
Interest receivable	32,715	25,122
Assessments receivable	29,025,664	29,324,693
Total assets	44,820,477	44,693,552
Deferred loss on refunding	1,237,083	1,298,426
Current and other liabilities	496,518	485,617
Long-term debt	30,344,291	30,730,950
Total liabilities	30,840,809	31,216,567
Net position:		
Restricted for:		
Capital projects	12,286,776	11,998,582
District maintenance	519,732	557,560
Debt service	2,410,243	2,219,269
Total net position	$ 15,216,751	$ 14,775,411

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came primarily from annual facilities and maintenance special taxes, which amounted to $2,135,243, capital grants and contributions in the amount of $157,379, along with additional investments earnings of $151,423. District expenses of $2,009,725 were primarily for maintenance, administration, and interest on long term debt.

Following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
Program revenues:		
Capital grants and contributions	$ 157,379	$ 12,011
General revenues:		
Facilities special tax	1,634,374	1,234,208
Maintenance special tax	500,869	631,260
Investment earnings	151,423	20,533
Other	7,020	18,780
Total general revenues	2,293,686	1,904,781
Total revenues	2,451,065	1,916,792
Expenses:		
Community development	701,768	1,810,124
Interest on long-term debt	1,307,957	696,246
Total expenses	2,009,725	2,506,370
Change in net position	441,340	(589,578)
Net position, beginning of year	14,775,411	15,364,989
Net position, end of year	$ 15,216,751	$ 14,775,411

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's three funds. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about each of the District's most significant funds, called major funds. Major funds present the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of the District's activities. All of the District's funds are presented here as major funds; their purpose is explained in Note 1 to the financial statements

All the District's funds are governmental funds; financial statements for these funds are prepared on the modified accrual basis of accounting, which means they measure only current financial resources and uses.

Following is a condensed statement of revenues, expenditures, and changes in fund balances for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds

	Capital Projects Fund	Special Revenue Fund	Debt Service Fund	Total
Revenues	$ 426,180	$ 513,332	$ 1,831,553	$ 2,771,065
Expenditures	137,986	551,160	1,648,028	2,337,174
Changes in fund balances	288,194	(37,828)	183,525	433,891
Fund balances, beginning of year	11,998,582	557,560	2,770,401	15,326,543
Fund balances, end of year	$ 12,286,776	$ 519,732	$ 2,953,926	$ 15,760,434

THE DISTRICT'S FUND FINANCIAL STATEMENTS

The District's fiscal year 2016 revenue primarily came from facilities special taxes in the amount of $2.0 million and maintenance special taxes in the amount of $0.5 million.

District expenditures of $2.3 million in fiscal year 2016 consisted of $137,986 in Capital Projects Fund expenditures, $551,160 in Special Revenue Fund expenditures for maintenance of District facilities and ongoing administrative expenditures, and $1.6 million in Debt Service Fund expenditures.

At June 30, 2016, the District's governmental funds reported combined fund balances of $15.8 million, an increase of $433,891 compared with last year. This increase was primarily due to the increased facilities special tax and maintenance special tax and the decrease in debt service charges associated with the prior year debt refunding.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

CAPITAL ASSETS

Under GASB Statement No. 34, the District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures are reported in both the District's fund and government-wide financial statements. Therefore, the District reports no long-term capital assets.

DEBT ADMINISTRATION

The District issued Special Tax Bonds, Series 2006 in the principal amount of $31.1 million in March 2006. The proceeds have been and will continue to be used to reimburse Developers for infrastructure they install pursuant to the Acquisition & Shortfall Agreements entered into between Developers and the District as well as to fund authorized facilities installed by the District.

The District issued Refunding Special Tax Bonds, Series 2014 in the principal amount of $29.3 million with a premium of $1.5 million in July 2014 to refund the outstanding Special Tax Bonds, Series 2006.

The balance of the long-term debt at June 30, 2016, is $30.3 million. Additional details can be found in Note 3 to the financial statements.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of Activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting that is used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets, deferred outflows of resources, and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets and deferred outflows of resources. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the change in net position and reconciled with the statement of net position.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

ASSETS	
Cash and investments	$ 13,013,198
Cash and investments with fiscal agent	2,740,946
Due from other governments	7,954
Interest receivable	32,715
Assessments receivable	29,025,664
Total Assets	44,820,477
DEFERRED OUTFLOWS OF RESOURCES	
Loss on refunding	1,237,083
LIABILITIES	
Accounts payable	60,043
Interest payable	436,475
Long-term debt:	
Due in one year	541,659
Due in more than one year	29,802,632
Total Liabilities	30,840,809
NET POSITION	
Restricted for:	
Capital projects	12,286,776
District maintenance	519,732
Debt service	2,410,243
Total Net Position	$ 15,216,751

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES	
Community development	$ 701,768
Interest on long-term debt	1,307,957
Total Expenses	2,009,725
PROGRAM REVENUES	
Capital grants and contributions	157,379
Net Program Expense	(1,852,346)
GENERAL REVENUES	
Facilities special tax	1,634,374
Maintenance special tax	500,869
Investment earnings	151,423
Other	7,020
Total General Revenues	2,293,686
Change in Net Position	441,340
Net Position, beginning of year	14,775,411
Net Position, end of year	$ 15,216,751

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District determined all its funds to be major funds. They are:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

The **Debt Service** Fund accounts for the payment of principal and interest on the 2014 Refunding Special Tax Bonds.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Debt Service Fund	Total
ASSETS				
Cash and investments	$ 12,296,979	$ 530,089	$ 186,130	$ 13,013,198
Cash and investments with fiscal agent	-	-	2,740,946	2,740,946
Due from other governments	7,954	-	-	7,954
Interest receivable	8,546	19,150	5,019	32,715
Assessments receivable	-	3,833	29,021,831	29,025,664
Total Assets	$ 12,313,479	$ 553,072	$ 31,953,926	$ 44,820,477
LIABILITIES				
Accounts payable	$ 26,703	$ 33,340	$ -	$ 60,043
DEFERRED INFLOWS OF RESOURCES				
Unavailable revenues	-	-	29,000,000	29,000,000
FUND BALANCES				
Restricted for:				
Capital projects	12,286,776	-	-	12,286,776
District maintenance	-	519,732	-	519,732
Debt service	-	-	2,953,926	2,953,926
Total Fund Balances	12,286,776	519,732	2,953,926	15,760,434
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	$ 12,313,479	$ 553,072	$ 31,953,926	

Amounts reported for governmental activities in the statement of net position are different because of the following:	
Other long-term assets are not available to pay for the current-period expenditures and therefore are deferred in the funds.	29,000,000
Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds.	
Long-term debt	(30,344,291)
Deferred loss on refunding	1,237,083
Interest payable	(436,475)
Net Position of Governmental Activities	$ 15,216,751

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Debt Service Fund	Total
REVENUES				
Facilities special tax	$ 142,289	$ -	$ 1,812,085	$ 1,954,374
Maintenance special tax	-	500,869	-	500,869
Intergovernmental	157,379	-	-	157,379
Interest income	111,309	4,789	17,705	133,803
Change in fair value of investments	15,203	654	1,763	17,620
Other revenue	-	7,020	-	7,020
Total Revenues	426,180	513,332	1,831,553	2,771,065
EXPENDITURES				
Current:				
Services - professional and other	20,396	447,400	12,622	480,418
Utilities	-	103,760	-	103,760
Capital outlay	117,590	-	-	117,590
Debt service:				
Principal	-	-	320,000	320,000
Interest and fiscal charges	-	-	1,315,406	1,315,406
Total Expenditures	137,986	551,160	1,648,028	2,337,174
Changes in Fund Balances	288,194	(37,828)	183,525	433,891
Fund Balances, beginning of year	11,998,582	557,560	2,770,401	15,326,543
Fund Balances, end of year	$12,286,776	$ 519,732	$ 2,953,926	$15,760,434

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
RECONCILIATION OF THE STATEMENT OF REV ENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES OF GOV ERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Changes in Fund Balances of Governmental Funds	$ 433,891
Amounts reported for governmental activities in the statement of activities are different because of the following:	
Revenues previously recognized in the statement of activities that did not provide current financial resources and therefore were not reported as revenues in the funds are reported as revenues in the funds this year when received.	(320,000)
The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt and the payment to refunding escrow consumes current financial resources of governmental funds. Neither transaction, however, has any effect on net position:	
Repayment of the principal of long-term debt	320,000
Some expenses reported in the statement of activities do not require the use of current financial resoures and therefore are not reported as expenditures in governmental funds:	
Amortization of bond premium	66,659
Amortization of deferred loss on refunding	(61,343)
Interest payable	2,133
Change in Net Position of Governmental Activities	$ 441,340

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Maintenance special tax	$ -	$ -	$ 500,869	$ 500,869
Interest income	-	-	4,789	4,789
Change in fair value of investments	-	-	654	654
Other	-	-	7,020	7,020
Total Revenue	-	-	513,332	513,332
EXPENDITURES				
Current:				
Services - professional and other	493,368	493,368	447,400	45,968
Utilities	225,000	225,000	103,760	121,240
Total Expenditures	718,368	718,368	551,160	167,208
Changes in Fund Balance	$ (718,368)	$ (718,368)	(37,828)	$ 680,540
Fund Balance, beginning of year			557,560	
Fund Balance, end of year			$ 519,732	

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 2004-1 (Village One #2) (the District) was formed in April 2004 by a vote of the property owners within the proposed district. The District, a separate legal entity, was formed to provide a funding and reimbursement mechanism for public facilities and services required by the District Specific Plan. The District is the vehicle used to ensure that all landowners in the Specific Plan area contribute to the cost of public improvements. The District encompasses approximately 1,840 gross acres of land on which a pedestrian-oriented, mixed-use, planned community is anticipated to be developed. The District is located in the North Eastern portion of the City of Modesto (the City), bordered by Sylvan Avenue to the North, Claus Road to the East, Briggsmore to the South, and Oakdale Road to the West. The District is expected to yield 6,186 residential dwelling units at buildout; in addition to 15 acres of commercial property and 220 acres of industrial property.

The District is an integral part of the City and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities to the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting. However, principal and interest expenditures are recorded as fund liabilities when due or when amounts have been accumulated in the Debt Service Fund for payments early in the following year.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to the accrual basis of accounting and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental funds:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of infrastructure within the District.

The **Debt Service** Fund accounts for the payment of principal and interest on the 2014 Refunding Special Tax Bonds.

D. Facilities and Maintenance Special Taxes

The facilities and maintenance special taxes are collected by the County of Stanislaus on the property tax bill. The special taxes are due November 1 and February 1 and are delinquent if not paid by December 10 and April 10, respectively. The County of Stanislaus bills and collects the special taxes and remits them to the District. The Rate and Method of Apportionment of Special Tax (RMA), set forth in the District's Public Report, describes how the special taxes will be allocated among properties in the District. The Public Report was established during the formation of the District. A cost of living adjustment is applied to the special taxes annually.

E. Capital Assets

The District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City of Modesto upon completion and acceptance. Accordingly, capital outlay expenditures/expenses are reported in both the District's fund and government-wide financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

F. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

G. Governmental Accounting Standards Update

During the year ended June 30, 2016, the District implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement requires additional disclosures and did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District with the exception of cash and investments with fiscal agents are pooled with other City funds. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The District is a voluntary participant in the California Asset Management Program (CAMP), a California Joint Powers Authority that falls under California Government Code Section 53601(p), which is directed by a Board of Trustees that is made up of experienced local government finance directors and treasurers. At June 30, 2016, CAMP had a balance of $1.8 billion with an average maturity of 45 days. The District reports its investments in CAMP at the fair value amounts provided by CAMP, which is the same as the value of the pool share.

The following table shows the distribution of the District's investments by type, credit rating, and maturity:

Investment Type	Rating	Maturities Less Than One Year	Total
California Asset Management Program (CAMP)	AAAm	$ 2,740,944	$ 2,740,944
Money Market Funds	AAAm	2	2
Total Investments		$ 2,740,946	2,740,946
Pooled with the City			13,013,198
Total Cash and Investments			$ 15,754,144

Concentration of Credit Risk

The District is required to disclose investments that represent a concentration of five percent or more of investments in any one issuer held by the District in the securities of issuers other than U.S. Treasury securities, mutual funds, and external investment pools. At June 30, 2016, no investments represented a concentration of five percent or more of investments in any one issuer held by the District in the securities of issuers other than U.S. Treasury securities, mutual funds, and external investment pools.

Fair Value Hierarchy

The District categorizes its fair value measurements within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the assets. Level 1 inputs are quoted prices in an active market for identical assets; level

NOTE 2 – CASH AND INVESTMENTS (Continued)

2 inputs are significant other observable inputs; and Level 3 inputs are significant unobservable inputs. The inputs and techniques used for valuing securities are not necessarily an indication of risk associated with investing in those securities. The District's investment in the City's Pool and money market fund are exempt from fair value measurement disclosures.

NOTE 3 – LONG-TERM DEBT

On July 30, 2014, the District issued Refunding Special Tax Bonds (refunding bonds) with a par amount of $29,320,000 to refund the District's $29,925,000 outstanding Special Tax Bonds (refunded bonds) issued on March 8, 2006, which were issued primarily to finance various public improvements needed to develop property located within the District. Interest on the refunding bonds is payable semiannually on each March 1 and September 1 through September 1, 2036. The refunding bonds were issued with interest rates varying from 2% to 5% and are payable solely from revenues derived from the assessment of annual special taxes to be levied on the taxable property within the District and from certain other funds pledged under the Trust Indenture.

The long-term debt activity for the year ended June 30, 2016 was as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Refunding Special Tax Bonds	$ 29,320,000	$ -	$ (320,000)	$ 29,000,000	$ 475,000
Premium on Refunding Bonds	1,410,950	-	(66,659)	1,344,291	66,659
Total	$ 30,730,950	$ -	$ (386,659)	$ 30,344,291	$ 541,659

Annual debt service requirements for the bonds are shown below:

Year ending June 30,	Principal	Interest
2017	$ 475,000	$ 1,302,300
2018	535,000	1,284,475
2019	595,000	1,261,875
2020	655,000	1,235,238
2021	725,000	1,202,375
2022-2026	4,915,000	5,352,375
2027-2031	7,550,000	3,809,250
2032-2036	10,920,000	1,684,100
2037	2,630,000	52,600
	$ 29,000,000	$ 17,184,588

NOTE 4 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received reduced by related liabilities, to fund capital projects, District maintenance, and debt service requirements.

B. Fund Balances

Certain fund balances are presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for Capital Projects, the portion of fund balance legally restricted for the acquisition, construction, and formation/annexation activities.

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

Restricted for Debt Service, the portion of fund balance legally restricted to the payment of principal and interest on long-term liabilities.

NOTE 5 – DELINQUENCIES AND FORECLOSURES

The District has made a covenant under the Trust Indenture of the Special Tax Bonds discussed in Note 3 that it will initiate foreclosure proceedings against delinquent parcels as follows:

a. Any parcel that is delinquent three consecutive payments. Foreclosure against these parcels is to be initiated within 120 days after the third delinquency.

b. All parcels delinquent at June 30 when the District received Special Taxes totaling less than 95% of the total Special Tax levied for that fiscal year. Foreclosure against these parcels is to be initiated by September 1 following the end of the fiscal year.

At June 30, 2016, the District had 4 parcels that were delinquent for a total of $7,860, of which two parcels were delinquent more than three consecutive payments.

The District received 99.60% of the Debt Service Fund facilities special taxes levied during the year ended June 30, 2016. The delinquencies total of $7,860 at June 30, 2016 is included in assessments receivable on the statement of net position and balance sheet.

NOTE 6 – INTERGOVERNMENTAL REVENUES

During the year ended June 30, 2016, the District's Capital Projects Fund received $153,550 from the Community Facilities District Number 1996-1 (Village One) for Sanders and Freedom Neighborhood Parks Renovation improvements.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 2004-1 (Village One #2) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 2004-1 (VILLAGE ONE #2)
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2016

2015 Comment:	***2015-001 – Unrecorded Assessments Receivable***
Condition/Effect:	The City did not record the assessments receivable (asset) or the related unavailable revenues (deferred inflow of resources) in the trial balance of the District's Debt Service Fund. This condition resulted in a material audit adjustment adding the 'assessments receivable' balance of $29,324,693 and the 'unavailable revenues' balance of $29,320,000, while increasing the 'facilities special tax' revenue by $4,693 in the District's Debt Service Fund.
Recommendation:	The City should record this audit adjustment in the District's trial balance and maintain the correct balances of these accounts going forward.
Status:	Corrected.
2015 Comment:	***2015-002 – Incorrect Recording of Refunding***
Condition/Effect:	The City incorrectly recorded the refunding transaction in the trial balance of the District's Debt Service Fund. This condition resulted in a material audit adjustment adding the 'refunding escrow' (debt service expenditure) amount of $492,165 and the 'premium on refunding bonds issued' (other financing source) amount of $1,472,057; eliminating the 'principal' (debt service expenditure) amount of $345,000; and reducing 'refunding bonds issued' (other financing source) by $5,478,648, 'services – professional and other' (current expenditure) by $6,383, 'interest and fiscal charges' (debt service expenditure) by $763,053, and 'payment to refunding escrow' (other financing use) by $3,384,320 in the District's Debt Service Fund.
Recommendation:	The City should do the research to determine the correct accounting when it encounters unusual transactions such as the refunding transaction that occurred this year.
Status:	Corrected.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)

INDEPENDENT AUDITOR'S REPORTS
AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

Certified
Public
Accountants

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
FOR THE YEAR ENDED JUNE 30, 2016

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Independent Auditor's Report

The Honorable City Council
of the City of Modesto, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 1996-1 (Village One) (the District), a component unit of the City of Modesto, California, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the Special Revenue Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2016, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

The City of Modesto Community Facilities District No. 1996-1 (Village One) (the District) has issued its financial statements in the format prescribed by the provisions of Governmental Accounting Standards Board (GASB) Statement No. 34, which requires the District to provide this overview of its financial activities for the year.

Please read this overview in conjunction with your reading of the accompanying basic financial statements.

THE PURPOSE OF THE DISTRICT

The District is a component unit of the City of Modesto (City). It is controlled by the City, and the City Council is the District's governing body. City employees perform most of the duties and functions required of the District, but certain tasks are provided by third parties under contract.

The District's purpose under California law is to provide a funding mechanism for public facilities and services authorized by the District. The District is the vehicle that will be used to ensure that all landowners in the Specific Plan area contribute to the cost of the public facilities and services. Additional information on the District can be found below, and in Note 1 to the accompanying financial statements.

BACKGROUND AND MANAGEMENT'S DISCUSSION

In 1989-1990, the City initiated planning of the area now known as Village One. The original Village One plan contemplated a pedestrian oriented, self-contained neighborhood concept that offered housing to accommodate various income levels. In addition, the original plan called for a number of landscaped areas as well as other amenities. Over the years, substantial revisions to the original plan occurred, including a reconfiguration of streets, a reduction of landscaped areas, and modification of the financing strategy. At the close of fiscal year 2003-2004, the Village One area was based on the Specific Plan, the Infrastructure Financing Plan, and the Facilities Master Plan adopted in April 2003. The 2003 Infrastructure Financing Plan calls for a combination of funding sources, including the City's Capital Facilities Fees (CFF*) program and a Mello-Roos Community Facilities District (CFD).

In February 2004, the City Council formed City of Modesto Community Facilities District No. 2004-1 (Village One #2). This CFD, in conjunction with CFD No. 1996-1, will provide the funding needed to complete the CFD-funded core infrastructure needed for the Village One area.

* The CFF program is a city-wide development impact fee whereas the Village One CFD is a taxing district that is created to provide a funding and reimbursement mechanism for public facilities and services required to serve the Village One area.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FISCAL YEAR 2016 FINANCIAL HIGHLIGHTS

Financial highlights of the year include the following:

Government-Wide:

- The District's net position decreased $145,485 in fiscal year 2016. This decrease is primarily due to maintenance and utilities expenses and a contribution to the Community Facilities District Number 2004-1 (Village One #2) in excess of the maintenance special tax.
- At June 30, 2016, net position was $702,479.
- Total general revenues were $561,884.

Funds:

- Capital Projects Fund revenues were $39,935, $27,081 more than the prior year. This increase is due to $44,226 in facilities special tax collected, an increase of $30,581.
- Capital Projects Fund ending fund balance increased $30,339 to a deficit of $216,764 as a result of collecting $44,226 in facilities special tax.
- Special Revenue Fund revenues of $521,949 were $38,327 less than the prior year, and expenditures of $697,773 were $119,748 more than last year due to $33,802 decrease in maintenance expenditures and the $153,550 intergovernmental expenditure for contribution to Community Facilities District Number 2004-1 (Village One #2).
- Special Revenue Fund ending fund balance decreased $175,824 due to maintenance expenditures in excess of the maintenance special tax and the contribution to Community Facilities District Number 2004-1 (Village One #2).

THE BASIC FINANCIAL STATEMENTS

The basic financial statements comprise the government-wide financial statements and the fund financial statements; these two sets of financial statements provide two different views of the District's financial activities and financial position.

Government-Wide Financial Statements

The government-wide financial statements provide a long-term view of the District's activities as a whole and comprise the statement of net position and the statement of activities. The statement of net position provides information about the financial position of the District as a whole, including all its capital assets and long-term liabilities. The statement of activities provides information about the District's revenues and all its expenses. The statement of activities explains in detail the change in net position for the year.

The statement of net position and the statement of activities present information about the following:

- ***Governmental activities*** – All of the District's basic services are considered to be governmental activities, including formation, financing, construction, and maintenance activities. These services are supported by formation deposits, special facilities taxes, and annual maintenance assessments.

Government-wide financial statements are prepared on the accrual basis of accounting, which means they measure the flow of all economic resources of the District as a whole, similar to that used by the private sector.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FINANCIAL ACTIVITIES OF THE DISTRICT AS A WHOLE

This analysis focuses on the net position and changes in net position of the District's governmental activities in the government-wide financial statement of net position and statement of activities that follow.

As of June 30, 2016, total assets of $733,222 were offset by liabilities of $30,743. The District's net position from governmental activities decreased to $702,479 in 2016 from $847,964 in 2015. The District's net position is restricted as follows: $919,243 for maintaining infrastructure, leaving a negative unrestricted net position of $216,764.

Following is a condensed statement of net position:

Statement of Net Position – Governmental Activities

	2016	2015
Cash and investments	$ 725,288	$ 900,153
Assessments receivable	6,031	-
Interest receivable	1,903	1,571
Total assets	733,222	901,724
Current and other liabilities	30,743	53,760
Net position:		
Restricted for:		
District maintenance	919,243	1,095,067
Unrestricted	(216,764)	(247,103)
Total net position	$ 702,479	$ 847,964

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

FISCAL YEAR 2016 GOVERNMENTAL ACTIVITIES

The District's fiscal year 2016 revenue came primarily from annual maintenance special taxes, which amounted to $502,647. District expenses of $707,369 were primarily for services and professional expenses.

Following is a condensed statement of activities:

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
General revenues:		
Facilities special tax	$ 44,226	$ 13,645
Maintenance special tax	502,647	552,839
Investment earnings	7,991	2,866
Other	7,020	3,780
Total revenues	561,884	573,130
Expenses:		
Community development	707,369	587,738
Change in net position	(145,485)	(14,608)
Net position, beginning of year	847,964	862,572
Net position, end of year	$ 702,479	$ 847,964

Fund Financial Statements

The fund financial statements report the District's operations in more detail than the government-wide financial statements and focus primarily on the short-term activities of the District's two funds. The fund financial statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt, and other long-term amounts.

The fund financial statements provide detailed information about each of the District's most significant funds, called major funds. Major funds present the major activities of the District for the year, and may change from year to year as a result of changes in the pattern of the District's activities. All of the District's funds are presented here as major funds; their purposes are explained in Note 1 to the financial statements.

All the District's funds are governmental funds; financial statements for these funds are prepared on the modified accrual basis of accounting, which means they measure only current financial resources and uses.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

Following is a condensed statement of revenues, expenditures, and changes in fund balances for the year ended June 30, 2016:

Statement of Revenues, Expenditures, and Changes in Fund Balances - Governmental Funds

	Capital Projects Fund	Special Revenue Fund	Total
Revenues	$ 39,935	$ 521,949	$ 561,884
Expenditures	9,596	697,773	707,369
Changes in fund balances	30,339	(175,824)	(145,485)
Fund balances (deficit), beginning of year	(247,103)	1,095,067	847,964
Fund balances (deficit), end of year	$ (216,764)	$ 919,243	$ 702,479

THE DISTRICT'S FUND FINANCIAL STATEMENTS

At June 30, 2016, the District's governmental funds reported combined fund balances of $702,479, which is a decrease of $145,485 compared with last year. The Capital Projects Fund realized an increase of $30,339. The Special Revenue Fund realized a decrease of $175,824.

CAPITAL ASSETS

Under GASB Statement No. 34, the District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures are reported in both the District's fund and government-wide financial statements. Therefore, the District reports no long-term capital assets.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

These basic financial statements are intended to provide citizens, taxpayers, investors, and creditors with a general overview of the District's finances. Questions about this report should be directed to the City of Modesto, Administrator, Infrastructure Financing Programs, P.O. Box 642, Modesto, California 95353.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)

STATEMENT OF NET POSITION AND STATEMENT OF ACTIVITIES

The statement of net position and the statement of activities summarize the entire District's financial activities and financial position. They are prepared on the same basis of accounting as that used by most businesses, which means they include all the District's assets and all its liabilities, as well as all its revenues and expenses. This is known as the full accrual basis of accounting – the effect of all the District's transactions is taken into account, regardless of whether or when cash changes hands, but all material internal transactions between District funds have been eliminated.

The statement of net position reports the difference between the District's total assets and the District's total liabilities, including all the District's capital assets and all its long-term debt. The statement of net position focuses the reader on the composition of the District's net position, by subtracting total liabilities from total assets. The statement of net position summarizes the financial position of the District in a single column.

The statement of activities reports increases and decreases in the District's net position. It is also prepared on the full accrual basis of accounting, which means it includes all the District's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The format of the statement of activities presents the District's expenses, which are listed by program, first. Program revenues – that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net program revenue (expense). General revenues – that is, revenues which are not generated directly by these programs – are then added to arrive at the change in net position and reconciled with the statement of net position.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

ASSETS	
Cash and investments	$ 725,288
Assessments receivable	6,031
Interest receivable	1,903
Total Assets	733,222
LIABILITIES	
Accounts payable	30,743
NET POSITION	
Restricted for:	
District maintenance	919,243
Unrestricted	(216,764)
Total Net Position	$ 702,479

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES	
Community development	$ 707,369
GENERAL REVENUES	
Facilities special tax	44,226
Maintenance special tax	502,647
Investment earnings	7,991
Other	7,020
Total General Revenues	561,884
Change in Net Position	(145,485)
Net Position, beginning of year	847,964
Net Position, end of year	$ 702,479

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year.

The District determined all its funds to be major funds. They are:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
BALANCE SHEET - GOVERNMENTAL FUNDS
JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
ASSETS			
Cash and investments	$ -	$ 725,288	$ 725,288
Assessments receivable	-	6,031	6,031
Due from other funds	-	216,764	216,764
Interest receivable	-	1,903	1,903
Total Assets	$ -	$ 949,986	$ 949,986
LIABILITIES			
Accounts payable	$ -	$ 30,743	$ 30,743
Due to other funds	216,764	-	216,764
Total Liabilities	216,764	30,743	247,507
FUND BALANCES (DEFICIT)			
Restricted for:			
District maintenance	-	919,243	919,243
Unassigned	(216,764)	-	(216,764)
Total Fund Balances (Deficit)	(216,764)	919,243	702,479
Total Liabilities and Fund Balances (Deficit)	$ -	$ 949,986	$ 949,986

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	Capital Projects Fund	Special Revenue Fund	Total
REVENUES			
Facilities special tax	$ 44,226	$ -	$ 44,226
Maintenance special tax	-	502,647	502,647
Interest income	(3,995)	10,995	7,000
Change in fair value of investments	(296)	1,287	991
Other	-	7,020	7,020
Total Revenues	39,935	521,949	561,884
EXPENDITURES			
Current:			
Services - professional and other	9,596	442,187	451,783
Utilities	-	102,036	102,036
Intergovernmental	-	153,550	153,550
Total Expenditures	9,596	697,773	707,369
Changes in Fund Balances	30,339	(175,824)	(145,485)
Fund Balances (Deficit), beginning of year	(247,103)	1,095,067	847,964
Fund Balances (Deficit), end of year	$ (216,764)	$ 919,243	$ 702,479

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - SPECIAL REVENUE FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUE				
Maintenance special tax	$ 550,000	$ 550,000	$ 502,647	$ (47,353)
Interest income	-	-	10,995	10,995
Change in fair value of investments	-	-	1,287	1,287
Other	-	-	7,020	7,020
Total Revenue	550,000	550,000	521,949	(28,051)
EXPENDITURES				
Current:				
Services - professional and other	469,367	469,367	442,187	27,180
Utilities	214,500	214,500	102,036	112,464
Intergovernmental	-	153,550	153,550	-
Total Expenditures	683,867	837,417	697,773	139,644
Changes in Fund Balance	$ (133,867)	$ (287,417)	(175,824)	$ 111,593
Fund Balance, beginning of year			1,095,067	
Fund Balance, end of year			$ 919,243	

See accompanying notes to the basic financial statements.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT
NUMBER 1996-1 (VILLAGE ONE)
NOTES TO THE BASIC FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description and Reporting Entity

The Community Facilities District Number 1996-1 (Village One) (the District) was formed in October 1996 by a vote of the property owners within the proposed district. The District, a separate legal entity, was formed to provide a funding and reimbursement mechanism for public facilities and services required by the District Specific Plan. The District is the vehicle used to ensure that all landowners in the Specific Plan area contribute to the cost of public improvements. The District encompasses approximately 1,840 gross acres of land. The District is located in the North Eastern portion of the City of Modesto (the City), bordered by Sylvan Avenue to the North, Claus Road to the East, Briggsmore to the South, and Oakdale Road to the West. The District is expected to yield 6,186 residential dwelling units at buildout, in addition to 15 acres of commercial property and 220 acres of industrial property.

The District is an integral part of the City and the accompanying financial statements are included as a component unit of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and statement of activities) report information on all of the activities of the District. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the community development function. Program revenues include grants and contributions that are restricted to meeting the operational requirements of the community development function. Investment earnings, and other items which are not properly included among program revenues, are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Taxes are recognized as revenues in the year for which they are levied.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the District considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the District changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

Substantially all taxes and interest, including the net increase (decrease) in the fair value of investments, are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Miscellaneous revenues are considered to be measurable and available only when cash is received by the District.

The District reports the following major governmental funds:

The **Capital Projects** Fund accounts for all financial resources and uses related to acquisition, construction, and formation/annexation activities.

The **Special Revenue** Fund accounts for all financial resources and uses related to maintenance of parkways and open space within the District.

D. Facilities and Maintenance Special Taxes

The facilities and maintenance special taxes are collected by the County of Stanislaus on the property tax bill. The special taxes are due November 1 and February 1 and are delinquent if not paid by December 10 and April 10, respectively. The County of Stanislaus bills and collects the special taxes and remits them to the District. The Rate and Method of Apportionment of Special Tax (RMA), set forth in the District's Public Report, describes how the special taxes will be allocated among properties in the District. The Public Report was established during the formation of the District. A cost of living adjustment is applied to the special taxes annually.

E. Capital Assets

The District is required to record all its capital assets, including infrastructure, at their historical cost, and to depreciate these assets over their estimated useful lives. However, title to all infrastructure assets acquired or constructed by the District is turned over to the City upon completion and acceptance. Accordingly, capital outlay expenditures/expenses are reported in both the District's fund and government-wide financial statements.

F. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the District is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the District itself, using the District's highest level of decision-making authority (the City Council). To be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the District *intends* to use for a specific purpose. Intent can be expressed by the District at either the highest level of decision-making or by an official or body to which the District delegates the authority.
- **Unassigned** - The residual classification for the District that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The District establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the District through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the District's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

G. Governmental Accounting Standards Update

During the year ended June 30, 2016, the District implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application*. This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the District's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the District's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the District's financial statements.

The District is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the District's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the District's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the District's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the District's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the District's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the District are pooled with other City funds. The District's portion of this pooled amount was $725,288 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to the funds based on each fund's average monthly cash balance. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the District's position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The District's investment in the City's investment pool is exempt from fair value measurement disclosures.

NOTE 3 – INTERNAL BALANCES

The Capital Projects Fund owes the Special Revenue Fund $216,764 for funds borrowed to fund its improvements and is expected to be repaid by District contributions and facilities special tax levies.

NOTE 4 – RESTRICTED NET POSITION AND FUND BALANCES

Net position is measured on the full accrual basis of accounting, which differs from the concept of fund balance, which is measured on the modified accrual basis of accounting.

A. Net Position

Net position is the excess of all the District's assets over all its liabilities. Net position is determined only at the government-wide level.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the District cannot unilaterally alter. These principally include developer fees received for capital projects and District maintenance.

B. Fund Balances

Fund balances are all presented in the restricted category (see Note 1 for a description of fund balance categories). As of June 30, 2016, restrictions included:

Restricted for District Maintenance, the portion of fund balance legally restricted for maintenance of parkways and open space within the District.

NOTE 5 – FUND DEFICIT

The Capital Projects Fund has a fund deficit of $216,764 as of June 30, 2016. The deficit is expected to be eliminated by District contributions and facilities special tax levies.

NOTE 6 – INTERGOVERNMENTAL EXPENDITURES

During the year ended June 30, 2016, the District contributed $153,550 from the District's Special Revenue Fund to Community Facilities District Number 2004-1 (Village One #2) for Sanders and Freedom Neighborhood Parks Renovation improvements.

NOTE 7 – SETTLEMENT CONTINGENCY

The City and the District entered into a settlement agreement with Charleston Place, a California Limited Partnership, on December 31, 2004. The District has a contingent liability of $114,000 to be paid after Charleston Place has completed certain construction obligations per the settlement. Charleston Place has not completed any of the construction obligation as of June 30, 2016. Management evaluates the need to record the obligation on an annual basis, however, due to uncertainty of completion of the construction obligation, liability has not been recognized in the financial statements. The contingent liability is budgeted for each year.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

The Honorable City Council
of the City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the City of Modesto Community Facilities District Number 1996-1 (Village One) (the District), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated November 30, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 30, 2016

STANISLAUS DRUG ENFORCEMENT AGENCY

INDEPENDENT AUDITOR'S REPORTS AND BASIC FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

STANISLAUS DRUG ENFORCEMENT AGENCY
FOR THE YEAR ENDED JUNE 30, 2016

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mgo Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

Members of the Governing Committee
Stanislaus Drug Enforcement Agency
Modesto, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and General Fund of the Stanislaus Drug Enforcement Agency (the Agency) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the General Fund of the Agency, as of

June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 16, 2016, on our consideration of the Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Agency's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 16, 2016

STANISLAUS DRUG ENFORCEMENT AGENCY

GOVERNMENT-WIDE FINANCIAL STATEMENTS

The Statement of Net Position reports the difference between the Stanislaus Drug Enforcement Agency's (the Agency) total assets and the Agency's total liabilities, including all the Agency's capital assets and all its long-term debt. The Statement of Net Position focuses the reader on the composition of the Agency's net position, by subtracting total liabilities from total assets.

The Statement of Net Position summarizes the Agency's financial position in a single column.

The Statement of Activities reports increases and decreases in the Agency's net position. It is prepared on the full accrual basis of accounting, which means it includes all the Agency's revenues and all its expenses, regardless of when cash changes hands. This differs from the "modified accrual" basis of accounting used in the fund financial statements, which reflect only current assets, current liabilities, available revenues, and measurable expenditures.

The Statement of Activities presents the Agency's expenses that are listed by program first. Program revenues, that is, revenues which are generated directly by these programs – are then deducted from program expenses to arrive at the net expense of each program. The Agency's general revenues are then listed and the Change in Net Position is computed and reconciled with the Statement of Net Position.

These financial statements along with the fund financial statements and the notes to the basic financial statements are called *Basic Financial Statements.*

STANISLAUS DRUG ENFORCEMENT AGENCY
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
JUNE 30, 2016

ASSETS	
Cash and investments	$ 2,616,831
Due from other governments	343,740
Interest receivable	5,131
Prepaid expenses	2,094
Capital assets:	
Nondepreciable	268,000
Depreciable, net	595,229
Total Assets	3,831,025
LIABILITIES	
Accounts payable	473,837
Seized assets	583,147
Unearned revenue	1,676,947
Total Liabilities	2,733,931
NET POSITION	
Investment in capital assets	863,229
Unrestricted	233,865
Total Net Position	$ 1,097,094

See accompanying notes to the basic financial statements.

STANISLAUS DRUG ENFORCEMENT AGENCY
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES	
Public protection	$ 2,667,385
PROGRAM REVENUES	
Charges for services	623,418
Operating grants and contributions	1,839,183
Capital grants and contributions	233,551
Total Program Revenues	2,696,152
Net Program Revenue	28,767
GENERAL REVENUES	
Investment earnings	7,870
Other	28
Total General Revenues	7,898
Change in Net Position	36,665
Net Position, beginning of year	1,060,429
Net Position, end of year	$ 1,097,094

See accompanying notes to the basic financial statements.

STANISLAUS DRUG ENFORCEMENT AGENCY

FUND FINANCIAL STATEMENTS

Major funds are defined generally as having significant activities or balances in the current year. The Stanislaus Drug Enforcement Agency's (the Agency) only fund, the General Fund, is its Major Fund in fiscal year 2016:

THE GENERAL FUND is the operating fund of the Agency. It is used to account for all financial resources.

STANISLAUS DRUG ENFORCEMENT AGENCY
BALANCE SHEET - GENERAL FUND
JUNE 30, 2016

ASSETS	
Cash and investments	$ 2,616,831
Due from other governments	343,740
Interest receivable	5,131
Prepaid items	2,094
Total Assets	$ 2,967,796
LIABILITIES	
Accounts payable	$ 473,837
Seized assets	583,147
Unearned revenue	1,676,947
Total Liabilities	2,733,931
FUND BALANCE	
Nonspendable	2,094
Unassigned	231,771
Total Fund Balance	233,865
Total Liabilities and Fund Balance	$ 2,967,796
Total Fund Balance	$ 233,865
Amounts reported for governmental activities in the Statement of Net Position are different from those reported in the General Fund above because of the following:	
Capital assets used in governmental activities are not current assets or financial resources and, therefore, are not reported in the General Fund.	863,229
Net Position of Governmental Activities	$ 1,097,094

See accompanying notes to the basic financial statements.

STANISLAUS DRUG ENFORCEMENT AGENCY
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGE IN FUND BALANCE - GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2016

REVENUES	
Fines and forfeited assets	$ 623,418
Intergovernmental:	
Federal and state grants	595,118
Contributions by joint venture participants:	
Cash contributions	532,748
In-kind employee services	944,868
Interest	4,510
Change in fair value of investments	3,360
Other	28
Total Revenues	2,704,050
EXPENDITURES	
Contract services	820,451
In-kind:	
County of Stanislaus employees	447,197
City of Modesto employees	497,671
Services and supplies	687,417
Intergovernmental	106,760
Capital outlay	233,551
Total Expenditures	2,793,047
Change in Fund Balance	(88,997)
Fund Balance, beginning of year	322,862
Fund Balance, end of year	$ 233,865

See accompanying notes to the basic financial statements.

STANISLAUS DRUG ENFORCEMENT AGENCY
RECONCILIATION OF THE CHANGE IN FUND BALANCE
OF GENERAL FUND WITH THE CHANGE IN NET
POSITION OF GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Change in Fund Balance of General Fund	$	(88,997)
Amounts reported for Governmental Activities in the Statement of Activities are different because of the following:		
The General Fund reports capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.		
Capital outlay expenditures		233,551
Depreciation expense		(107,889)
Change in Net Position of Governmental Activities	$	36,665

See accompanying notes to the basic financial statements.

STANISLAUS DRUG ENFORCEMENT AGENCY
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - GENERAL FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUES				
Fines and forfeited assets	$ 416,218	$ 619,218	$ 623,418	$ 4,200
Intergovernmental:				
Federal and state grants	617,571	880,071	595,118	(284,953)
Contributions by joint venture participants:				
Cash contributions	692,348	692,348	532,748	(159,600)
In-kind employee services	948,650	948,650	944,868	(3,782)
Interest and rent	-	-	4,510	4,510
Change in fair value of investments	-	-	3,360	3,360
Other	-	-	28	28
Total Revenues	2,674,787	3,140,287	2,704,050	(436,237)
EXPENDITURES				
Contract services	1,216,656	1,228,656	820,451	408,205
In-kind:				
County of Stanislaus employees	501,009	501,009	447,197	53,812
City of Modesto employees	485,254	485,254	497,671	(12,417)
Services and supplies	471,892	684,892	687,417	(2,525)
Intergovernmental	-	106,760	106,760	-
Capital outlay	-	203,000	233,551	(30,551)
Total Expenditures	2,674,811	3,209,571	2,793,047	416,524
Changes in Fund Balance	$ (24)	$ (69,284)	(88,997)	$ (19,713)
Fund Balance, beginning of year			322,862	
Fund Balance, end of year			$ 233,865	

See accompanying notes to the basic financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. General

The Stanislaus Drug Enforcement Agency (the Agency) was formed in 1986 by a joint powers agreement between the County of Stanislaus, California, (the County) and several municipalities within the County. During the year ended June 30, 2016, the participating municipalities, in addition to the County, were the cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford. The governing committee of the Agency is comprised of the Sheriff of the County, the District Attorney of the County, the Chief Probation Officer of the County, and the Police Chiefs of the participating municipalities.

The Agency was created to assist in the enforcement of drug control laws of the State of California. The Agency maintains a fully operational, specially trained police unit to assist each of the participating jurisdictions in enforcing these laws and to study, plan, and set priorities for effective enforcement of such laws throughout the County. Agency personnel are provided by the participating jurisdictions.

Funding for Agency operations includes annual cash contributions by the participating jurisdictions. Certain jurisdictions also provide in-kind contributions in the form of employee services. Cash contributions are established based upon assessed property values and the population base of each jurisdiction as of January 1 of each year. The County and the City of Modesto provide cash contributions for Agency salary and benefits expenditures, while all participating jurisdictions provide cash contributions for non-salary and benefits operating expenditures. Other revenue sources include those assets forfeited through court resolution of criminal cases and federal grants supporting drug enforcement activities.

The Agency is considered to be a separate legal entity and is not a component unit of any of the participating jurisdictions. Pursuant to Section 6508.1 of the California Government Code and Section 7F of the joint powers agreement, the debts, liabilities, and obligations of the Agency are those of the Agency and not of the parties to the joint powers agreement.

Financial transactions of the Agency for the year ended June 30, 2016, were processed and accounted for by the City of Modesto.

B. Basis of Presentation

The Agency's basic financial statements are prepared in conformity with accounting principles generally accepted in the United States of America. The Governmental Accounting Standards Board (GASB) is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the United States of America.

These standards require that the financial statements described below be presented.

Government-Wide Financial Statements: The Statement of Net Position and the Statement of Activities include the financial activities of the overall Agency government. Eliminations have been made to minimize the double counting of internal activities.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The Statement of Activities presents a comparison between direct expenses and program revenues for each function of the Agency's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) charges paid by the recipients of goods or services offered by the programs, (b) grants and contributions that are restricted to meeting the operational needs of a particular program, and (c) fees, grants, and contributions that are restricted to financing the acquisition or construction of capital assets. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the Agency. The emphasis of fund financial statements is on major individual governmental funds. The Agency has only one fund, the General Fund.

C. Basis of Accounting

The government-wide financial statements are reported using the *economic resources measurement focus* and the *full accrual* basis of accounting. Revenues are recorded when *earned* and expenses are recorded at the time liabilities are *incurred,* regardless of when the related cash flows take place.

Governmental funds are reported using the *current financial resources* measurement focus and the *modified accrual* basis of accounting. Under this method, revenues are recognized when *measurable and available.* The Agency considers all revenues reported in the governmental funds to be available if the revenues are collected within 180 days after year-end. During the year ended June 30, 2016, the Agency changed its availability period from 45 days to 180 days. However, this accounting change had no effect on the Agency's financial statements. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. Capital asset acquisitions are reported as *expenditures* in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as *other financing sources.*

Non-exchange transactions, in which the Agency gives or receives value without directly receiving or giving equal value in exchange, include property taxes, grants, entitlements, and donations. On an accrual basis of accounting, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants, entitlements, and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Other revenues susceptible to accrual include intergovernmental revenues, member contributions, and interest.

D. Due from Other Governments

The Agency's receivables consist of amounts due from grants and other agencies. Management has determined the Agency's receivables to be fully collectible. Accordingly, no allowance for doubtful accounts has been made.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

E. Capital Assets

All capital assets are valued at historical cost or estimated historical cost if actual historical cost is not available. Contributed capital assets are valued at their estimated fair market value on the date contributed. The Agency capitalizes assets with an initial, individual cost of $5,000 or more and an estimated useful life in excess of one year. The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized.

All capital assets with limited useful lives are depreciated over their estimated useful lives. Depreciation is provided using the straight-line method which means the cost of the asset is divided by its expected useful life in years and the result is charged to expense each year until the asset is fully depreciated. The purpose of depreciation is to spread the cost of capital assets equitably over the lives of these assets. The amount charged to depreciation expense each year represents that year's pro rata share of the cost of capital assets.

The Agency has assigned the useful lives below to capital assets:

	Useful Lives In Years
Buildings	30
Structures and Improvements	20
Vehicles, Furnishings, and Equipment	3 to 10

F. Seized Assets

Seized assets can include monetary instruments, real property, and tangible personal property seized as a consequence of a violation of public law that are held as evidence in state and/or mixed jurisdiction cases until adjudicated. Once adjudicated, the seized assets could be either returned to the accused or distributed to any number of government agencies. The seized assets liability at June 30, 2016 was $583,147.

G. Net Position

Net position is the excess of all the Agency's assets over all its liabilities, regardless of fund. Net position is divided into two captions. These captions apply only to net position, which is determined only at the government-wide level, and are described below:

Investment in Capital Assets, describes the portion of net position which is represented by the current net book value of the Agency's capital assets.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the Agency cannot unilaterally alter.

Unrestricted describes the portion of net position which is not restricted as to use.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

H. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the Agency is bound to honor constraints on how specific amounts can be spent.

Nonspendable describes amounts that are not in spendable form (such as imprest cash) or are required either legally or contractually to be maintained intact.

Restricted describes amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.

Committed describes amounts constrained to specific purposes by the Agency itself, using the Agency's highest level of decision-making authority (the Governing Committee). To be reported as committed, amounts cannot be used for any other purpose unless the Agency takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.

Assigned describes amounts the Agency *intends* to use for a specific purpose. Intent can be expressed by the Agency at either the highest level of decision-making or by an official or body to which the Agency delegates the authority.

Unassigned describes the residual classification for the Agency's General Fund that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The Agency establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the Agency through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the Agency's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

The Agency believes that sound financial management principles require that sufficient funds be retained by the Agency to provide a stable financial base at all times. To retain this stable financial base, the Agency needs to maintain unrestricted fund balance in its funds sufficient to fund cash flows of the Agency and to provide financial reserves for unanticipated expenditures and/or revenue shortfalls of an emergency nature. Committed, assigned, and unassigned fund balances are considered unrestricted.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

I. Accounting Standards Update

During the year ended June 30, 2016, the Agency implemented the following GASB standards:

GASB Statement No. 72, *Fair Value Measurement and Application.* This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the Agency's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the Agency's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the Agency's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the Agency's financial statements.

The Agency is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the Agency's fiscal year ending June 30, 2018.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14.* The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the Agency's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

J. Defined Benefit Pension Plan

Agency employees participate in the Public Employees' Retirement System of the State of California or Stanislaus County Employees Retirement Association through their applicable sponsoring jurisdiction. Employer pension contributions for these employees are allocated to the Agency by the respective jurisdictions.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

K. Budgets and Budgetary Accounting

The Agency's governing committee adopts an annual operating budget for the General Fund on or before June 30. The budget is adopted on a basis of accounting consistent with accounting principles generally accepted in the United States of America. The governing committee may amend the budget during the fiscal year, and Agency expenditures are limited to the amount of total appropriations allowed by this budget.

Budgeted amounts are as originally adopted, or as amended by the governing committee. Individual amendments were not material in relation to the original appropriations which were amended

NOTE 2 – CASH AND INVESTMENTS

Cash and investments are classified in the financial statements as shown below. Investments are carried at fair value as follows at June 30, 2016:

Cash in City of Modesto Treasury	$ 2,601,331
Imprest Cash	15,500
Total Cash and Investments	$ 2,616,831

The Agency's Cash in City of Modesto Treasury is cash and investments included in the City of Modesto's cash and investment pool. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to each participant in the pool based on each participant's average monthly cash balance. Detailed information concerning the City of Modesto's pooled cash and investments, including information regarding the fair value of investment, may be found in the City of Modesto's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the Agency's position in the pool is the same as the value of its pool shares.

NOTE 3 – CAPITAL ASSETS

Capital assets activity for the year is as follows:

	Balance June 30, 2015	Additions	Transfers	Balance June 30, 2016
Capital assets not being depreciated:				
Land	$ 268,000	$ -	$ -	$ 268,000
Construction in progress	29,067	-	(29,067)	-
Total capital assets not being depreciated	297,067	-	(29,067)	268,000
Capital assets being depreciated:				
Buildings and improvements	505,579	-	-	505,579
Vehicles	317,920	221,500	29,067	568,487
Intangible assets	23,976	-	-	23,976
Furnishings and equipment	593,052	12,051	-	605,103
Total capital assets being depreciated	1,440,527	233,551	29,067	1,703,145
Less accumulated depreciation for:				
Buildings and improvements	(327,146)	(14,349)	-	(341,495)
Vehicles	(203,403)	(52,463)	-	(255,866)
Intangible assets	(23,976)	-	-	(23,976)
Furnishings and equipment	(445,502)	(41,077)	-	(486,579)
Total accumulated depreciation	(1,000,027)	(107,889)	-	(1,107,916)
Net capital assets being depreciated	440,500	125,662	29,067	595,229
Total capital assets, net	$ 737,567	$ 125,662	$ -	$ 863,229

Depreciation expense for the year ended June 30, 2016, was $107,889.

NOTE 4 – UNEARNED REVENUE

The Agency is the recipient of fines and forfeitures allocated through legal proceedings of criminal prosecutions issued by government agencies (U.S. Department of Justice, U.S. Department of Treasury, State of California, etc.). Forfeiture proceeds allocated to the Agency are recorded as unearned revenue. The Agency is also a recipient of grants. Revenue is recognized as the fines and forfeitures and grants are expended on approved costs. As of June 30, 2016, the Agency had recorded $1,676,947 of forfeiture proceeds as unearned revenue.

NOTE 5 – RELATED PARTY TRANSACTIONS

The Agency pays member jurisdictions for various services provided, such as, but not limited to, personnel services and consultant services. The Agency also reimburses the City of Modesto and County of Stanislaus for administrative as well as other costs incurred on the Agency's behalf.

NOTE 6 – COMMITMENTS AND CONTINGENCIES

The Agency is subject to litigation arising in the normal course of business. The current litigation pending will not have a material adverse effect on the financial position of the Agency.

NOTE 7 – RISK MANAGEMENT

As provided in the joint powers agreement, the City of Modesto has sole responsibility for personal injury and damage awards for which the Agency is liable in those cases in which the liability award does not exceed $100,000. For awards in excess of $100,000, the City of Modesto and the County share responsibility in proportion to their respective Agency contribution rates for the year.

The joint powers agreement also specifies that workers' compensation insurance will not be provided by the Agency and remains the responsibility of the jurisdiction sponsoring the Agency's respective employees.

The Agency uses two helicopters and two airplanes owned by the County in its operations. Therefore the Agency purchased a commercial insurance policy through the County which provides coverage up to $10,000,000 with deductibles ranging from $5,000 to $8,530, depending on the aircraft and whether the rotors are in motion. The Agency paid a premium of $18,696 for current year coverage.

NOTE 8 – EXPENDITURES OVER APPROPRIATIONS

For the year ended June 30, 2016, expenditures exceeded appropriations as follows:

General Fund:	
City of Modesto employees	$ 12,417
Services and supplies	2,525
Capital outlay	30,551

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Members of the Governing Committee
Stanislaus Drug Enforcement Agency
Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and general fund of the Stanislaus Drug Enforcement Agency (the Agency) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements, and have issued our report thereon dated November 16, 2016.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Agency's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 16, 2016

STANISLAUS DRUG ENFORCEMENT AGENCY
SUMMARY SCHEDULE OF PRIOR YEAR FINDING AND RECOMMENDATION
FOR THE YEAR ENDED JUNE 30, 2016

2015 Comment:	***2015-001 – Restatement of Beginning Fund Balance and Net Position***
Condition/Effect:	The Agency has been accumulating member contributions that in previous years were based on estimated expenditures/expenses that were never adjusted for actual expenditures/expenses or for expenditures/expenses that were eventually reimbursed by grants. This condition resulted in the Agency materially restating its beginning fund balance and net position by decreasing both $266,495.
Recommendation:	The Agency should record transactions accurately enough not to require restatement in the following year.
Status:	Corrected.

CITY OF MODESTO
ABANDONED VEHICLE
ABATEMENT PROGRAM

INDEPENDENT AUDITOR'S REPORTS
AND FINANCIAL STATEMENT

FOR THE YEAR ENDED JUNE 30, 2016

mgo Certified Public Accountants

CITY OF MODESTO
ABANDONED VEHICLE ABATEMENT PROGRAM

INDEPENDENT AUDITOR'S REPORTS
AND FINANCIAL STATEMENT

FOR THE YEAR ENDED JUNE 30, 2016

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Independent Auditor's Report

To City Council of the City of Modesto
Modesto, California

Report on the Financial Statement

We have audited the accompanying statement of receipts and costs of the City of Modesto, California, Abandoned Vehicle Abatement Program (the Program) for the year ended June 30, 2016, and the related note to the financial statement, as listed in the table of contents.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of this financial statement in accordance with the cash basis of accounting described in Note 1; this includes determining that the cash basis of accounting is an acceptable basis for the preparation of the financial statement in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on this financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States; and certain provisions of the *AVA Program Handbook,* issued by the California Highway Patrol. Those standards and the *AVA Program Handbook* require that we plan and perform the audit to obtain reasonable assurance as to whether the financial statement is free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts and costs of the Program for the year ended June 30, 2016, in accordance with the cash basis of accounting described in Note 1.

Basis of Accounting

We draw attention to Note 1 of the financial statement, which describes the basis of accounting. The financial statement is prepared on the cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Reporting Required by *Government Auditing Standards* and the *AVA Program Handbook*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 3, 2016, on our consideration of the Program's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and the *AVA Program Handbook* in considering the Program's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 3, 2016

CITY OF MODESTO
ABANDONED VEHICLE ABATEMENT PROGRAM
STATEMENT OF RECEIPTS AND COSTS
FOR THE YEAR ENDED JUNE 30, 2016

Receipts received	
Registration fees	$ 153,157
Costs disbursed	
Personnel	86,852
Services and supplies	26,994
Total costs disbursed	113,846
Excess of receipts received over costs disbursed	39,311
Surplus, beginning of year	52,630
Surplus, end of year	$ 91,941

See accompanying note to the financial statem ent.

CITY OF MODESTO
ABANDONED VEHICLE ABATEMENT PROGRAM
NOTE TO THE FINANCIAL STATEMENT
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – SIGNIFICANT ACCOUNTING POLICIES

The Abandoned Vehicle Abatement Program (the Program) is a statewide program administered by the California Highway Patrol (CHP). The City of Modesto (the City) administers and operates the local vehicle abatement program pursuant to Section 22710 of the Vehicle Code, Modesto Municipal City Code Section 3-2.1002 et seq., and the Stanislaus Area Association of Governments (SAAG) Abandoned Vehicle Program and Plan. Section 9250.7 of the Vehicle Code establishes the funding source for the abatement of abandoned vehicles by a county-based Service Authority (the Authority), pursuant to the provisions of Section 22710 of the Vehicle Code. The Vehicle Code imposes a service fee of one dollar ($1) on vehicles registered to an owner with an address in the County of Stanislaus that established the Authority. This fee is paid to the Department of Motor Vehicles (DMV) at the time of registration or renewal of registration. The DMV, after deducting its administrative costs, at least quarterly transmits the net amount collected to the State Controller's Office (SCO) for deposit in the Abandoned Vehicle Trust Fund. All money in the fund is continuously appropriated to the SCO for allocation to an Authority that has an approved Program pursuant to Section 22710 of the Vehicle Code, and for payment of the administrative costs of the SCO. SAAG, the Authority established pursuant to Vehicle Code Section 22710, distributes Program funds to participating entities based on the allocations determined in the Vehicle Abatement Services Agreement. The receipts and costs of the Program are included in the General Fund of the City's basic financial statements.

Financial Statement Presentation – The financial statement is prepared on the method of accounting prescribed by the California Highway Patrol (CHP) and the *AVA Program Handbook*. The financial statement presents the information requested by the CHP and, therefore, does not purport to reflect results of operations in accordance with accounting principles generally accepted in the United States of America.

Basis of Accounting – The financial statement for the Program is prepared on the cash basis of accounting in which revenue is recognized when distributions are received and costs are recognized as disbursed and claimed in accordance with the *AVA Program Handbook* Guidelines.

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* and the *AVA Program Handbook*

To City Council of the City of Modesto
Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States; and certain provisions of the *AVA Program Handbook,* issued by the California Highway Patrol, the statement of receipts and costs of the City of Modesto, California, Abandoned Vehicle Abatement Program (the Program) for the year ended June 30, 2016, and the related note to the financial statement and have issued our report thereon dated November 3, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statement, we considered the Program's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Program's internal control. Accordingly, we do not express an opinion on the effectiveness of Program's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Program's financial statement is free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* or the *AVA Program Handbook.*

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* and the *AVA Program Handbook* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 3, 2016

CITY OF MODESTO
TRANSPORTATION DEVELOPMENT ACT FUNDS

Independent Auditor's Reports,
Financial Statements,
Required Supplementary Information,
and Independent Accountant's Report

For the Year Ended June 30, 2016

Certified
Public
Accountants

CITY OF MODESTO
Transportation Development Act Funds
For the Year Ended June 30, 2016

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Independent Auditor's Report

Honorable Members of the City Council
City of Modesto, California

Report on the Financial Statements

We have audited the accompanying financial statements of the Local Transportation Special Revenue Funds and the Bus Enterprise Fund (collectively known as the Transportation Development Act Funds) of the City of Modesto, California (City), as of and for the year ended June 30, 2016, and the related notes, as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the Local Transportation Special Revenue Funds and the Bus Enterprise Fund of the City as of June 30, 2016, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matters

Basis of Presentation

As discussed in Note 1, the financial statements of the Transportation Development Act Funds of the City are intended to present the financial position, the changes in financial position, and, where applicable, cash flows of only that portion of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City that is attributable to the transactions of the Transportation Development Act Funds. They do not purport to, and do not present fairly the financial position of the City as of June 30, 2016, the changes in its financial position, or, where applicable, its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Prior-Year Comparative Information

The financial statements of the Local Transportation Special Revenue Funds include summarized prior-year comparative information. Such information does not include all of the information required or sufficient detail to constitute a presentation in conformity with accounting principles generally accepted in the United States of America. Accordingly, such information should be read in conjunction with the Local Transportation Special Revenue Funds' financial statements for the year ended June 30, 2015, from which such summarized information was derived. We have previously audited the Local Transportation Special Revenue Funds' 2015 financial statements, and we expressed an unmodified audit opinion on the Local Transportation Special Revenue Funds' financial statements in our report dated December 3, 2015. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2015, is consistent, in all material respects, with the audited financial statements from which it has been derived.

Required Supplementary Information

Management has omitted management's discussion and analysis (MD&A) and the respective budgetary comparison schedules for the special revenue funds that accounting principles generally accepted in the United States of America require to be presented to supplement the financial statements. Such missing information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this missing information.

Accounting principles generally accepted in the United States of America require that the schedule of the Bus Fund's proportionate share of the net pension liability and schedule of the Bus Fund's contributions be presented to supplement the financial statements. Such information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during our audit of the financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards* and the Transportation Development Act

In accordance with *Government Auditing Standards*, we have also issued our report dated December 14, 2016, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters as it relates to the Transportation Development Act Funds. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance as it relates to the Transportation Development Act Funds. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance as it relates to the Transportation Development Act Funds.

Macias Gini & O'Connell LLP

Walnut Creek, California
December 14, 2016

CITY OF MODESTO
Transportation Development Act Funds
Balance Sheet - Local Transportation Special Revenue Funds
June 30, 2016
(with comparative totals as of June 30, 2015)

	Non-Motorized	Streets and Roads	Totals 2016	Totals 2015
ASSETS				
Cash and cash equivalents	$ 986,466	$ 337,912	$ 1,324,378	$ 1,759,143
Interest receivable	2,006	712	2,718	5,873
Due from other governments	-	110,277	110,277	312,826
Total Assets	$ 988,472	$ 448,901	$ 1,437,373	$ 2,077,842
LIABILITIES				
Accounts payable	$ -	$ -	$ -	$ 6,745
Unearned revenue	986,698	229,783	1,216,481	1,652,365
Total Liabilities	986,698	229,783	1,216,481	1,659,110
FUND BALANCES				
Restricted	1,774	219,118	220,892	418,732
Total Liabilities and Fund Balances	$ 988,472	$ 448,901	$ 1,437,373	$ 2,077,842

See accompanying notes to the financial statem ents.

CITY OF MODESTO
Transportation Development Act Funds
Statement of Revenues, Expenditures, and Changes in Fund Balances -
Local Transportation Special Revenue Funds
For the Year Ended June 30, 2016
(with comparative totals for the year ended June 30, 2015)

	Non-Motorized	Streets and Roads	Totals 2016	Totals 2015
REVENUES				
Intergovernmental:				
Local Transportation Funds	$ 21,459	$ 529,131	$ 550,590	$ 2,539,783
Other	-	19,270	19,270	1,383,848
Interest	7,839	3,338	11,177	21,899
Change in fair value of investments	1,116	996	2,112	(8,792)
Total Revenues	30,414	552,735	583,149	3,936,738
EXPENDITURES				
Current:				
Administrative services	1,931	-	1,931	60,176
Capital outlay:				
Street rehabilitation	2,792	5,292	8,084	1,535,875
Total Expenditures	4,723	5,292	10,015	1,596,051
Excess of Revenues Over Expenditures	25,691	547,443	573,134	2,340,687
OTHER FINANCING SOURCES				
Transfers:				
In from other funds of the City	-	-	-	207,337
Out to other funds of the City	(25,692)	(745,282)	(770,974)	(2,235,197)
Total Other Financing Sources	(25,692)	(745,282)	(770,974)	(2,027,860)
Changes in fund balances	(1)	(197,839)	(197,840)	312,827
Fund balances, beginning of year	1,775	416,957	418,732	105,905
Fund balances, end of year	$ 1,774	$ 219,118	$ 220,892	$ 418,732

See accompanying notes to the financial statem ents.

CITY OF MODESTO
Transportation Development Act Funds
Statement of Net Position - Bus Enterprise Fund
June 30, 2016
(with comparative totals as of June 30, 2015)

	2016	2015
ASSETS		
Current assets:		
Cash and cash equivalents	$ 8,743,727	$ 8,665,578
Accounts receivable	70,660	9,834
Interest receivable	17,411	22,900
Prepaid expenses	16,810	-
Due from other governments	2,504,287	9,016,320
Total Current Assets	11,352,895	17,714,632
Noncurrent assets:		
Capital assets:		
Land and construction in progress	4,777,335	7,734,731
Other capital assets, net of accumulated depreciation	34,649,044	33,562,637
Total Noncurrent Assets	39,426,379	41,297,368
Total Assets	50,779,274	59,012,000
DEFERRED OUTFLOWS OF RESOURCES		
Deferred outflows of resources related to pensions	178,451	143,374
LIABILITIES		
Current liabilities:		
Accounts payable	2,368,848	8,389,038
Accrued salaries and benefits	39,884	49,371
Unearned revenue PTMISEA	4,166,093	4,424,121
Unearned revenue CTSG	9,958	9,871
Unearned revenue Capital Transit	1,309,261	432,076
Unearned revenue LTF	1,765,931	1,630,003
Total Current Liabilities	9,659,975	14,934,480
Noncurrent liabilties:		
Net pension liability	2,149,389	1,899,090
Total liabilities	11,809,364	16,833,570
DEFERRED INFLOWS OF RESOURCES		
Deferred inflows of resources related to pensions	249,231	570,009
NET POSITION		
Investment in capital assets	39,426,379	41,297,368
Unrestricted	(527,249)	454,427
Total Net Position	$ 38,899,130	$ 41,751,795

See accompanying notes to the financial statements.

CITY OF MODESTO
Transportation Development Act Funds
Statement of Revenues, Expenses, and Changes
in Fund Net Position - Bus Enterprise Fund
For the Year Ended June 30, 2016
(with comparative totals for the year ended June 30, 2015)

	2016	2015
OPERATING REVENUES		
Charges for services	$ 2,939,307	$ 3,093,783
Miscellaneous	413,308	330,879
Total Operating Revenues	3,352,615	3,424,662
OPERATING EXPENSES		
Contractual services	11,641,063	11,436,759
Depreciation	2,826,031	2,260,367
Maintenance and supplies	1,626,841	2,229,174
Salaries and wages	1,290,492	1,124,173
Administrative services	779,613	949,105
Employee benefits	401,581	418,885
Allocated indirect administrative costs	316,333	244,305
Utilities	147,511	144,123
Insurance	20,234	21,864
Other	121,161	180,321
Total Operating Expenses	19,170,860	19,009,076
Operating Loss	(15,818,245)	(15,584,414)
NONOPERATING REVENUES (EXPENSES)		
Intergovernmental:		
Local Transportation Funds	7,395,436	6,066,318
State Transit Assistance	2,121,886	2,730,887
Federal Transit Administration	3,127,699	4,245,381
Proposition 1B	-	16,296
CMAQ grants	341,431	32,204
Low Carbon Transit Operations Program	(183,548)	183,908
Other	28,515	-
Loss on disposition of capital assets	(171,075)	-
Interest income	829	9,758
Rental income	154,797	91,217
Change in fair value of investments	7,427	(25,021)
Total Nonoperating Revenues	12,823,397	13,350,948
Loss Before Capital Contributions and Transfers	(2,994,848)	(2,233,466)
Capital contributions:		
Local Transportation Funds	64,661	10,563
Federal Transit Administration	394,005	6,483,261
Proposition 1B	635,679	5,134,068
Low Carbon Transit Operations Program	25,490	-
Transfers in from other funds of the City	1,500	1,500
Transfers out to other funds of the City	(979,152)	-
Change in Net Position	(2,852,665)	9,395,926
Net Position, beginning of year	41,751,795	32,355,869
Net Position, end of year	$ 38,899,130	$ 41,751,795

See accompanying notes to the financial statem ents.

CITY OF MODESTO
Transportation Development Act Funds
Statement of Cash Flows - Bus Enterprise Fund
For the Year Ended June 30, 2016
(with comparative totals for the year ended June 30, 2015)

	2016	2015
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts from customers and users	$ 3,274,979	$ 3,460,980
Payments to suppliers	(20,672,946)	(8,853,031)
Payments to employees	(1,807,116)	(1,539,283)
Net Cash Used in Operating Activities	(19,205,083)	(6,931,334)
CASH FLOWS FROM NONCAPITAL FINANCING ACTIVITIES		
Cash receipts/(payments) from grants:		
Local Transportation Funds	6,568,055	6,828,000
State Transit Assistance	2,121,886	2,730,887
Federal Transit Administration	6,747,594	1,453,760
CMAQ grant for Rideshare Program	330,795	2,140
Low Carbon Transit Operations Program	(183,548)	-
Other	(142,560)	396,697
Transfers in from other funds of the City	1,500	1,500
Transfers out to other funds of the City	(979,152)	-
Net Cash Provided by Noncapital Financing Activities	14,464,570	11,412,984
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Acquisition and construction of capital assets	(955,042)	(11,629,328)
Capital contributions:		
Local Transportation Funds	941,846	340,563
Federal Transit Administration	4,260,088	2,639,679
Proposition 1B	377,738	2,308,078
Low Carbon Transit Operations Program	25,490	-
Net Cash Provided by/(Used in) Capital and Related Financing Activities	4,650,120	(6,341,008)
CASH FLOWS FROM INVESTING ACTIVITIES		
Interest received	13,745	18,127
Rental income received	154,797	91,217
Net Cash Provided by Investing Activities	168,542	109,344
Change in cash and cash equivalents	78,149	(1,750,014)
Cash and cash equivalents, beginning of year	8,665,578	10,415,592
Cash and cash equivalents, end of year	$ 8,743,727	$ 8,665,578

See accompanying notes to the financial statements.

CITY OF MODESTO
Transportation Development Act Funds
Statement of Cash Flows - Bus Enterprise Fund
For the Year Ended June 30, 2016
(with comparative totals for the year ended June 30, 2015)

	2016	2015
RECONCILIATION OF OPERATING LOSS TO NET CASH USED IN OPERATING ACTIVITIES:		
Operating loss	$ (15,818,245)	$ (15,584,414)
Adjustments to reconcile operating loss to net cash used in operating activities:		
Depreciation	2,826,031	2,260,367
Changes in assets and liabilities:		
Accounts receivable	(60,826)	36,318
Prepaid expenses	(16,810)	-
Accounts payable	(6,020,190)	6,352,620
Accrued salaries and benefits	(9,487)	14,432
Net pension liability and related deferred outflows/inflows	(105,556)	(10,657)
Net cash used in operating activities	$ (19,205,083)	$ (6,931,334)

See accompanying notes to the financial statements.

CITY OF MODESTO
Transportation Development Act Funds
Notes to the Financial Statements
For the Year Ended June 30, 2016

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Description of Reporting Entity

The City of Modesto (City) accounts for California Transportation Development Act (TDA) monies in the Local Transportation Special Revenue Funds and the Bus Enterprise Fund (TDA Funds). These funds are a part of the City and not a separate legal entity. As such, these financial statements only present the fund financial statements and no government-wide information or financial statements. The Local Transportation Special Revenue Funds are combined and presented as a special revenue fund in the City's Comprehensive Annual Financial Report (CAFR) along with the Bus Enterprise Fund. These financial statements are intended to reflect the financial position, changes in financial position, and cash flows, where applicable, of the TDA Funds in accordance with accounting principles generally accepted in the United States of America.

B. Basis of Presentation, Basis of Accounting, and Measurement Focus

The Local Transportation Special Revenue Funds are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible with the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the City changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the District's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting. Intergovernmental and interest revenues are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Under Governmental Accounting Standards Board (GASB) Statement No. 34, budgetary comparison information is required to be presented for each major special revenue fund with a legally adopted budget. The City is not legally required to adopt a budget for the TDA Funds. Therefore, budget comparison information is not included in these financial statements.

The Bus Enterprise Fund is reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows.

The financial statements include certain prior-year summarized comparative information in total but not at the level of detail required for a presentation in accordance with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the TDA's financial statements for the year ended June 30, 2015, from which the summarized information was derived.

Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The City reports the following Local Transportation Special Revenue Funds:

The **Non-Motorized Fund** accounts for monies received and spent under Article 3, Section 99234 of the TDA.

The **Streets and Roads Fund** accounts for monies received and spent under Article 8, Section 99400(a) of the TDA.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The City reports the following Enterprise Fund:

The **Bus Enterprise Fund** accounts for monies received and spent under Article 4, Section 99250 (public transit) of the TDA. The Bus Enterprise Fund also receives federal funds through the Federal Transit Administration, and other state and local grants, in addition to operating revenues.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise fund are charges to customers for bus fares, sales, and services. Operating expenses for the enterprise fund includes the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

C. Management's Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions. These estimates and assumptions affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from these estimates.

D. Due from Other Governments/Unearned Revenue

Grants, entitlements, or shared revenues are recorded as receivables and revenues in the special revenue funds when they are received or susceptible to accrual. Grants awarded for enterprise funds are recorded as receivables and nonoperating revenues when they are earned.

Unearned revenue consists of grant funds received in excess of qualified expenditures. Grant revenue is recognized in the period of qualified expenditure/expenses.

E. Capital Assets

Capital assets are defined by the City as assets with an initial individual cost of more than $5,000 and estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated assets are recorded at estimated fair value at the date of donation.

Capital projects funded by the Local Transportation Special Revenue Funds, including infrastructure (roads, curbs, gutters, streets, bridges, sidewalks, drainage systems, lighting systems, right-of-ways, and land related to such assets), are recorded as transfers out to other City funds and capital outlay expenditures of the Local Transportation Special Revenue Funds. These expenditures are capitalized in the City's government-wide financial statements as the related capital assets become the property of the City and are maintained by the City.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In the Bus Enterprise Fund, buildings and equipment are depreciated using the straight-line method over the estimated useful lives of the assets, which are 30 years for buildings, 20 years for improvements, 12 years for buses, 10 years for furnishings and equipment, and 2 to 10 years for vehicles. Depreciation is included in operating expenses.

F. Fund Equity

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the City is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required, either legally or contractually, to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the City, using the highest level of decision-making authority (City Council). To be reported as committed, amounts cannot be used for any other purpose unless the City takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the City *intends* to use for a specific purpose. Intent can be expressed by the City at either the highest level of decision-making authority or by an official or body to which the City delegates the authority. This is also the classification for residual funds in the special revenue funds.
- **Unassigned** - For the TDA Special Revenue Funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The City establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the City through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

G. Net Position

Net position is the excess of all the assets and deferred outflows of resources over all the liabilities and deferred inflows of resources, regardless of fund. Net position is divided into three captions. These captions apply only to net position of the Bus Enterprise Fund, and are described below:

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Investment in Capital Assets describes the portion of net position which is represented by the current net book value of the capital assets, less the outstanding balance of any debt issued to finance these assets.

Restricted describes the portion of net position which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the City cannot unilaterally alter. These principally include resources from grant revenues with Federal and State limitations on how the City may expend these grant funds.

Unrestricted describes the portion of net position which is not restricted as to use.

H. Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Miscellaneous Plan (Plan) and additions to/deductions from the Plan's fiduciary net position have been determined on the same basis as they are reported by the CalPERS Financial Office. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. Investments of the Plan are reported at fair value.

GASB Statement No. 68 requires that the reported results must pertain to liability and asset information within certain defined timeframes. For this report, the following timeframes are used:

Valuation Date:	June 30, 2014
Measurement Date:	June 30, 2015
Measurement Period:	July 1, 2014 to June 30, 2015

I. New Accounting Pronouncements

During the year ended June 30, 2016, the City implemented the following GASB standards:

GASB Statement No. 72, *Fair Value Measurement and Application.* This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements among governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the TDA Funds' financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the TDA Funds' financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the TDA Funds' financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants.* The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the TDA Funds' financial statements.

The City is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the TDA Funds' fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the TDA Funds' fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the TDA Funds' fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the TDA Funds' fiscal year ending June 30, 2017.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the TDA Funds' fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the TDA Funds' fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the TDA Funds' fiscal year ending June 30, 2017.

NOTE 2 – INVESTMENT IN CITY OF MODESTO POOL

The cash and investments of the TDA Funds are held in the City's investment pool. The cash and investments of the TDA Funds are reported as cash and cash equivalents on the balance sheet and statement of net position because the City can spend cash of the TDA Funds at any time without prior notice or penalty. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pool cash and investments is credited to each participant in the pool based on each participant's average monthly cash balance. The Modesto City Council has oversight responsibility of the City investment pool. Detailed information concerning the City's pooled cash and investments, including information regarding the fair value of investments, may be found in the City's Comprehensive Annual Financial Report. The TDA Funds' investments in the pool are stated at fair value. As of June 30, 2016, the fair value of the TDA Funds' position in the pool is the same as the value of its pool shares.

The fair value hierarchy established by generally accepted accounting principles is based on the valuation inputs used to measure the fair value of the assets. The TDA Funds' investment in the City's investment pool is exempt from fair value hierarchy disclosures.

NOTE 3 – CAPITAL ASSETS

Capital asset activity for the Bus Enterprise Fund for the year ended June 30, 2016, was as follows:

	Beginning Balance	Additions and transfers in	Deletions and transfers out	Ending Balance
Capital assets, not being depreciated:				
Land	$ 4,060,454	$ -	$ -	$ 4,060,454
Construction in progress	3,674,277	716,881	(3,674,277)	716,881
Total capital assets, not being depreciated	7,734,731	716,881	(3,674,277)	4,777,335
Capital assets, begin depreciated:				
Buildings	23,240,846	467,566	-	23,708,412
Improvements	4,336,165	-	-	4,336,165
Furnishings and equipment	1,448,291	-	(52,404)	1,395,887
Vehicles	222,284	-	-	222,284
Buses and fareboxes	27,997,105	3,653,855	(3,163,161)	28,487,799
Total capital assets, being depreciated	57,244,691	4,121,421	(3,215,565)	58,150,547
Less accumulated depreciation for:				
Buildings	(5,467,167)	(765,543)	-	(6,232,710)
Improvements	(1,929,661)	(206,367)	-	(2,136,028)
Furnishings and equipment	(577,767)	(127,695)	47,164	(658,298)
Vehicles	(163,599)	(16,042)	-	(179,641)
Buses and fareboxes	(15,543,860)	(1,710,384)	2,959,418	(14,294,826)
Total accumulated depreciation	(23,682,054)	(2,826,031)	3,006,582	(23,501,503)
Total capital assets, being depreciated, net	33,562,637	1,295,390	(208,983)	34,649,044
Total capital assets, net	$ 41,297,368	$ 2,012,271	$ (3,883,260)	$ 39,426,379

Depreciation expense ended June 30, 2016 was $2,826,031.

NOTE 4 – COMPLIANCE REQUIREMENTS OF LOCAL TRANSPORTATION FUNDS

The Bus Enterprise Fund is subject to TDA provisions requiring the calculation and adherence of fare and local support ratios for TDA transit funding. Effective November 17, 2010, the Stanislaus Council of Governments (StanCOG), the transportation planning agency for Stanislaus County, approved a permanent combined system farebox recovery ratio of 15%. The City's Bus Enterprise Fund is now required to combine the fixed route and demand response into one calculation. The Bus Enterprise Fund's fare ratio of operating revenues to operating expenses, as calculated below, indicates the City is in conformance with the provisions of the TDA:

	2016	2015
Charges for services	$ 2,939,307	$ 3,093,783
Advertising revenue	235,393	-
Less: Non-fare charges	(14,115)	(14,136)
Fare revenues	3,160,585	3,079,647
Operating expenses	19,170,860	19,009,076
Less expenses not related to fare generated activities:		
Depreciation	(2,826,031)	(2,260,367)
Transfers in from other City funds	(1,500)	(1,500)
Capital activities	(153,057)	(534,334)
Grant and rent-funded activities	(87,041)	(44,815)
Adjustments	(825,022)	(1,057,540)
Applicable operating expenses	$ 15,278,209	$ 15,110,520
Fare ratio	20.69%	20.38%

NOTE 5 – PROPOSITION 1B: PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA)

In November 2006, California voters passed a bond measure enacting the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Of the $19.925 billion of State general obligation bonds authorized, $4 billion was set aside by the State as instructed by the statute as the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA). These funds are available to the California Department of Transportation for intercity rail projects and to transit operators in California for rehabilitation, safety, or modernization improvements; capital service enhancements or expansions; new capital projects; bus rapid transit improvements; or for rolling stock procurement, rehabilitation, or replacement.

NOTE 5 – PROPOSITION 1B: PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT (PTMISEA) (Continued)

In fiscal year 2016, the City received $350,092 from State of California Department of Transportation passed through StanCOG. The City spent $647,378 in various projects during the year and earned an additional $39,258 in interest, leaving $4,166,093 of unspent PTMISEA funds as of June 30, 2016.

Project Name	Beginning Unearned Revenue	Interest Earned	New Receipts	Expended	Ending Unearned Revenue
Rehabilitation of existing buses	$ 24,598	$ 216	$ -	$ (24,137)	$ 677
New and refurbish buses	2,732,737	22,907	-	(623,241)	2,132,403
Bus stops	95,056	956	11,700	-	107,712
Depository	442,165	3,903	-	-	446,068
Security	1,129,565	9,970	-	-	1,139,535
Fareboxes	-	1,306	338,392	-	339,698
Total	$4,424,121	$ 39,258	$ 350,092	$ (647,378)	$4,166,093

NOTE 6 – PROPOSITION 1B: CALIFORNIA TRANSIT SECURITY GRANT (CTSG)

In fiscal year 2016, the City received no additional funding but received $87 in interest on the unspent funds, and had no disbursements of CTSG funds, leaving $9,958 of unspent CTSG funds as of June 30, 2016.

NOTE 7 – CAPITAL TRANSIT AND LOCAL TRANSPORTATION FUNDS

Unearned revenue for the TDA Funds for the year ended June 30, 2016, was as follows:

	Local Transportation Special Revenue Funds		
	Non-Motorized	Streets and Roads	Total
Unearned revenue, beginning of year	$ 855,110	$ 797,255	$ 1,652,365
TDA funds allocated	153,047	-	153,047
TDA funds earned	(21,459)	(529,131)	(550,590)
Adjustment	-	(38,341)	(38,341)
Unearned revenue, end of year	$ 986,698	$ 229,783	$ 1,216,481

	Bus Enterprise Fund		
	LTF/LCTOP	Capital Transit/ LCTOP	Total
Unearned revenue, beginning of year	$ 1,630,003	$ 432,076	$ 2,062,079
TDA funds allocated	7,531,364	992,333	8,523,697
TDA funds earned	(7,395,436)	(90,151)	(7,485,587)
Adjustment	-	(24,997)	(24,997)
Unearned revenue, end of year	$ 1,765,931	$ 1,309,261	$ 3,075,192

NOTE 8 – PENSION PLAN

General Information about the Pension Plan

Plan Description – All of the Bus Fund qualified employees are eligible to participate in the City's Miscellaneous Pension Plan (Plan), an agent multi-employer defined benefit pension plan administered by the California Public Employees' Retirement System (CalPERS). Departments and funds of the City, including the Bus Fund, are in a cost-sharing arrangement in which all risks and costs are shared proportionately. A full description of the Plan regarding number of employees covered, benefit provisions, assumptions (for funding, but not accounting purposes), and membership information are listed in the June 30, 2013 Annual Actuarial Valuation Report. Details of the benefits provided can be obtained in Appendix B of the actuarial valuation report. This report and CalPERS' audited financial statements are publicly available reports that can be obtained at CalPERS' website at www.calpers.ca.gov under Forms and Publications.

The California Legislature passed and the Governor signed the "Public Employees' Pension Reform Act of 2013" (PEPRA) on September 12, 2012. PEPRA contained a number of provisions intended to reduce future pension obligations. PEPRA primarily affects new pension plan members who are enrolled for the first time after December 2012. Benefit provisions under the Plan and other requirements are established by State statute and City resolution.

Benefits Provided – The benefits for the Plan are based on members' years of services, age, final compensation, and benefit formula. Benefits are provided for disability, death, and survivors of eligible members or beneficiaries. Members come fully vested in their retirement benefits earned to date after five years of credited service.

The Plan's provisions and benefits in effect at June 30, 2016 and 2015 are summarized as follows:

Hire date	Prior to January 17, 2012	January 17, 2012 to December 31, 2012	On or After January 1, 2013
Benefit formula	2% @ 55	2% @ 60	2% @ 62
Benefit vesting schedule	5 years of service	5 years of service	5 years of service
Benefit payments	monthly for life	monthly for life	monthly for life
Retirement age	50 to 67	50 to 67	52 to 67
Monthly benefits, as a % of eligible compensation	1.426 to 2.418%	1.092 to 2.418%	1.000 to 2.500%

Contributions – Section 20814(c) of the California Public Employees Retirement Law (PERL) requires that the employer contribution rates for all public employers be determined on an annual basis by the actuary and shall be effective on the July 1 following notice of a change in the rate. The total plan contributions are determined through the CalPERS' annual actuarial valuation process. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability. The City is required to contribute the difference between the actuarially determined rate and the contribution rate of employees.

NOTE 8 – PENSION PLAN (Continued)

For the measurement period ended June 30, 2015 (the measurement date) for the Plan, the average active employee contribution rate was 6.933% of annual pay and the employer's contribution rate was 13.539% of annual payroll. For the measurement period ended June 30, 2014 (the measurement date) for the Plan, the average active employee contribution rate was 6.971% of annual pay and the employer's contribution rate was 11.984% of annual payroll. Employer contribution rates may change if plan contracts are amended. It is the responsibility of the City to make necessary accounting adjustments to reflect the impact due to any employer-paid member contributions or situations where members are paying a portion of the employer contribution.

For the year ended June 30, 2016, the employer contributions recognized as a deferred outflow of resources was $178,451.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

As of June 30, 2016, the Bus Fund reported a liability of $2,149,389 for its proportionate share of the net pension liability. The net pension liability at June 30, 2016, was measured as of June 30, 2015, using an annual actuarial valuation as of June 30, 2014, rolled forward to June 30, 2015 using standard update procedures. The Bus Fund's proportion of the net pension liability was based on its contributions to the Plan relative to all contributions to the Plan. At June 30, 2016, the Bus Fund's proportion was 2.6843%.

For the year ended June 30, 2016, the Bus Fund recognized pension expense of $80,173. At June 30, 2016, the Bus Fund reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

June 30, 2016	Deferred Outflows of Resources	Deferred Inflows of Resources
Pension contribution subsequent to measurement date	$ 178,451	$ -
Changes of assumptions		(130,073)
Differences between expected and actual experiences	-	(61,595)
Net difference between projected and actual earnings on pension plan investments	-	(57,563)
Totals	$ 178,451	$ (249,231)

NOTE 8 – PENSION PLAN (Continued)

Amounts reported as deferred outflows and deferred inflows of resources related to pensions will be recognized in future pension expense as follows:

Year Ending June 30	
2017	$ (132,562)
2018	(132,562)
2019	(103,115)
2020	119,008
Total	$ (249,231)

Actuarial Assumptions – The total pension liabilities in the June 30, 2014 actuarial valuations, which were rolled forward to June 30, 2015, were determined using the following actuarial method and assumptions:

Valuation Date	June 30, 2014
Measurement Date	June 30, 2015
Actuarial Cost Method	Entry-Age Normal
Actuarial Assumptions:	
Discount Rate	7.65%
Inflation	2.75%
Payroll Growth	3.00%
Salary Increases	Varies by Entry Age and Service
Investment Rate of Return	7.65% Net of Pension Plan Invesment and Administrative Expenses, includes Inflation
Mortality Rate Table [(1)]	Derived using CalPERS' Membership Data for all Funds
Post Retirement Benefit Increase	Contract COLA up to 2.75% until Purchasing Power Protection Allowance Floor on Purchasing Power applies, 2.75% thereafter

[(1)] The mortality table used was developed based on CalPERS' specific data. The table includes 20 years of mortality improvements using Society of Actuaries Scale BB. For more details on this table, please refer to the 2014 experience study report available on CalPERS website.

All other actuarial assumptions used in the June 30, 2014 valuation was based on the results of actuarial experience study for the period from 1997 to 2011, including updates to salary increase, mortality and retirement rates. The Experience Study report can be obtained at CalPERS website under Forms and Publications.

NOTE 8 – PENSION PLAN (Continued)

Discount Rate – The discount rate used to measure the total pension liability at June 30, 2016 was 7.65 percent. To determine whether the municipal bond rate should be used in the calculation of a discount rate for the Plan, CalPERS stress tested plans that would most likely result in a discount rate that would be different from the actuarially assumed discount rate. Based on the testing, none of the tested plans run out of assets. Therefore, the discount rate is adequate and the use of municipal bond rate calculation is not necessary. The long-term expected discount rate of 7.65 percent is applied to all plans in the Public Employees Retirement Fund for the June 30, 2015 measurement date. The stress test results are presented in a detailed report called "GASB Crossover Testing Report" that can be obtained at CalPERS' website under the GASB 68 section.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class.

In determining the long-term expected rate of return, CalPERS staff took into account both short-term and long-term market return expectations as well as the expected pension fund cash flows. Such cash flows were developed assuming that both members and employers will make their required contributions on time and as scheduled in all future years. Using historical returns of all the funds' asset classes, expected compound (geometric) returns were calculated over the short-term (first 10 years) and the long-term (11-60 years) using a building-block approach. Using the expected nominal returns for both short-term and long-term, the present value of benefits was calculated for each fund. The expected rate of return was set by calculating the single equivalent expected return that arrived at the same present value of benefits for cash flows as the one calculated using both short-term and long-term returns. The expected rate of return was then set equivalent to the single equivalent rate calculated above and rounded down to the nearest one quarter of one percent.

The table below reflects long-term expected real rate of return by asset class. The rate of return was calculated using the capital market assumptions applied to determine the discount rate and asset allocation. These geometric rates of return are net of administrative expenses.

The target allocation for the June 30, 2015 measurement date was as follows:

Asset Class	New Strategic Allocation	Real Return Years 1 - 10 [1]	Real Return Years 11+ [2]
Global Equity	51.00%	5.25%	5.71%
Global Fixed Income	19.00%	0.99%	2.43%
Inflation Sensitive	6.00%	0.45%	3.36%
Private Equity	10.00%	6.83%	6.95%
Real Estate	10.00%	4.50%	5.13%
Infrastruction and Forestland	2.00%	4.50%	5.09%
Liquidity	2.00%	-0.55%	-1.05%
Total	100.00%		

[1] An expected inflation of 2.5% used for this period.

[2] An expected inflation of 3.0% used for this period.

NOTE 8 – PENSION PLAN (Continued)

Sensitivity of the Bus Fund's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate – The following presents the net pension liability of the Plan as of the June 30, 2015 measurement date, calculated using the discount rate of 7.65 percent, as well as what the net pension liability would be if it were calculated using a discount rate that is 1 percentage-point lower (6.65 percent) or 1 percentage-point higher (8.65 percent) than the current rate:

	Discount Rate - 1% (6.65%)	Current Discount Rate (7.65%)	Discount Rate + 1% (8.65%)
Bus Fund's Proportionate Share of Plan's Net Pension Liability	$ 3,594,255	$ 2,149,389	$ 1,124,699

Pension Plan Fiduciary Net Position – Detailed information about the pension plan's fiduciary net position is available in the separately issued CalPERS financial report. Copies of which may be obtained from the CalPERS Executive Offices, Lincoln Plaza East, 400 Q Street, Sacramento, California 95811.

CITY OF MODESTO
Transportation Development Act Funds
Required Supplementary Information (Unaudited)
Schedule of the Bus Fund's Proportionate Share
of the Net Pension Liability
Last 10 Years*

	2016	2015
Miscellaneous Plan:		
Bus Fund's proportion of the net pension liability	2.68432%	2.55465%
Bus Fund's proportionate share of the net pension liability	$ 2,149,389	$ 1,899,090
Bus Fund's covered-employee payroll	$ 1,115,678	$ 1,127,265
Plan net pension liability as a percentage of their covered-employee payroll	201.29%	168.47%
Plan fiduciary net position as a percentage of the total pension liability	79.02%	81.18%

Notes to Schedule:
Changes in assumptions:
In 2015, there were no changes in assumptions.

* - GASB Statement No. 68 was implemented in 2015.

CITY OF MODESTO
Transportation Development Act Funds
Required Supplementary Information (Unaudited)
Schedule of the Bus Fund's Contributions
Last 10 Years*

	2016	2015
Miscellaneous Plan:		
Contractually required contribution	$ 178,451	$ 143,374
Contributions in relation to the contractually required contribution	178,451	143,374
Contribution deficiency (excess)	$ -	$ -
Bus Fund's covered-employee payroll	$ 1,127,265	$ 1,075,274
Contributions as a percentage of covered-employee payroll	15.83%	13.33%

Notes to Schedule:

The actuarial methods and assumptions used to determine contribution rates for the year ended June 30, 2016 were from the actuarial valuations for the year ended June 30, 2013.

Actuarial cost method	Entry-Age Normal
Actuarial assumptions:	
Inflation	2.75%
Salary increase	Varies [1]
Payroll growth	3.00% [2]
Investment rate of return	7.50%
Retirement age	2010 Experience Study [3]
Mortality	2010 Experience Study [4]

[1] Depending on age, service, and type of employment.

[2] Net of pension plan investment and administrative expenses, including inflation.

[3] The probabilities of retirement are based on the 2010 CalPERS Experience Study for the period from 1997 to 2007.

[4] The probabilities of mortality are based on the 2010 CalPERS Experience Study for the period from 1997 to 2007. Pre-retirement and post-retirement mortality rates include 5 years of projected mortality improvement using Scale AA published by the Society of Actuaries.

* - GASB Statement No. 68 was implemented in 2015.

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Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* and the Transportation Development Act

Honorable Members of the City Council
City of Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the Local Transportation Special Revenue Funds and the Bus Enterprise Fund (collectively known as the Transportation Development Act Funds) of the City of Modesto, California (City), as of and for the year ended June 30, 2016, and the related notes to the financial statements, and have issued our report thereon dated December 14, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting as it relates to the Transportation Development Act Funds (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of City's internal control. Accordingly, we do not express an opinion on the effectiveness of City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's Transportation Development Act Funds financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including the applicable statutes, rules and regulations of the Transportation Development Act and the allocation instructions and resolutions of the Stanislaus Council of Governments as required by Sections 6666 and 6667 of Title 21, Division 3, Chapter 2, Article 5.5 of the California Code of Regulations, noncompliance with which could have a direct

and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards* or the Transportation Development Act.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* and the Transportation Development Act in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
December 14, 2016

Independent Accountant's Report on Compliance with the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA)

Honorable Members of the City Council
City of Modesto, California

We have examined the City of Modesto's (City) compliance with the verification of receipt and appropriate expenditure of bond funds audit requirements per the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) Guidelines during the year ended June 30, 2016. Management is responsible for the City's compliance with those requirements. Our responsibility is to express an opinion on the City's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the City's compliance with specified requirements.

In our opinion, the City complied, in all material respects, with the aforementioned requirements for the year ended June 30, 2016.

This report is intended solely for the information and use of the Stanislaus Council of Governments, management, the State of California Department of Transportation, and State Controller's Office and is not intended to be and should not be used by anyone other than these specified parties.

Macias Gini & O'Connell LLP

Walnut Creek, California
December 14, 2016

CITY OF MODESTO
Transportation Development Act Funds
Summary Schedule of Prior Audit Findings
For the Year Ended June 30, 2016

2015 Comment:	***2015-001 – Restatements of Prior Year Financial Statements***
Condition/Effect:	The City did not properly record capital assets nor properly accrue revenue in its Bus Fund in the 2014 financial statements. This condition resulted in the City restating its 2014 Bus Fund financial statements to increase "capital assets – construction in progress" and decrease "maintenance and supplies expenses" by $766, and decrease "buses and fareboxes accumulated depreciation" and "depreciation expenses" by $685,745. In addition, "due from other governments" and "intergovernmental – Federal Transit Administration" were increased by $26,037.
Recommendation:	The City should record transactions in its Bus Fund accurately to present restatements in the following year.
Status:	Corrected.
2015 Comment:	***2015-002 – Intergovernmental – Nonoperating Revenues and Capital Contributions***
Condition/Effect:	The City did not correctly present intergovernmental and capital contributions in its Bus Fund for the year ended June 30, 2014, nor were such initial amounts correct for the year ended June 30, 2015. This condition resulted in the City reclassifying its 2014 Bus Fund financial statements decreasing "capital contributions" and increasing "intergovernmental revenues" by $4,672,465. Also, additional analysis was necessary for the City"s 2015 Bus Fund financial statements to be presented correctly.
Recommendation:	The City should analyze its intergovernmental revenue sufficiently to determine whether the reimbursements relate to operating expenses or capital outlays.
Status:	Corrected.

CITY OF MODESTO
Transportation Development Act Funds
Summary Schedule of Prior Audit Findings
For the Year Ended June 30, 2016

2015 Comment:	***2015-003 – Compilation of Financial Statements***
Condition/Effect:	The City did not compile the financial information in a manner necessary to prepare its Bus Fund financial statements. This condition resulted in the auditor spending a significant amount of time to compile the financial information from the trial balance of the City's Bus Fund and to work with the City to adjust the initial financial statement compilation to meet the City's approval.
Recommendation:	The City should compile the trial balance of its Bus Fund as to enable the auditor to prepare its Bus Fund financial statements that meet the City's approval.
Status:	Corrected.

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MODESTO-CERES FIRE PROTECTION AGENCY

INDEPENDENT AUDITOR'S REPORTS,
BASIC FINANCIAL STATEMENTS, AND
OTHER INFORMATION

FOR THE YEAR ENDED JUNE 30, 2016

Certified
Public
Accountants

MODESTO-CERES FIRE PROTECTION AGENCY
FOR THE YEAR ENDED JUNE 30, 2016

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Independent Auditor's Report

Board of Directors
Modesto-Ceres Fire Protection Agency
Modesto, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and General Fund of the Modesto-Ceres Fire Protection Agency (the Agency) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the General Fund of the Agency, as of

June 30, 2016, and the respective changes in financial position thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Management has omitted management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Agency's basic financial statements. The schedule of officers is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The schedule of officers has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 3, 2016, on our consideration of the Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Agency's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 3, 2016

MODESTO-CERES FIRE PROTECTION AGENCY
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
AND BALANCE SHEET - GENERAL FUND
JUNE 30, 2016

ASSETS		
Cash and investments	$	207,093
Taxes receivable		32,147
Interest receivable		767
Total Assets		240,007
LIABILITIES		
Accounts payable		240,007
FUND BALANCE/NET POSITION		
Unrestricted	$	-

See accompanying notes to the basic financial statements.

MODESTO-CERES FIRE PROTECTION AGENCY
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
AND STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGE IN FUND BALANCE - GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2016

EXPENDITURES/EXPENSES		
Fire and ambulance service:		
Services, professional, and other	$	4,862
City of Modesto - administrative fee		16,880
Other		3,037
Total expenditures/expenses		24,779
GENERAL REVENUES AND DISTRIBUTIONS		
General Revenues:		
Taxes		560,820
Interest		1,576
Change in fair value of investments		267
Distributions:		
City of Modesto		(298,795)
City of Ceres		(239,089)
Total General Revenues and Distributions		24,779
Change in Fund Balance/Net Position		-
Fund Balance/Net Position, beginning of year		-
Fund Balance/Net Position, end of year	$	-

See accompanying notes to the basic financial statements.

MODESTO-CERES FIRE PROTECTION AGENCY
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - GENERAL FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance With
	Original	Final	Amounts	Final Budget
REVENUE				
Taxes	$ 564,567	$ 564,567	$ 560,820	$ (3,747)
Interest	2,901	2,901	1,576	(1,325)
Change in fair value of investments	-	-	267	267
Total Revenue	567,468	567,468	562,663	(4,805)
EXPENDITURES				
Services, professional, and other	4,800	4,800	4,862	(62)
Liability insurance	2,079	2,079	-	2,079
City of Modesto - administrative fee	17,024	17,024	16,880	144
Other	2,161	2,161	3,037	(876)
Total Expenditures	26,064	26,064	24,779	1,285
Excess of Revenues over Expenditures	541,404	541,404	537,884	(3,520)
OTHER FINANCING USES				
Distributions to Member Agencies:				
City of Modesto	(300,750)	(300,750)	(298,795)	1,955
City of Ceres	(240,654)	(240,654)	(239,089)	1,565
Total Other Financing Uses	(541,404)	(541,404)	(537,884)	3,520
Changes in Fund Balance	$ -	$ -	-	$ -
Fund Balance, beginning of year			-	
Fund Balance, end of year			$ -	

See accompanying notes to the basic financial statem ents.

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Organization

The Modesto-Ceres Fire Protection Agency (the Agency) was formed on March 13, 2007 by a joint powers agreement made in accordance with Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (commencing with Section 6500) between the Industrial Fire District (District), the City of Modesto, and the City of Ceres for the cities to provide fire protection and administrative services within the District. The Agency operates under the Fire Protection District Law of 1987 and the Health and Safety Code, Sections 13,801-13,999.

Revenue to finance the Agency's operation is derived from the County of Stanislaus property tax rolls.

B. Summary of Significant Accounting Policies

The accounting and reporting policies of the Agency relating to the funds included in the accompanying financial statements conform in all material respects to accounting principles generally accepted in the United States of America that are applicable to state and local governments.

The following significant accounting policies were applied in the preparation of the accompanying financial statements.

C. Reporting Entity

The Agency's financial statements include the accounts of all Agency operations. The criteria for including organizations as component units within the Agency's reporting entity, as set forth in Section 2100 of the Governmental Accounting Standards Boards (GASB) Codification of Government Accounting and Financial Reporting Standards, include whether:

– the organization is legally separate (can sue and be sued in their own name)

– the Agency holds the corporate powers of the organization

– the Agency appoints a voting majority of the organization's board

– the Agency is able to impose its will on the organization

– the organization has the potential to impose a financial benefit/burden on the Agency

– there is fiscal dependency by the organization on the Agency

Based on the aforementioned criteria, the Agency has no component units.

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

D. Government-Wide and Fund Financial Statements

The Agency's government-wide financial statements include a statement of net position and a statement of activities. These statements present summaries of governmental activities for the Agency.

These statements are presented on an "economic resources" measurement focus and the accrual basis of accounting. Accordingly, all of the Agency's assets and liabilities are included in the accompanying statement of net position.

The statement of activities demonstrates the degree to which the direct expenses of a given function or identifiable activities are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or identifiable activity. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or identifiable activity and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or identifiable activity. Taxes and other items not properly included among program revenues are reported instead as general revenues.

The Agency's governmental fund financial statements include a balance sheet and a statement of revenues, expenditures, and change in fund balance. The General Fund is the only governmental fund.

The General Fund is accounted for on a spending or "current financial resources" measurement focus and the modified accrual basis of accounting. Accordingly, only current assets and current liabilities are included on the balance sheet. The statement of revenues, expenditures, and change in fund balance presents increases (revenues) and decreases (expenditures) in fund balance.

Under the modified accrual basis of accounting, revenues are recognized in the accounting period in which they become both measurable and available to finance expenditures of the current period. Accordingly, revenues are recorded when received in cash, except for revenues susceptible to accrual (generally received 60 days after year-end). The primary revenue source, which have been treated as susceptible to accrual by the Agency, is property taxes.

Expenditures are recorded in the accounting period in which the related fund liability is incurred.

Since the amounts presented in the Agency's balance sheet and statement of net position are the same, they are presented as one financial statement. Similarly, since the amounts presented in the Agency's statement of revenues, expenditures, and change in fund balance and the statement of activities are the same, they are presented as one financial statement. There were no encumbrances outstanding as of June 30, 2016, so the actual budgetary-basis expenditures are the same as the actual GAAP-basis expenditures.

E. Budget

The budget for the General Fund is prepared on the cash and expenditures/encumbrances basis. Revenues are budgeted in the year receipt is expected; expenditures, which include encumbrances, are budgeted in the year that the applicable warrant requisitions are expected to be issued.

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Annual budget requests are submitted by the Agency staff to the Agency's Board of Directors for review. After public hearing, a budget is approved by the Agency's Board of Directors, with a resolution adopting said budget. Copies of the approved budget are sent to all required agencies.

The General Fund budget is prepared within the limit on spending as regulated by Proposition 4 Appropriations Limitation. Unencumbered appropriations for annually budgeted funds lapse at year-end.

F. Proposition 4

The Proposition 4 Appropriations Limitation for the year ended June 30, 2016, was $982,066.

G. Property Tax

Secured property taxes attach as an enforceable lien on real property as of the 1st day of January. Taxes are payable in two installments on November 10th and March 10th, and become delinquent if not paid before December 10th and April 10th. Unsecured property taxes are billed in one installment, are due March 15th, and become delinquent if not paid on or before August 31st. The County of Stanislaus bills and collects all property taxes and remits to the Agency its share of the 1% property tax allocation. Tax revenues are recognized by the Agency when received.

H. Employees' Retirement Plan

The Agency no longer participates in the County of Stanislaus retirement plan since firefighters are paid by the Cities of Modesto and Ceres.

I. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the Agency is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** – Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** – Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** – Amounts constrained to specific purposes by the Agency itself, using the Agency's highest level of decision-making authority (the Board of Directors). To be reported as committed, amounts cannot be used for any other purpose unless the Agency takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
  Assigned – Amounts the Agency *intends* to use for a specific purpose. Intent can be expressed by the Agency at either the highest level of decision-making authority or by an official or body to which the Agency delegates the authority. This is also the classification for residual funds in the Agency's General Fund.

NOTE 1 – ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

- **Unassigned** – The residual classification for the Agency's General Fund that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The Agency establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption or amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the Agency through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the Agency's policy to use restricted resources first, followed by the committed, assigned and unassigned resources as they are needed.

J. Accounting Standards Update

During the year ended June 30, 2016, the Agency implemented the following GASB standards:

GASB Statement No. 72, *Fair Value Measurement and Application.* This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the Agency's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the Agency's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the Agency's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations

or restrictions on participant withdrawals. This statement did not have a significant impact to the Agency's financial statements.

The Agency is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the Agency's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the Agency's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans*, No. 68, *Accounting and Financial Reporting for Pensions*, and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions*

of GASB Statements 67 and 68. The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee (plan member) contribution requirements. This Statement is effective for the Agency's fiscal year ending June 30, 2017.

NOTE 2 – CASH AND INVESTMENTS

Cash and investments of the Agency are pooled with other City of Modesto funds. The Agency's portion of this pooled amount was $207,093 at June 30, 2016. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pooled cash and investments is credited to each participant in the pool based on each participant's average monthly cash balance. Detailed information concerning the City of Modesto's pooled cash and investments, including information regarding the fair value of investments, may be found in the City of Modesto's Comprehensive Annual Financial Report. As of June 30, 2016, the fair value of the Agency's position in the pool is the same as the value of its pool shares.

NOTE 3 – EXPENDITURES OVER APPROPRIATIONS

For the year ended June 30, 2016, expenditures exceeded appropriations as follows:

General Fund	
Services, professional, and other	$ 62
Other	876

OTHER INFORMATION

MODESTO-CERES FIRE PROTECTION AGENCY
SCHEDULE OF OFFICERS
JUNE 30, 2016

President	Bryan Nicholes – City of Ceres Deputy Fire Chief
Vice President	Vacant
Secretary	Diane Rambo – City of Modesto Fire Executive Assistant
City of Modesto	James Holgersson – City of Modesto City Manager
City of Ceres	Toby Wells – City of Ceres City Manager
City of Modesto	Sean Slamon – City of Modesto Fire Chief

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Board of Directors
Modesto-Ceres Fire Protection Agency
Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and General Fund of the Modesto-Ceres Fire Protection Agency (Agency) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements, and have issued our report thereon dated November 3, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Agency's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. Accordingly, we do not express an opinion on the effectiveness of Agency's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The

results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 3, 2016

TUOLUMNE RIVER REGIONAL PARK

INDEPENDENT AUDITOR'S REPORTS,
BASIC FINANCIAL STATEMENTS, AND
REQUIRED SUPPLEMENTARY
INFORMATION

FOR THE YEAR ENDED JUNE 30, 2016

mgo Certified Public Accountants

TUOLUMNE RIVER REGIONAL PARK
FOR THE YEAR ENDED JUNE 30, 2016

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report

Tuolumne River Regional Park Commission,
The Board of Supervisors of the
County of Stanislaus, California, and
The City Councils of Modesto and Ceres, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of the Tuolumne River Regional Park (the Park) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Park's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Park as of June 30, 2016, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 16, 2016, on our consideration of the Park's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Park's internal control over financial reporting and compliance.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 16, 2016

TUOLUMNE RIVER REGIONAL PARK
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE YEAR ENDED JUNE 30, 2016

This section of the annual financial report presents a discussion and analysis of financial performance of Tuolumne River Regional Park (the Park) during the past fiscal year. Please read it in conjunction with the Park's financial statements, which follow this section.

FINANCIAL HIGHLIGHTS

The assets of the Park exceeded liabilities at the close of the 2016 fiscal year by $6,381,161 (net position). Of this amount, $6,210,706 is invested in capital assets, and $170,455 (unrestricted net position) may be used to meet ongoing obligations to citizens and creditors.

- Total net position decreased by $102,217 from current year activity.
- As of June 30, 2016, the Park's funds reported combined fund deficit of $58,309, an increase of $3,212 in comparison with the prior year.
- At the end of the fiscal year, the General Fund had a fund balance of $10,712.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is intended to serve as an introduction to the Park's basic financial statements. The basic financial statements are made up of three components 1) Government-Wide Financial Statements, 2) Fund Financial Statements, and 3) Notes to the Basic Financial Statements. Required Supplementary Information is included in addition to the basic financial statements.

Government-Wide Financial Statements are designed to provide readers with a broad overview of Park finances, in a manner similar to a private-sector business.

The statement of net position presents information on all assets and liabilities, with the difference between the two reported as *net position.* Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Park is improving or deteriorating.

The statement of activities presents information showing how net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will result in cash inflows or outflows in future fiscal periods.

The sole function of the Park is parks and recreation. It is principally supported by contributions from the three participating agencies of the Park joint powers agreement, the County of Stanislaus and the Cities of Modesto and Ceres, rather than by user fees, and thus, is considered a governmental activity.

The government-wide financial statements can be found on pages 10 and 11 of this report.

Fund Financial Statements provide evidence of accountability by demonstrating compliance with budgetary decisions. A fund is a group of related accounts that is used to maintain control over resources that have been segregated for specific activities or purposes stipulated by laws, regulations, or policies. Both Park funds are governmental funds.

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental funds financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds financial statements is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental funds balance sheet and the governmental funds statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The Park maintains two individual governmental funds. Information is presented separately in the governmental funds balance sheet and in the governmental funds statement of revenues, expenditures, and changes in fund balances for both the General Fund and the Capital Projects Fund.

The governmental funds financial statements can be found on pages 12 through 13 of this report.

Notes to the Basic Financial Statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes can be found on pages 15 through 21 of this report.

Required Supplementary Information presents budgetary comparison schedules for the General Fund to demonstrate compliance with the budget. Required supplementary information can be found on pages 23 through 24 of this report.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. Net position of the Park was $6,381,161 at the close of fiscal year 2016, compared with $6,483,378 as of June 30, 2015.

Statement of Net Position – Governmental Activities

	2016	2015
Current and other assets	$ 430,092	$ 242,812
Capital assets	6,210,706	6,316,135
Total assets	6,640,798	6,558,947
Current and other liabilities	259,637	75,569
Net position:		
Investment in capital assets	6,210,706	6,316,135
Unrestricted	170,455	167,243
Total net position	$ 6,381,161	$ 6,483,378

The largest portion of net position, $6,210,706, is made up of the Park's investment in capital assets. The Park uses these assets to provide its parks and recreation services; consequently, they are not available for future spending.

The resultant unrestricted net position is $170,455. This amount is the balance at year-end which may be used to meet the Park's ongoing obligations.

The Park's net position decreased by $102,217 during the current fiscal year.

Statement of Activities – Governmental Activities

	2016	2015
Revenues:		
Program revenues:		
Charges for services	$ 63,317	$ 51,312
Capital grants and contributions	193,313	273,093
Operating grants and contributions	255,577	202,999
General revenues:		
Investment earnings	-	212
Other	980	7,263
Total revenues	513,187	534,879
Expenses:		
Parks and recreation	615,404	623,377
Change in net position	(102,217)	(88,498)
Net position, beginning of year	6,483,378	6,571,876
Net position, end of year	$ 6,381,161	$ 6,483,378

The 2016 net position decrease of $102,217 is mainly attributable to overall decrease in capital grants and contributions and operating grants and contributions made by joint power authority participants compared to 2015.

FINANCIAL ANALYSIS OF PARK FUNDS

As noted earlier, the Park uses fund accounting to ensure and demonstrate compliance with budgetary decisions.

Governmental funds. The parks and recreation function of the Park is recorded in the General and Capital Projects Funds. The focus of these governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Park's financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of net resources available for spending at the end of the fiscal year.

At June 30, 2016, the Park's governmental funds reported a combined deficit in fund balance of $58,309, an increase of $3,212 in comparison with the prior year.

The General Fund is the chief operating fund of the Park. At June 30, 2016, the General Fund had a fund balance of $10,712, an increase of $5,099 from the prior year. This increase can be attributed to the increase in rental revenues and contributions from the joint powers authority.

General and Capital Projects funds revenues totaled $513,187 in fiscal year 2016, an increase of 11.96% over fiscal year 2015. The following table presents the revenues from various sources as well as increases or decreases from the prior year.

Revenues Classified by Source
Governmental Funds

	2016		2015		Increase / (Decrease)	
Revenues by Source	Amount	Percent of Total	Amount	Percent of Total	Amount	Percent of Total
Rents	$ 63,317	12.34%	$ 51,312	11.20%	$ 12,005	23.40%
Interest	-	0.00%	550	0.12%	(550)	-100.00%
Change in fair value of investments	-	0.00%	(338)	-0.07%	338	-100.00%
Contributions by supporting agencies	279,870	54.54%	399,571	87.17%	(119,701)	-29.96%
Intergovernmental	169,020	32.93%	-	0.00%	169,020	100.00%
Other	980	0.19%	7,263	1.58%	(6,283)	-86.51%
	$ 513,187	100.00%	$ 458,358	100.00%	$ 54,829	11.96%

The increase in revenues is attributable to the increase in rents and intergovernmental revenues. Rent revenues are approved via the budget adopted each year based on the expected needs of the Park for the current year and for future years. The Park received state grant during the fiscal year to fund for the Tuolumne River Regional Park Gateway Parcel Phase 2 Project.

The following table presents expenditures by function compared to prior year amounts.

Expenditures by Function
Governmental Funds

	2016		2015		Increase / (Decrease)	
Expenditures by Function	Amount	Percent of Total	Amount	Percent of Total	Amount	Percent of Total
Parks and recreation	$ 316,662	62.09%	$ 292,564	51.72%	$ 24,098	8.24%
Capital outlay	193,313	37.91%	273,093	48.28%	(79,780)	-29.21%
	$ 509,975	100.00%	$ 565,657	100.00%	$ (55,682)	-9.84%

Current parks and recreation expenditures for operations showed an increase, primarily due to increased maintenance expenses for the year. Capital outlay decreased due to the decrease in capital-related activity compared to 2015. These costs are expected to be reimbursed by a grant from the State of California.

The current year changes in fund balances are presented in the following table:

Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds

	General Fund	Capital Projects Fund	Total
Revenues	$ 319,874	$ 193,313	$ 513,187
Expenditures	(314,775)	(195,200)	(509,975)
Changes in fund balances	5,099	(1,887)	3,212
Fund balances (deficit), beginning of year	5,613	(67,134)	(61,521)
Fund balances (deficit), end of year	$ 10,712	$ (69,021)	$ (58,309)

The fund balance of the Park's General Fund increased by $5,099 during the fiscal year, compared to the final budget anticipated increase of $9,402. The key factor was the continued financial support by the TRRP JPA and minimal reduction to expenses overall.

GENERAL FUND BUDGETARY HIGHLIGHTS

Actual revenues were higher than final budgetary estimates by $14,797. This is mainly attributable to higher than budgeted rents. Actual expenditures were $19,100 higher than final budgetary estimates. This is mainly attributable to higher than budgeted contractual services (i.e., financial support by the City of Modesto).

CAPITAL ASSETS

The Park's investment in capital assets as of June 30, 2016, amounted to $6,210,706 (net of accumulated depreciation). This investment in capital assets includes land, buildings and other improvements, and construction in progress. The investment in capital assets decreased by $105,429, or 1.67% over the prior year. The major components of this change were:

Depreciation expense	$ (298,742)
Construction in progress additions	193,313
Total	$ (105,429)

For government-wide financial statement presentation, all depreciable capital assets are being depreciated using the straight-line method. Fund financial statements record capital asset purchases as expenditures. The Park has no infrastructure assets.

Capital assets, net of depreciation, are shown below to illustrate changes from the prior year:

	2016	2015	Increase (Decrease)
Land	$ 2,528,566	$ 2,528,566	$ -
Buildings	42,534	44,688	(2,154)
Improvements	3,163,075	3,459,663	(296,588)
Construction in progress	476,531	283,218	193,313
Total	$ 6,210,706	$ 6,316,135	$ (105,429)

Additional information on the Park's capital assets can be found in Note 3 on page 20 of this report.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

The three agencies that make up the Park's JPA continue to work collaboratively to ensure that the vision for this urban river corridor becomes a reality. Contributing agency funding levels have remained at the same level since 2011 with all of the participating agencies' apportionments allocated to operating costs. Due to a city-wide landscape maintenance service agreement implemented in fiscal year 2006 and being updated in 2016, the City of Modesto was able to secure favorable costs for improved Park maintenance. Utility costs continue to increase and the Park has limited options to control or reduce these costs. Turf watering has been eliminated in Legion Park with the turf areas of the Park reverting to a more natural, native look and becoming brown during the periods of no rain or low river levels.

The TRRP Commission has approved a budget for FY 2016/17 that includes a recommendation of an increase of 50% in the contributions from the member agencies. Staff is currently working to obtain approval from the member agencies for an increased contribution. If approval can be obtained there will an appreciable increase to the operating budget for the fiscal year. This additional funding will be used to increase the maintenance of the TRRP and to set aside some funding to leverage community efforts for deferred maintenance and improvements in TRRP.

Staff and the Park Commission continue to seek funding from all appropriate grant sources. The Park JPA was successful in being awarded a $2.2 million grant, funded by State Proposition 84, and a $450,000 grant, funded by the Land and Water Conservation Fund, for the development of Phase 2 of the Gateway Parcel. Phase 2 will continue habitat restoration by creating a backwater channel, developing approximately 800-feet of trail, installing a pre-fabricated pedestrian bridge and River Overlook, and planting approximately 11 acres of riparian habitat plants. This project is currently under construction and anticipated to be completed in late 2016. This project will improve the high water flow capacity of the park, helping to reduce the impact of flood events down river from the Gateway Parcel while completing the restoration of the riparian areas of the Gateway Parcel.

The City of Modesto's Parks, Recreation, and Neighborhoods Department began a project to plan for the future development of the Park when the JPA of the City of Modesto, City of Ceres, and Stanislaus County adopted the Park Master Plan in December 2001. In April 2005, staff began work on the Precise Plan and the Finding of Conformance to the MEIR for the Gateway Parcel project, and in September 2005, the City Council approved the Precise Plan for the Gateway Parcel of the Park. Since then, three phases of restoration work, totaling approximately 63 acres, have been completed.

REQUEST FOR INFORMATION

This financial report is designed to provide a general overview of Park's finances for those interested in its finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the City of Modesto, Accounting Division, P.O. Box 642, Modesto, California 95353.

TUOLUMNE RIVER REGIONAL PARK
STATEMENT OF NET POSITION - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

ASSETS	
Investment in City of Modesto pool	$ 22,126
Due from other governments	407,911
Interest receivable	55
Capital assets:	
Nondepreciable	3,005,097
Depreciable, net	3,205,609
Total Assets	6,640,798
LIABILITIES	
Accounts payable	45,519
Due to other governments	214,118
Total Liabilities	259,637
NET POSITION	
Investment in capital assets	6,210,706
Unrestricted	170,455
Total Net Position	$ 6,381,161

See accompanying notes to the basis financial statements.

TUOLUMNE RIVER REGIONAL PARK
STATEMENT OF ACTIVITIES - GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

EXPENSES	
Parks and recreation	$ 615,404
PROGRAM REVENUES	
Charges for services	63,317
Capital grants and contributions	193,313
Operating grants and contributions	255,577
Total Program Revenues	512,207
Net Program Expense	(103,197)
GENERAL REVENUES	
Other	980
Total General Revenues	980
Change in Net Position	(102,217)
Net Position, beginning of year	6,483,378
Net Position, end of year	$ 6,381,161

See accompnaying notes to the basic financial statements.

TUOLUMNE RIVER REGIONAL PARK
BALANCE SHEET - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	General Fund	Capital Projects Fund	Total Governmental Funds
ASSETS			
Investment in City of Modesto pool	$ 22,126	$ -	$ 22,126
Due from other funds	18,302	-	18,302
Due from other governments	-	407,911	407,911
Interest receivable	55	-	55
Total Assets	$ 40,483	$ 407,911	448,394
LIABILITIES AND FUND BALANCES (DEFICIT)			
Liabilities			
Accounts payable	$ 29,771	$ 15,748	$ 45,519
Due to other funds	-	18,302	18,302
Due to other governments	-	214,118	214,118
Total Liabilities	29,771	248,168	277,939
Deferred Inflows of Resources			
Unavailable revenue	-	228,764	228,764
Fund Balances (Deficit)			
Unassigned	10,712	(69,021)	(58,309)
Total Fund Balances (Deficit)	10,712	(69,021)	(58,309)
Total Liabilities and Fund Balances (Deficit)	$ 40,483	$ 407,911	

Amounts reported for governmental activities in the Statement of Net Position are different from those reported in the governmental funds above because of the following:	
Revenues not available for current-period expenditures are deferred in governmental funds.	228,764
Capital assets used in governmental activities are not current assets or financial resources and, therefore, are not reported in the governmental funds.	6,210,706
Net Position of Governmental Activities	$ 6,381,161

See accompanying notes to the basic financial statements.

TUOLUMNE RIVER REGIONAL PARK
STATEMENT OF REVENUES, EXPENDITURES, AND
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2016

	General Fund	Capital Projects Fund	Total Governmental Funds
REVENUES			
Rents	$ 63,317	$ -	$ 63,317
Contributions made by joint powers authority participants	255,577	24,293	279,870
Intergovernmental	-	169,020	169,020
Other	980	-	980
Total Revenues	319,874	193,313	513,187
EXPENDITURES			
Current:			
Contractual services	300,235	-	300,235
Materials and supplies	4,719	-	4,719
Insurance and taxes	9,176	-	9,176
Interest cost	645	1,887	2,532
Capital outlay	-	193,313	193,313
Total Expenditures	314,775	195,200	509,975
Changes in Fund Balances	5,099	(1,887)	3,212
Fund Balances (Deficit), beginning of year	5,613	(67,134)	(61,521)
Fund Balances (Deficit), end of year	$ 10,712	$ (69,021)	$ (58,309)

See accompanying notes to the basic financial statements.

TUOLUMNE RIVER REGIONAL PARK
RECONCILIATION OF THE CHANGES IN FUND BALANCES
OF TOTAL GOVERNMENTAL FUNDS WITH THE CHANGE
IN NET POSITION OF GOVERNMENTAL ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2016

Changes in Fund Balances of Total Governmental Funds	$	3,212
Amounts reported for governmental activities in the Statement of Activities are different because of the following:		
Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.		
Capital outlay expenditures		193,313
Depreciation expense		(298,742)
Change in Net Position of Governmental Activities	$	(102,217)

See accompanying notes to the basic financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity and Description of Services

Tuolumne River Regional Park (the Park) was founded in 1972 by an agreement between the County of Stanislaus (the County) and the cities of Modesto and Ceres (Cities). The agreement provides for financing, development, and maintenance of the Park facilities. The Park includes approximately 62 developed and 720 undeveloped acres with group picnic areas, play equipment lots, ballfields, and Legion Hall. Rent is generated from public use of these facilities. The County and Cities provide additional operating funds. The Park is governed by the Tuolumne River Regional Park Committee, which consists of two members of the County's Board of Supervisors, two members of the City of Modesto's City Council, and one member of the City of Ceres' City Council.

Financial transactions initiated by the Park are processed and accounted for by the City of Modesto's financial system.

B. Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Park. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities normally are supported by taxes and intergovernmental revenues.

The statement of activities demonstrates the degree to which the direct expenses are offset by program revenues. Direct expenses are those that are clearly identifiable with the parks and recreation function. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by the parks and recreation function and 2) grants and contributions that are restricted to meeting the operational requirements of the parks and recreation function. Investment earnings, which are not properly included among program revenues, are reported instead as general revenues.

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

C. Basis of Presentation, Basis of Accounting, and Measurement Focus

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

For this purpose, the Park considers revenues to be available if they are collected within 180 days of the end of the current fiscal period. During the year ended June 30, 2016, the Park changed its availability period from 60 days to 180 days. However, this accounting change had no effect on the Park's financial statements. Expenditures generally are recorded when a liability is incurred, as under the accrual basis of accounting.

Substantially all rents, contributions made by joint powers authority participants, interest, including the change in fair value of investments, and intergovernmental are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Other revenues are considered to be measurable and available only when cash is received by the Park.

The Park reports the following major governmental funds:

General Fund

The General Fund is the operating fund of the Park.

Capital Projects Fund

The Capital Projects Fund is used to account for financial resources restricted for specific purposes.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided and 2) operating grants and contributions. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all investment earnings.

When both restricted and unrestricted resources are available for use, it is the Park's policy to use restricted resources first, then unrestricted resources as they are needed.

D. Management's Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions. These estimates and assumptions affect the reported amounts of assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from these estimates.

E. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the government-wide financial statements. Capital assets are defined by the Park as assets with an initial, individual cost of more than $5,000 and an estimated useful life in excess of two years. Such assets are recorded at historical cost or

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair value at the date of donation.

The cost of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Depreciation is recorded using the straight-line method over the estimated useful lives of the assets, which are 30 years for buildings and 20 years for improvements. Operating expenses include depreciation on all depreciable capital assets.

Capital assets acquired by the governmental funds are recorded as expenditures by the governmental funds and are capitalized, at cost, in the statement of net position. Title to capital assets vests with all of the parties to the agreement, each having an undivided interest therein.

F. Fund Balance

In the fund financial statements, governmental funds report fund balance as nonspendable, restricted, committed, assigned, or unassigned based primarily on the extent to which the Park is bound to honor constraints on how specific amounts can be spent.

- **Nonspendable** - Amounts that are not in spendable form (such as inventory) or are required either legally or contractually to be maintained intact.
- **Restricted** - Amounts with constraints placed on their use that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional or enabling legislation.
- **Committed** - Amounts constrained to specific purposes by the Park itself, using the Park's highest level of decision-making authority (Park Committee). To be reported as committed, amounts cannot be used for any other purpose unless the Park takes the same highest level action to remove or change the constraint. The underlying action that imposed the limitation needs to occur no later than the close of the reporting period.
- **Assigned** - Amounts the Park *intends* to use for a specific purpose. Intent can be expressed by the Park at either the highest level of decision-making or by an official or body to which the Park delegates the authority.
- **Unassigned** - The residual classification for the Park's General Fund that includes amounts not contained in the other classifications. In other funds, the unassigned classification is used only if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes.

The Park establishes and modifies or rescinds fund balance commitments by passage of an ordinance or policy. This is typically done through adoption and amendment of the budget. A fund balance commitment is further indicated in the budget as a designation or commitment of the fund, such as approved construction contracts. Assigned fund balance is established by the Park through adoption or amendment of the budget or future year budget plan as intended for a specific purpose.

When both restricted and unrestricted resources are available for use, it is the Park's policy to use restricted resources first, followed by the committed, assigned, and unassigned resources as they are needed.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

G. Risk Management

The Park is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The Park participates in the City of Modesto's insurance pool to mitigate the risk of loss and contributes its pro-rata share of estimated losses. The City of Modesto's insurance pool does not maintain separate records for estimated outstanding liabilities, including incurred but not reported claims. Refer to the City of Modesto's Comprehensive Annual Financial Report for further information related to the insurance pool. Additional insurance is purchased for special events when certain Park facilities are rented to the public.

H. Governmental Accounting Standards Update

During the fiscal year ending June 30, 2016, the Park implemented the following Governmental Accounting Standards Board (GASB) standards:

GASB Statement No. 72, *Fair Value Measurement and Application.* This statement is intended to improve accounting and financial reporting for state and local governments' investments by enhancing the comparability of financial statements amount governments by requiring measurement of certain assets and liabilities at fair value using a consistent and more detailed definition of fair value and accepted valuation techniques. This statement did not have a significant impact to the Park's financial statements.

GASB Statement No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement No. 68, and Amendments to Certain Provisions of GASB Statements No. 67 and No. 68.* This statement establishes requirements for those pensions and pension plans that are not administrated through a trust meeting specified criteria and thus are not covered by Statement Nos. 67 and 68. This statement did not have a significant impact to the Park's financial statements.

GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes Statement No. 55. This statement clarifies the hierarchy of generally accepted accounting principles (GAAP), and reduces the GAAP hierarchy to two categories of authoritative GAAP and addresses the use of authoritative and nonauthoritative literature in the event that the accounting treatment for a transaction or other event is not specified within the scope of authoritative GAAP. This statement did not have a significant impact to the Park's financial statements.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*. The statement addresses accounting and financial reporting for certain external investment pools and pool participants. The statement establishes criteria for an external investment pool to qualify for making the election to measure all of its investments at amortized cost for financial reporting purposes. It also establishes additional note disclosure requirements to include information about any limitations or restrictions on participant withdrawals. This statement did not have a significant impact to the Park's financial statements.

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

The Park is currently evaluating its accounting practices to determine the potential impact on the financial statements for the following GASB Statements:

In June 2015, GASB issued Statement No. 74, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans.* This statement addresses reporting by OPEB plans that administer benefits on behalf of governments. This Statement is effective for the Park's fiscal year ending June 30, 2017.

In June 2015, GASB issued Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions.* This statement addresses reporting by governments that provide OPEB to their employees and for governments that finance OPEB for employees of other governments. This Statement is effective for the Park's fiscal year ending June 30, 2018.

In August 2015, GASB issued Statement No. 77, *Tax Abatement Disclosures.* This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements: (i) brief descriptive information; (ii) the gross dollar amount of taxes abated during the period; and (iii) commitments made by a government, other than to abate taxes, as part of a tax abatement agreement. This Statement is effective for the Park's fiscal year ending June 30, 2017.

In December 2015, the GASB issued Statement No. 78, *Pensions Provided through Certain Multiple-Employer Defined Benefit Pension Plans*. The objective of this statement is to address a practice issue regarding the scope and applicability of Statement No. 68 associated with pensions provided through certain cost-sharing multiple-employer defined benefit pension plans and to state or local governmental employers whose employees are provided with such pensions. Such plans are not considered a state or local government pension plan and are used to provide benefits to both employees of state and local governments and employees of employers that are not state or local governments. This Statement is effective for the Park's fiscal year ending June 30, 2017.

In January 2016, the GASB issued Statement No. 80, *Blending Requirements for Certain Component Units—an amendment of GASB Statement No. 14*. The objective of this statement is to improve financial reporting by clarifying the financial statement presentation requirements for certain component units. This statement amends the blending requirements established in GASB Statement No. 14, *The Financial Reporting Entity*, as amended. This Statement is effective for the Park's fiscal year ending June 30, 2017.

In March 2016, the GASB issued Statement No. 81, *Irrevocable Split-Interest Agreements*. The statement provides recognition and measurement guidance for situations in which a government is a beneficiary of these agreements. This Statement is effective for the Park's fiscal year ending June 30, 2018.

In March 2016, the GASB issued Statement No. 82, *Pension Issues – an amendment of GASB Statements No. 67, No. 68, and No. 73,* to address certain issues that have been raised with respect to Statements No. 67, *Financial Reporting for Pension Plans,* No. 68, *Accounting and Financial Reporting for Pensions,* and No. 73, *Accounting and Financial Reporting for Pensions and Related Assets That Are Not within the Scope of GASB Statement 68, and Amendments to Certain Provisions of GASB Statements 67 and 68.* The statement addresses issues regarding (1) the presentation of payroll-related measures in required supplementary information, (2) the selection of assumptions and the treatment of deviations from the guidance in an Actuarial Standard of Practices for financial reporting purposes, and (3) the classification of payments made by employers to satisfy employee

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

(plan member) contribution requirements. This Statement is effective for the Park's fiscal year ending June 30, 2017.

NOTE 2 – INVESTMENT IN CITY OF MODESTO POOL

All of the Park's cash and investments are included within the City of Modesto's cash and investment pool. The Park's portion of this pooled amount was $22,126. At June 30, 2016, the City's investment pool is unrated and the weighted average maturity is 518 days. Interest earned on pool cash and investments is credited to each participant in the pool based on each participant's average monthly cash balance. The Modesto City Council has oversight responsibility of the City of Modesto investment pool. Detailed information concerning the City of Modesto's pooled cash and investments, including information regarding the fair value of investments, may be found in the City of Modesto's Comprehensive Annual Financial Report. The Park's investments in the pool are stated at fair value. As of June 30, 2016, the fair value of the Park's position in the pool is the same as the value of its pool shares.

NOTE 3 – CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2016, was as follows:

	Beginning Balance	Additions	Ending Balance
Capital assets, not being depreciated:			
Land	$ 2,528,566	$ -	$ 2,528,566
Construction in progress	283,218	193,313	476,531
Total capital assets not being depreciated	2,811,784	193,313	3,005,097
Capital assets, being depreciated:			
Buildings	455,935	-	455,935
Improvements	7,481,168	-	7,481,168
Total capital assets, being depreciated	7,937,103	-	7,937,103
Less accumulated depreciation for:			
Buildings	(411,247)	(2,154)	(413,401)
Improvements	(4,021,505)	(296,588)	(4,318,093)
Total accumulated depreciation	(4,432,752)	(298,742)	(4,731,494)
Total capital assets, being depreciated, net	3,504,351	(298,742)	3,205,609
Capital assets, net	$ 6,316,135	$ (105,429)	$ 6,210,706

Depreciation expense for the year ended June 30, 2016, was $298,742.

NOTE 4 – RELATED PARTY TRANSACTIONS

The Park reimburses the City of Modesto for administrative and other costs incurred by the City of Modesto on the Park's behalf. During the 2016 fiscal year, contractual service expenditures included $85,552 of the City of Modesto's payroll costs allocated to the Park.

NOTE 5 – EXPENDITURES OVER APPROPRIATIONS

For the year ended June 30, 2016, expenditures exceeded appropriations as follows:

General Fund	
Contractual services	$ 16,738
Materials and supplies	1,968
Interest cost	645

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REQUIRED SUPPLEMENTARY INFORMATION

TUOLUMNE RIVER REGIONAL PARK
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - GENERAL FUND - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2016

	Budgeted Amounts		Actual	Variance with
	Original	Final	Amounts	Final Budget
REVENUES				
Rents	$ 44,500	$ 44,500	$ 63,317	$ 18,817
Contributions made by joint powers participants	255,577	255,577	255,577	-
Other	5,000	5,000	980	(4,020)
Total Revenues	305,077	305,077	319,874	14,797
EXPENDITURES				
Current:				
Contractual services	281,443	283,497	300,235	(16,738)
Materials and supplies	2,751	2,751	4,719	(1,968)
Insurance and taxes	9,427	9,427	9,176	251
Interest cost	-	-	645	(645)
Total Expenditures	293,621	295,675	314,775	(19,100)
Changes in Fund Balance	$ 11,456	$ 9,402	5,099	$ (4,303)
Fund Balance, beginning of year			5,613	
Fund Balance, end of year			$ 10,712	

See accompanying note to the required supplementary information.

TUOLUMNE RIVER REGIONAL PARK
NOTE TO THE REQUIRED SUPPLEMENTARY INFORMATION
FOR THE YEAR ENDED JUNE 30, 2016

NOTE 1 – BUDGETS AND BUDGETARY ACCOUNTING

Tuolumne River Regional Park (the Park) operates under the general laws of the State of California and annually adopts a budget for its General Fund to be effective July 1 for the ensuing fiscal year. The budget must be approved by each of the legislative bodies of parties to the joint powers agreement. From the effective date of the budget, which is adopted and controlled at the fund level, the amounts stated therein as proposed expenditures become appropriations. The Park may amend the budget by approval from each of the legislative bodies of the parties to the agreement during the fiscal year. The budget for the General Fund is prepared on the cash and expenditures/encumbrance basis. Revenues are budgeted in the year receipt is expected; expenditures, which include encumbrances, are budgeted in the year that the applicable warrant requisitions are expected to be issued. There were no encumbrances outstanding as of June 30, 2016, so the actual budgetary-basis expenditures are the same as the actual GAAP-basis expenditures.

OTHER REPORT

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Tuolumne River Regional Park Commission,
The Board of Supervisors of the
County of Stanislaus, California, and
The City Councils of Modesto and Ceres, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of the Tuolumne River Regional Park (the Park), as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Park's basic financial statements, and have issued our report thereon dated November 16, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Park's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Park's internal control. Accordingly, we do not express an opinion on the effectiveness of the Park's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe that a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Park's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those

provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards.*

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 16, 2016

TUOLUMNE RIVER REGIONAL PARK
SUMMARY SCHEDULE OF PRIOR YEAR FINDINGS AND RECOMMENDATIONS
FOR THE YEAR ENDED JUNE 30, 2016

2015 Comment:	***2015-001 – Proper Accrual of Accounts Payable***
Condition/Effect:	A significant disbursement was not properly accrued at year-end. This condition resulted in material audit adjustment increasing 'accounts payable' and 'capital assets' in the Park's governmental activities and increasing 'accounts payable' and 'capital outlay' expenditures in the Park's Capital Projects Fund by $25,543.
Recommendation:	Management should strengthen year-end close procedures to ensure that activity subsequent to year-end is analyzed and recorded in the correct period.
Status:	Corrected.
2015 Comment:	***2015-002 – Proper Reporting of Unearned and Unavailable Revenues***
Condition/Effect:	Receivables not collected during the period of availability were not deferred as unavailable in the Park's Capital Projects Fund. This condition resulted in a material audit adjustment adding the 'unavailable revenue' balance and eliminating the 'intergovernmental' revenue amount of $228,764 in the Park's Capital Projects Fund.
Recommendation:	Management should strengthen its understanding of unearned and unavailable revenue and year-end close procedures over intergovernmental revenues in order to properly recognize such revenues.
Status:	In progress.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-98

RESOLUTION ACCEPTING THE FISCAL YEAR 2015-2016 SINGLE AUDIT REPORTS FOR THE CITY OF MODESTO AND THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA)

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Macias, Gini & O'Connell, LLP has completed its single audit of the City's financial statements for the fiscal year ended June 30, 2016, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of the Stanislaus Drug Enforcement Agency, as required by the Single Audit Act of 1984, the Single Audit Act Amendments of 1996, and the Office of Management and Budget's (OMB) Circular A-133, and for which the City of Modesto serves as the financial administrator,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2015-2016 single audit reports for the City of Modesto and the Stanislaus Drug Enforcement Agency, **attached** as **Exhibit A**, and incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO, CALIFORNIA

Single Audit Reports

For the Fiscal Year Ended June 30, 2016

Certified
Public
Accountants

CITY OF MODESTO, CALIFORNIA
Single Audit Reports
For the Fiscal Year Ended June 30, 2016

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Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With *Government Auditing Standards*

City Council of the City of Modesto
Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Modesto, California (City), as of and for the fiscal year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated December 15, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
December 15, 2016

Independent Auditor's Report on Compliance for Each Major Federal Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

City Council of the City of Modesto
Modesto, California

Report on Compliance for Each Major Federal Program

We have audited the City of Modesto, California's (City) compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the City's major federal programs for the fiscal year ended June 30, 2016. The City's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the City's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and the Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City's compliance.

Basis for Qualified Opinion on CFDA No. 14.218 Community Development Block Grants/Entitlement Grants

As described in the accompanying schedule of findings and questioned costs, the City did not comply with the requirements regarding CFDA No. 14.218 Community Development Block Grants/Entitlement Grants as described in finding number 2016-001 for Reporting. Compliance with such requirements is necessary, in our opinion, for the City to comply with the requirements applicable to that program.

Qualified Opinion on CFDA 14.218 Community Development Block Grants/Entitlement Grants

In our opinion, except for the noncompliance described in the Basis for Qualified Opinion paragraph, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on CFDA No. 14.218 Community Development Block Grants/Entitlement Grants for the fiscal year ended June 30, 2016.

Unmodified Opinion on Each of the Other Major Federal Programs

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its other major federal programs identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs for the year ended June 30, 2016.

Other Matters

The City's responses to the noncompliance findings identified in our audit are described in the accompanying schedule of findings and questioned costs. The City's responses were not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the responses.

Report on Internal Control Over Compliance

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City's internal control over compliance with the types of compliance requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

Our consideration of internal control over compliance was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified a deficiency in internal control over compliance that we consider to be a material weakness.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as finding 2016-001 to be a material weakness.

The City's response to the internal control over compliance findings identified in our audit are described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of and for the fiscal year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated December 15, 2016, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the City's basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

Macias Gini & O'Connell LLP

Walnut Creek, California
December 22, 2016

CITY OF MODESTO, CALIFORNIA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE FISCAL YEAR ENDED JUNE 30, 2016

Federal Grantor Direct or Pass-through Grantor Federal Program Title	CFDA Number	Grant/Project Number	Total Expenditures	Amount Passed to Subrecipients
U.S. Department of Housing and Urban Development				
Direct				
Community Development Block Grants/Entitlement Grants	14.218	B-11-MN-060004	$ 3,554	$ -
Community Development Block Grants/Entitlement Grants	14.218	B-10-MC-060002	95,429	-
Community Development Block Grants/Entitlement Grants	14.218	B-13-MC-060002	387,802	-
Community Development Block Grants/Entitlement Grants	14.218	B-14-MC-060002	988,175	164,170
Community Development Block Grants/Entitlement Grants	14.218	B-15-MC-060002	112,217	-
Total Community Development Block Grants/Entitlement Grants			1,587,177	164,170
Emergency Solutions Grant Program	14.231	E-11-MC-060002	3,275	3,275
Emergency Solutions Grant Program	14.231	E-12-MC-060002	13,698	13,272
Emergency Solutions Grant Program	14.231	E-14-MC-060002	25,671	25,671
Emergency Solutions Grant Program	14.231	E-15-MC-060002	110,646	106,408
Total Emergency Solutions Grant Program			153,290	148,626
Home Investment Partnerships Program	14.239	M-13-MC-060207	23,246	-
Home Investment Partnerships Program	14.239	M-14-MC-060207	26,904	-
Home Investment Partnerships Program	14.239	M-15-MC-060207	8,719	-
Total Home Investment Partnerships Program			58,869	-
ARRA - Neighborhood Stabilization Program (Recovery Act Funded)	14.256	B-09-LN-CA-0053	976,396	-
Total U.S. Department of Housing and Urban Development			2,775,732	312,796
U.S. Department of Justice				
Direct				
Edward Byrne Memorial Justice Assistance Grant Program	16.738	2009 CK WX 0449	213,447	-
Passed through Stanislaus County Sheriff Department				
Edward Byrne Memorial Justice Assistance Grant Program	16.738	2013-DJ-BX-0365	104,118	-
Edward Byrne Memorial Justice Assistance Grant Program	16.738	2013-DJ-BX-1184	116,640	-
Edward Byrne Memorial Justice Assistance Grant Program	16.738	2015-DJ-BX-0912	112,491	-
Total Edward Byrne Memorial Justice Assistance Grant Program			333,249	-
Total U.S. Department of Justice			546,696	-

See accompanying notes to schedule of expenditures of federal awards.

CITY OF MODESTO, CALIFORNIA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS (Continued)
FOR THE FISCAL YEAR ENDED JUNE 30, 2016

Federal Grantor Direct or Pass-through Grantor Federal Program Title	CFDA Number	Grant/Project Number	Expenditures	Amount Passed to Subrecipients
U.S. Department of Transportation				
Direct				
Airport Improvement Program	20.106	3-06-0153-037	$ 47,735	$ -
Airport Improvement Program	20.106	3-06-0153-038	103,578	-
Airport Improvement Program	20.106	3-06-0153-039	1,651,086	-
Total Airport Improvement Program			1,802,399	-
Federal Transit - Capital Investment Grants	20.500	CA-03-0562	49,000	-
Federal Transit - Capital Investment Grants	20.500	CA-04-0198	4,559	-
Federal Transit - Capital Investment Grants	20.500	CA-90-Y870	53,274	-
Total Federal Transit - Capital Investment Grants			106,833	-
Federal Transit - Formula Grants	20.507	CA-90-Z064	74,005	-
Federal Transit - Formula Grants	20.507	CA-95-X248	62,658	-
Federal Transit - Formula Grants	20.507	CA-37-X101-2	48,597	20,082
Federal Transit - Formula Grants	20.507	CA-57-X027	38,444	38,444
Federal Transit - Formula Grants	20.507	CA-90-Z230	3,648,463	-
Federal Transit - Formula Grants	20.507	CA-95-X148-01	296,118	-
Total Federal Transit - Formula Grants			4,168,285	58,526
Total Federal Transit Cluster			4,275,118	58,526
Passed through the California Department of Transportation				
Highway Planning and Construction	20.205	10-956907L	38,103	-
Highway Planning and Construction	20.205	10-957052L	113	-
Highway Planning and Construction	20.205	10-107724L	7,454	-
Highway Planning and Construction	20.205	10-957044L	321	-
Highway Planning and Construction	20.205	10-957053L	263	-
Highway Planning and Construction	20.205	10-957051L	39,511	-
Highway Planning and Construction	20.205	10-956975L	5,411	-
Highway Planning and Construction	20.205	10-956902I	5,873	-
Highway Planning and Construction	20.205	1000020580L-N	2,089	-
Highway Planning and Construction	20.205	10-00020601	47,792	-
Highway Planning and Construction	20.205	1000020602L-N	21,809	-
Highway Planning and Construction	20.205	1000020600	4,763	-
Highway Planning and Construction	20.205	10-12000064L	27,274	-
Highway Planning and Construction	20.205	1000020579L-N	31,760	-
Highway Planning and Construction	20.205	10-12000149L-N	8,547	-
Highway Planning and Construction	20.205	10-12000235L-N	219,970	-
Highway Planning and Construction	20.205	10-13000231L-N	43,228	-
Highway Planning and Construction	20.205	1015000187L-N	5,589	-
Highway Planning and Construction	20.205	10-2000236L-N	65,641	-
Highway Planning and Construction	20.205	10-2000046L	224,288	-
Highway Planning and Construction	20.205	10-12000274L-N	159,140	-
Highway Planning and Construction	20.205	1014000040L-N	6,050	-

See accompanying notes to schedule of expenditures of federal awards.

CITY OF MODESTO, CALIFORNIA
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS (Continued)
FOR THE FISCAL YEAR ENDED JUNE 30, 2016

Federal Grantor Direct or Pass-through Grantor Federal Program Title	CFDA Number	Grant/Project Number	Expenditures	Amount Passed to Subrecipients
U.S. Department of Transportation (continued)				
Passed through the California Department of Transportation (continued)				
Highway Planning and Construction	20.205	10-12000275L-N	$ 37,785	$ -
Highway Planning and Construction	20.205	10-12000276L-N	34,611	-
Highway Planning and Construction	20.205	1013000085	12,044	-
Highway Planning and Construction	20.205	1014000109L-N	86,367	-
Highway Planning and Construction	20.205	1014000174L-N	229,721	-
Highway Planning and Construction	20.205	1015000084L-N	47,839	-
Highway Planning and Construction	20.205	1015000109L-N	11,989	-
Highway Planning and Construction	20.205	10-15000116	114,915	-
Highway Planning and Construction	20.205	10-15000095	106,232	-
Highway Planning and Construction	20.205	10-15000096	23,707	-
Highway Planning and Construction	20.205	10-14000082	13,937	-
Highway Planning and Construction	20.205	10-15000183	25,726	-
Highway Planning and Construction	20.205	10-15000182	3,102	-
Highway Planning and Construction	20.205	10-12000045L-O	27,837	-
Highway Planning and Construction	20.205	10-15000155	10,281	-
Highway Planning and Construction	20.205	10-16000068	2,833	-
Total Highway Planning and Construction			1,753,915	-
Passed through the California Office of Traffic Safety				
State and Community Highway Safety	20.600	AL1520	8,908	-
National Priority Safety Programs	20.616	PT1685	132,694	-
National Priority Safety Programs	20.616	PT1579	101,666	-
Total National Priority Safety Programs			234,360	-
Total Highway Safety Cluster			243,268	-
Total U.S. Department of Transportation			8,074,700	58,526
U.S. Environmental Protection Agency				
Passed through the California State Water Resources Control Board				
Capitalization Grants for Clean Water State Revolving Funds	66.458	C-06-5175-210	1,619,968	-
Total U.S. Environmental Protection Agency			1,619,968	-
U.S. Department of Homeland Security				
Direct				
Assistance to Firefighters Grant	97.044	EMW-2014-FR-00495	47,929	-
Total U.S. Department of Homeland Security			47,929	-
Total Expenditures of Federal Awards			$ 13,065,025	$ 371,322

See accompanying notes to schedule of expenditures of federal awards.

CITY OF MODESTO, CALIFORNIA
Notes to Schedule of Expenditures of Federal Awards
For the Fiscal Year Ended June 30, 2016

NOTE 1 – GENERAL

The accompanying Schedule of Expenditures of Federal Awards (Schedule) presents the activity of all federal award programs of the City of Modesto, California (City). The City reporting entity is defined in Note I.A. to the City's basic financial statements. All federal awards received directly from federal agencies, as well as federal awards passed through other government agencies, are included in the Schedule.

NOTE 2 – BASIS OF ACCOUNTING

Expenditures of federal awards reported in the Schedule are recognized when incurred, which is consistent with the modified accrual basis of accounting used by the City's governmental funds and the accrual basis of accounting used by the City's proprietary funds, which are described in Note I.C. to the City's basic financial statements.

NOTE 3 – RELATIONSHIP TO FEDERAL FINANCIAL REPORTS

Amounts reported in the schedule agree to or can be reconciled with the amounts reported in the related financial reports.

NOTE 4 – INDIRECT COSTS

The City did not elect to use the 10% de minimis cost rate as covered in 2 CFR section 200.414 Indirect (F&A) costs.

CITY OF MODESTO, CALIFORNIA
Schedule of Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Section I – Summary of Auditor's Results

Financial Statements:

Type of auditor's report issued:	Unmodified
Internal control over financial reporting:	
• Material weakness(es) identified?	No
• Significant deficiency(ies) identified?	None reported
Noncompliance material to financial statements noted?	No

Federal Awards:

Internal control over major federal programs:	
• Material weakness(es) identified?	Yes
• Significant deficiency(ies) identified?	None reported
Type of auditor's report issued on compliance for major federal programs:	Unmodified for all major federal programs except for CFDA No. 14.218 Community Development Block Grants/Entitlement Grants, which was qualified.
Any audit findings required to be reported in accordance with 2 CFR 200.516(a)?	Yes

Identification of major federal programs:

CFDA Number	Name of Major Federal Program or Cluster
14.218	Community Development Block Grants/Entitlement Grants
20.500, 20.507	Federal Transit Cluster

Dollar threshold used to distinguish between type A and type B programs:	$750,000
Auditee qualified as low-risk auditee	No

Section II – Financial Statement Findings

None noted.

CITY OF MODESTO, CALIFORNIA
Schedule of Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Section III – Federal Award Findings and Questioned Costs

Reference Number:	2016-001
Type of Finding:	Material Weakness and Material Instance of Noncompliance
Category of Finding:	Reporting
Federal Program Title:	Community Development Blocks Grant/Entitlement Grants
Federal Catalog Number:	14.218
Federal Agency:	U.S. Department of Housing and Urban Development
Federal Award Numbers and Years:	B-15-MC-06-0002 / B-14-MC-06-0002 / B-13-MC-06-0002 / B-10-MC-06-0002 / B-11-MN-06-0004

Criteria:
24 CFR sections 135.3(a)(1) and 135.90
Each recipient that administers covered public and Indian housing assistance, regardless of the amount expended, and each recipient that administers covered housing and community development assistance in excess of $200,000 in a program year, must submit HUD 60002 information using the automated Section 3 Performance Evaluation and Registry (SPEARS) System .

Condition:
The City did not submit the required HUD 60002 information for fiscal years 2014, 2015 and 2016.

Cause:
Due to management changes, reorganization and staff shortage, the City fell behind on filing the HUD 60002. The City had turnover within the Community Development Department during the prior fiscal year and did not appropriately transfer all of the position responsibilities to the remaining personnel. In addition, HUD required the report to be filed in a new web-based system.

Effect:
Key line items containing critical information of Form HUD 60002 are not submitted to HUD on a timely basis.

Questioned Costs:
There are no questioned costs.

Recommendation:
We recommend that the City develop procedures to transition key duties to personnel in place to ensure that it meets all mandated reporting deadlines. In addition, the City should evaluate its internal control procedures on grant reporting requirements to ensure that procedures are properly documented and updated so that reporting requirements are completed during staff absence or turnover.

Management Response and Corrective Action:
The Community Development Division of the City is now staffed with personnel that are updating procedures to transition key duties to personnel in place to ensure that it meets all mandated reporting deadlines. These policies and procedures will be completed no later than June 2017 in advance of the December 15, 2017 (next HUD 60002 electronic submission deadline). In the interim, the division Environmental Review Specialist is currently entering all Section 3 data for FY 2014, 2015, and 2016 using the automated Section 3 Performance Evaluation and Registry (SPEARS) System to be completed within the next 90 days. In addition, the newly hired Housing & Urban Development Supervisor is reviewing the internal control procedures on grant reporting requirements to ensure that procedures are properly documented and updated at least once per fiscal year, so that reporting requirements are completed during staff absence and/or turnover.

CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number:	**2015-001**
Type of Finding:	**Material Weakness – Pollution Remediation Obligations**
Condition:	The City had not previously presented a liability in its financial statements for the net recoveries it had collected over the years to pay for the remediation and legal costs incurred in pursuit of mitigating damages from the manufacturers of perchloroethylene, or PCE. In prior years, it was the City's practice to present any payments made from the collection of net recoveries as a special item in its financial statements.
Cause:	The City was not fully aware of the requirements of GASB Statement No. 49.
Effect:	This condition resulted in an audit adjustment to record the pollution remediation liability and decrease the beginning net position of the Water Fund by $9,988,781, the Sewer Fund by $10,914,776, and the business-type activities by $20,903,557.
Recommendation:	The City should account for subsequent payments made from the net recoveries it has collected as a reduction of the newly-created pollution remediation liability in accordance with GASB Statement No. 49.
Current Year Status:	Corrected.

CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number:	**2015-002**
Type of Finding:	**Material Weakness – Deferred Loans**
Condition:	The City presented unavailable revenue related to its deferred loans as unearned revenue (a liability) in the Housing and Community Development Fund and governmental activities financial statements.
Cause:	The City was not fully aware of the requirements of GASB Statement No. 65.
Effect:	This condition resulted in an audit adjustment to reclassify the unavailable revenue related to deferred loans from unearned revenue to unavailable revenue (a component of deferred inflows of resources) in the City's Housing and Community Development Fund. Accordingly, this reclassification did not have an impact on the Housing and Community Development Fund's beginning fund balance. However, in the government-wide financial statements, this adjustment increased the beginning net position of the governmental activities by $28,677,805 to recognize the revenue associated with prior years.
Recommendation:	The City should analyze the long-term assets of its governmental funds and for any related revenues that do not meet the City's availability criteria, such amounts should be presented as unavailable revenue as a component of deferred inflows of resources in the governmental funds financial statements. The unavailable revenue should be recognized as revenue in the government-wide financial statements in accordance with GASB Statement No. 65.
Current Year Status:	Corrected.

CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number:	**2015-003**
Type of Finding:	**Material Weakness – Gas Taxes**
Condition:	The City was presenting gas tax revenue as unearned revenue in its Special Gas Tax Street Improvement Fund (other governmental fund) and governmental activities financial statements.
Cause:	The City was not fully aware of the requirements of GASB Statement No. 33.
Effect:	This condition resulted in an audit adjustment to eliminate the unearned revenue and increase the beginning fund balance of the Special Gas Tax Street Improvement Fund and the beginning net position of the governmental activities by $12,575,507.
Recommendation:	The City should account for the receipt of gas taxes and other similar government-mandated nonexchange transactions as revenue when received in accordance with GASB Statement No. 33.
Current Year Status:	Corrected.
Reference Number:	**2015-004**
Type of Finding:	**Material Weakness – Reimbursement Agreement**
Condition:	The City had not previously presented a receivable or a payable for a reimbursement agreement between the City and Successor Agency (Private-Purpose Trust Fund) associated with the obligations for the repayment of the 2008 Lease Revenue Bonds. In prior years, payments made on the reimbursement agreement were accounted for in operations.
Cause:	The City was not fully aware of generally accepted accounting principles.
Effect:	This condition resulted in an audit adjustment to record the receivable in the governmental activities and the payable in the Successor Agency and increase and decrease, respectively, net position by $17,247,750.
Recommendation:	The City should account for subsequent payments made from the Successor Agency to the City as a reduction of the newly-created receivable and payable in accordance with generally accepted accounting principles.
Current Year Status:	Corrected.

CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number:	**2015-005**
Type of Finding:	**Material Weakness – Debt Refunding**
Condition:	During fiscal year 2014, an interest payment on debt being refunded was included in the refunding transaction as the refunding occurred prior to the date the interest was due, and the City incorrectly accounted for that amount titled "bond refunding contribution" as a deferred inflow of resources. In addition, the City accounted for the underwriters' discount as a bond discount.
Cause:	The City was not fully aware of the requirements of GASB Statement No. 65.
Effect:	This condition resulted in an audit adjustment to eliminate the "bond refunding contribution" and bond discount and increase the beginning net position of the Water Fund and business-type activities by $4,783,179.
Recommendation:	The City should account for debt refunding transactions in accordance with GASB Statement No. 65. Specifically, the difference between the reacquisition price and the net carrying amount of the old debt should be reported as a deferred outflow of resources or a deferred inflow of resources and recognized as a component of interest expense in a systematic and rational manner over the remaining life of the old debt or the life of the new debt, whichever is shorter.
Current Year Status:	Corrected.
Reference Number:	**2015-006**
Type of Finding:	**Material Weakness – Governmental Fund Long-Term Liability**
Condition:	The City reported the unfunded portion of loans approved by the City to fund third parties in its Successor Redevelopment Housing Agency Fund (other governmental fund) that were not due and payable at fiscal year-end.
Cause:	The City was not fully aware of the requirements of GASB Interpretation No. 6.
Effect:	This condition resulted in an audit adjustment to eliminate the unfunded portion of the approved loans payable and increase the beginning fund balance of the Successor Redevelopment Housing Agency Fund by $575,000.
Recommendation:	The City should only report governmental fund liabilities that are normally due and payable in full when incurred in accordance with generally accepted accounting principles.
Current Year Status:	Corrected.

CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number: **2015-007**

Type of Finding: **Material Weakness – Other Prior Period Adjustments**

Condition: During fiscal year 2015, the City identified a number of errors in its June 30, 2014 compensated absences, accounts payable, receivables, and property held for resale balances.

Cause: The compensated absences error was due to a miscalculation; the accounts payable and receivables errors were due to improper cutoff; and the property held for resale errors were the result of the accounting department not being informed of the sale of those properties.

Effect: These conditions resulted in the City adjusting the beginning net position/fund balances of its opinion units/funds as follows:

Opinion Units	Compensated Absences	Accounts Payable	Receivables	Property Held for Resale
Governmental activities	$ 2,330,638	$ (915,984)	$ 34,045	$ (784,000)
Business-type activities	-	-	26,037	(630,000)
General Fund	-	(111,616)	-	-
Housing and Community Development Fund	-	(805,437)	-	-
Capital Grants Fund	-	1,069	-	-
Other governmental funds	-	-	34,045	(784,000)
Bus Fund	-	-	26,037	-
Other enterprise funds	-	-	-	(630,000)
Internal service funds	2,330,638	-	-	-

Recommendation: The City should implement procedures to ensure that all transactions are recorded in the proper period at fiscal year-end. Such procedures should include timely communication between project managers and the accounting department related to the sale of property held for resale. Financial information should be reviewed at year-end for completeness and reasonableness of account balances. Immaterial errors detected in a current period that relate to a prior period may be reported as current year activity.

Current Year Status: Corrected.

CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number:	**2015-008**
Type of Finding:	**Significant Deficiency – Cash Flows Statements**
Condition:	The City was not properly reporting many of the cash receipts and payments, as well as noncash transactions, made during the year in its cash flows statements. The City was reporting items such as gains and losses and prior period adjustments at the same amounts reported in its operating statements, which are prepared on the accrual basis of accounting.
Effect:	This condition resulted in a significant number of revisions to the City's cash flows statements in order to present them in accordance with GASB requirements.
Recommendation:	While using a tool, such as an Excel workbook, is very beneficial to preparing cash flow statements, the City should provide additional training to staff on the preparation of cash flows statements, including how to convert accrual based balances to cash receipts and disbursements, in order to present cash flows statements in accordance with generally accepted accounting principles.
Current Year Status:	Corrected.

CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number:	**2015-009**
Type of Finding:	**Material Weakness and Material Instance of Noncompliance - Reporting**
Program Identification:	**Home Investment Partnerships Program (14.239)**
Condition:	The City did not submit the required HUD 60002 information.
Cause:	Due to management changes, reorganization and staff shortage, the City fell behind on filing the HUD 60002. In addition, HUD required the report to be filed in a new web-based system.
Effect:	Key line items containing critical information of Form HUD 60002 are not submitted to HUD on a timely basis.
Recommendation:	We recommend that the City develop controls and procedures to ensure that required reports are submitted when due.
Current Year Status:	In progress. Performance Evaluation and Registry (SPEARS) System Section 3 data input will be completed within the next 90 days (March 24, 2017)

Reference Number:	**2015-010**
Type of Finding:	**Material Weakness and Material Instance of Noncompliance – Special Test and Provisions**
Program Identification:	**Home Investment Partnerships Program (14.239)**
Condition:	The City did not perform housing quality inspections for the fiscal year ended June 30, 2015.
Cause:	Due to management changes and reorganization, staff did not perform inspections.
Effect:	Property standards might not be met and/or needed repairs might not be completed timely.
Recommendation:	We recommend that the City develop controls and procedures to identify those units on which housing quality inspections are due and to ensure that the required inspections of units are performed as outlined above.
Current Year Status:	In progress. The controls and procedures will be completed no later than June 2017 in advance of the next HUD 60002 electronic submission deadline.

STANISLAUS DRUG ENFORCEMENT AGENCY

Single Audit Reports

For the Year Ended June 30, 2016

mgo Certified Public Accountants

STANISLAUS DRUG ENFORCEMENT AGENCY
SINGLE AUDIT REPORTS
FOR THE YEAR ENDED JUNE 30, 2016

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Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

Members of the Governing Committee
Stanislaus Drug Enforcement Agency
Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and general fund of the Stanislaus Drug Enforcement Agency (the Agency) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements, and have issued our report thereon dated November 16, 2016.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Agency's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 16, 2016

Independent Auditor's Report on Compliance for Each Major Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

Members of the Governing Committee
Stanislaus Drug Enforcement Agency
Modesto, California

Report on Compliance for Each Major Federal Program

We have audited the Stanislaus Drug Enforcement Agency's (the Agency) compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on each of the Agency's major federal programs for the year ended June 30, 2016. The Agency's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and terms and conditions of its federal awards applicable to its federal programs.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the Agency's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards,* issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Agency's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Agency's compliance.

Opinion on Each Major Federal Program

In our opinion, the Agency complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2016.

Report on Internal Control Over Compliance

Management of the Agency is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Agency's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to

determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control over compliance.

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities and the general fund of the Agency as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements. We have issued our report thereon dated November 16, 2016, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 16, 2016

STANISLAUS DRUG ENFORCEMENT AGENCY
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016

Federal Grantor Pass-through Grantor or Direct Federal Program Title	CFDA Number	Grant/Project Number	Expenditures
U.S. Department of Justice			
Direct:			
Equitable Sharing Program	16.922	N/A	$ 623,446
Equitable Sharing Program	16.922	N/A	23,533
Equitable Sharing Program	16.922	N/A	6,462
Total Equitable Sharing Program			653,441
Passed through the Board of State and Community Corrections			
Edward Byrne Memorial Justice Assistance Grant Program	16.738	BSCC 620-16	149,502
Edward Byrne Memorial Justice Assistance Grant Program	16.738	BSCC 675-14	147,834
Total Edward Byrne Memorial Justice Assistance Grant Program			297,336
Total U.S. Department of Justice			950,777
U.S. Executive Office of the President			
Passed through the County of Stanislaus, California			
High Intensity Drug Trafficking Areas Program	95.001	G12CV002A	237,042
Total U.S. Executive Office of the President			237,042
Total Expenditures of Federal Awards			$ 1,187,819

See accompanying notes to schedule of expenditures of federal awards.

STANISLAUS DRUG ENFORCEMENT AGENCY
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2016

NOTE A – **GENERAL**

The accompanying Schedule of Expenditures of Federal Awards (Schedule) presents the activity of all federal financial assistance programs of the Stanislaus Drug Enforcement Agency (Agency). The Agency reporting entity is defined in Note I.A to the Agency's basic financial statements. All federal financial assistance received directly from federal agencies, as well as federal financial assistance passed through other government agencies, is included in the Schedule.

NOTE B – **BASIS OF ACCOUNTING**

Expenditures of federal awards reported in the Schedule are recognized when incurred, which is consistent with the modified accrual basis of accounting used by the Agency's governmental funds, which is described in Note I.C to the Agency's basic financial statements.

NOTE C – **INDIRECT COSTS**

The Agency did not elect to use the 10% de minimis cost rate as covered in 2 CFR section 200.414 Indirect (F&A) costs.

NOTE D – **RELATIONSHIP TO FEDERAL FINANCIAL REPORTS**

Amounts reported in the Schedule agree to or can be reconciled with the amounts reported in the related financial reports.

STANISLAUS DRUG ENFORCEMENT AGENCY
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2016

Section I – Summary of Auditor's Results

Financial Statements:

Type of auditor's report issued:	Unmodified
Internal control over financial reporting:	
• Material weakness(es) identified?	No
• Significant deficiency(ies) identified?	None reported
Noncompliance material to financial statements noted?	No

Federal Awards:

Internal control over major federal programs:	
• Material weakness(es) identified?	No
• Significant deficiency(ies) identified?	None reported
Type of auditor's report issued on compliance for major programs:	Unmodified
Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516 (a)?	No

Identification of major federal programs:

CFDA Number	Name of Major Federal Program or Cluster
16.922	Equitable Sharing Program

Dollar threshold used to distinguish between Type A and Type B programs:	$750,000
Auditee qualified as low-risk auditee	No

STANISLAUS DRUG ENFORCEMENT AGENCY
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (Continued)
FOR THE YEAR ENDED JUNE 30, 2016

Section II – Financial Statement Findings

None

Section III – Federal Award Findings and Questioned Costs

None

STANISLAUS DRUG ENFORCEMENT AGENCY
STATUS OF PRIOR YEAR FINDING AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2016

2015 Comment:	***2015-001 – Restatement of Beginning Fund Balance and Net Position***
Condition/Effect:	The Agency has been accumulating member contributions that in previous years were based on estimated expenditures/expenses that were never adjusted for actual expenditures/expenses or for expenditures/expenses that were eventually reimbursed by grants. This condition resulted in the Agency materially restating its beginning fund balance and net position by decreasing both $266,495.
Recommendation:	The Agency should record transactions accurately enough not to require restatement in the following year.
Status:	Corrected.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-99

Print

RESOLUTION ACCEPTING THE FISCAL YEAR 2015-2016 AUDITOR'S REPORT ON COMPLIANCE WITH REQUIREMENTS FOR THE PASSENGER FACILITY CHARGE PROGRAM

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Macias, Gini & O'Connell, LLP has completed its auditor's report in compliance with the applicable compliance requirements of the Passenger Facility Charge Audit Guide For Public Agencies, issued by the Federal Aviation Administration (Guide), and

WHEREAS, the independent audit is applicable to the City's Passenger Facility Charge program at the Modesto City-County Airport for the year ending June 30, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2015-2016 Passenger Facility Charge audit program for the City of Modesto, **attached** as **Exhibit A**, which is incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY-COUNTY AIRPORT

Independent Auditor's Report and Schedule of Passenger Facility Charge Revenues and Expenditures

For the Year Ended June 30, 2016

mGO Certified Public Accountants

MODESTO CITY-COUNTY AIRPORT
PASSENGER FACILITY CHARGES
FOR THE YEAR ENDED JUNE 30, 2016

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mgo Certified Public Accountants

Century City
Los Angeles
Newport Beach
Oakland
Sacramento
San Diego
San Francisco
Walnut Creek
Woodland Hills

Independent Auditor's Report on Compliance With Applicable Requirements of the Passenger Facility Charge Program; Report on Internal Control Over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures Required by the *Passenger Facility Charge Audit Guide for Public Agencies*

To the Honorable City Council of the
City of Modesto, California

Compliance

We have audited the City of Modesto, California's (City) compliance with the applicable compliance requirements described in the *Passenger Facility Charge Audit Guide for Public Agencies*, issued by the Federal Aviation Administration (Guide) applicable to the City's passenger facility charge program at the Modesto City-County Airport for the year ended June 30, 2016.

Management's Responsibility

Compliance with the requirements referred to above is the responsibility of the City's management.

Auditor's Responsibility

Our responsibility is to express an opinion on the City's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the Guide. Those standards and the Guide require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the compliance requirements referred to above that could have a material effect on the passenger facility charge program occurred. An audit includes examining, on a test basis, evidence about the City's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the City's compliance with those requirements.

Opinion

In our opinion, the City complied, in all material respects, with the compliance requirements referred to above that are applicable to its passenger facility charge program for the year ended June 30, 2016.

Internal Control Over Compliance

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the compliance requirements referred to above. In planning and performing our audit, we considered the City's internal control over compliance to determine the auditing procedures for the purpose of expressing our opinion on compliance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a compliance requirement will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies, or material weaknesses in internal control over compliance. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Guide. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Passenger Facility Charge Revenues and Expenditures Required by the *Passenger Facility Charge Audit Guide for Public Agencies*

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated December 22, 2016, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of passenger facility charge revenues and expenditures is presented for purposes of additional analysis as required by the Guide and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of passenger facility charge revenues and expenditures is fairly stated in all material respects in relation to the basic financial statements as a whole.

Macias Gini & O'Connell LLP

Walnut Creek, California
December 22, 2016

MODESTO CITY-COUNTY AIRPORT
SCHEDULE OF PASSENGER FACILITY CHARGE REVENUES AND EXPENDITURES
FOR THE YEAR ENDED JUNE 30, 2016

Revenues:			Cumulative Total June 30, 2015	For the Quarter Ended September 30, 2015	For the Quarter Ended December 31, 2015	For the Quarter Ended March 31, 2016	For the Quarter Ended June 30, 2016	For the Year Ended June 30, 2016	Cumulative Total June 30, 2016
Passenger facility charge revenue received*			$ 979,132	$ -	$ -	$ -	$ -	$ -	$ 979,132
Interest earned			53,786	356	441	491	497	1,785	55,571
Total passenger facility charge revenue received			1,032,918	356	441	491	497	1,785	1,034,703
Expenditures:									
Application No. Project No.	**Date Approved Project Name**	**Amount Approved**							
	Previously Completed and Closed Applications	$ 836,798	836,798	-	-	-	-	-	836,798
16-10-C-00-MOD	May 1, 2016								
10-001	Wildlife Hazard Assessments	12,362	-	-	-	-	4,918	4,918	4,918
10-002	Obstruction Removal - Design	7,332	-	-	-	-	-	-	-
10-003	Obstruction Removal - Construction	35,245	-	-	-	-	-	-	-
10-004	Security and Perimeter Fencing - Design	12,584	-	-	-	-	2,694	2,694	2,694
10-005	Rehabilitate Runway 10L/28R - Design	32,991	-	-	-	-	5,188	5,188	5,188
10-006	West Apron Rehabilitation - Design	16,989	-	-	-	-	2,789	2,789	2,789
10-007	Rehabilitate Runway 10L/28R - Construction	78,551	-	-	-	-	78,551	78,551	78,551
Total passenger facility charge revenue expended			836,798	-	-	-	94,140	94,140	930,938
Unliquidated passenger facility charge revenues			$ 196,120	$ 356	$ 441	$ 491	$ (93,643)	$ (92,355)	$ 103,765

* $5,139 was received between 4/2005-12/2007 during the period the Modesto City-County Airport had no PFC applications, however, it was not previously reported.

See accompanying notes to the schedule of passenger facility charge revenues and expenditures.

MODESTO CITY-COUNTY AIRPORT
NOTES TO THE SCHEDULE OF PASSENGER FACILITY CHARGE REVENUES AND EXPENDITURES
FOR THE YEAR ENDED JUNE 30, 2016

A. Basis of Presentation

The accompanying schedule of passenger facility charge revenues and expenditures (the Schedule) includes the passenger facility charge activity at the Modesto City-County Airport by the City of Modesto, California (City). Interest income is earned on deposit balances of passenger facility charge receipts. Passenger facility charge collection revenue and expenditures are presented on the cash basis of accounting, and the interest income is presented on the accrual basis of accounting. The information in this schedule is presented for purposes of additional analysis, as specified in the *Passenger Facility Charge Audit Guide for Public Agencies*, issued by the Federal Aviation Administration (FAA). Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in preparation of, the basic financial statements.

Passenger facility charge expenditures may consist of direct project costs, administrative costs, debt service costs and bond financing costs, if requested in the application. Eligible expenditures not requested or approved in the application are not applied against passenger facility charge collections. The Schedule includes the eligible expenditures that have been applied against passenger facility charge collections through June 30, 2016, however, the City did not collect any passenger facility charges during the year because of the commercial airlines discontinued operations in June 2014.

B. Passenger Facility Charge Matching Funds

Passenger facility charge revenue is used to match funding for various grants. Funding provided under government grants is considered earned as the related allowable expenditures are incurred.

C. Relationship to Federal Financial Reports

Amounts reported in the Schedule agree to or can be reconciled with the amounts reported to the FAA on the Passenger Facility Charge Quarterly Status Reports.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-100

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

COMMUNITY AND ECONOMIC DEVELOPMENT

A budget adjustment is necessary to amend the FY16/17 Operating Budget and the Multi-Year budget to authorize $250,000 in Community Development Block Grant (CDBG) Entitlement Funds be transferred to a new Community Development Financial Institution (CDFI) Small Business Loan Project. Background: City Council approved an agreement with CDFI to establish a 5 year "revolving loan" small business loan program (Reso 2014-412). CDBG Entitlement funds should have funded MY Project 100829 for this purpose as noted in the PY2014 Annual Action Plan, not revolving loan funds (as reflected most recently in the FY17 multi-year adopted budget & previously in Reso 2014-413). Additionally, it has been decided that a new project will be created specifically to track CDFI small business loans. This action reverses the previous transfer budgeted from fund 1150 to the old project 100829, and replaces it with a transfer from fund 1130 to the new project 100992 - CDFI Small Business Loans. It also reduces the expense budget in the old 100829 project, and authorizes it in the new project 100992. Any expenses related to CDFI already incurred in 100829 will be journaled to the new project. The City will be reimbursed with CDBG Entitlement Funds from PY 2014 as funds are expended/drawn.

PUBLIC WORKS

A budget adjustment is necessary in the amount of $82,420 to reestablish a transfer out of Fund 4892, Green Waste Fund, to Fund 1341, Grants-Operation Grants Reimbursement, for the Fiscal Year 2016-17 Cal Fire Grant matching component.

In Fiscal Year 2015-16 the Geer Road Landfill Project, #100971, expense budget was established in the Waste to Energy Fund. Revenues related to this project were deposited into the General Fund. A budget adjustment is necessary to establish a transfer in the amount of $206,632 from General Fund Emergency Reserves to the Waste to Energy Fund, 4895, due to Geer Road Landfill Litigation insurance reimbursements which were recognized in the General Fund.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-101

RESOLUTION APPROVING VARIOUS ONE-YEAR SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FROM ORACLE TO BE PURCHASED THROUGH THE "SOLE SOURCE" EXEMPTION TO FORMAL BIDDING REQUIREMENTS FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $383,994

WHEREAS, The City has an ongoing need for maintenance/support agreements for software assets utilized by the City and managed by the Information Technology Department, and

WHEREAS, some maintenance agreements purchased are only available through the original software provider and their annual agreements must be authorized as "sole source" procurements, and

WHEREAS, these products were originally procured through formal processes and were authorized by Council,

Whereas, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the reliance of the City on its core business systems including payroll, finance, purchasing, permits, and fleet management to continue the city's daily operations in every department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves various one-year software maintenance support agreements, in a form approved by the City Attorney, to be purchased through the "sole source" exemption to formal bidding requirements for an estimated annual cost not to exceed $383,994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-102

Print

RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF ENTERPRISE RESOURCE PLANNING SYSTEM UPGRADE SERVICES TO APPLICATION SOFTWARE TECHNOLOGY (AST), NAPERVILLE, IL, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED COST OF $524,700 WITH A CONTINGENCY AMOUNT OF TEN PERCENT (10%) $52,470, FOR A TOTAL ESTIMATED PROJECT COST OF $577,170

WHEREAS, in 2003, the City of Modesto began a business analysis and subsequently contracted with Gartner Consulting to review and assess the City's key business process and automated systems, and

WHEREAS, this review resulted in the City Council adopting a Business Process Analysis and System Requirement Development "blueprint" plan in 2004, and

WHEREAS, the "blueprint" included a multi-year business transformation initiative and recommended replacement of existing financial and human resource systems with an ERP system, and

WHEREAS, on December 9, 2008, the City Council, by Resolution No. 2008-676, authorized the Purchasing Manager to issue a Request for Proposal (RFP) for an Enterprise Resource Planning (ERP) bid, and

WHEREAS, RFP 0809-13 for an ERP System Solution and Implementation Services was issued on December 9, 2008, and proposals were received on February 17, 2009, and

WHEREAS, based on being ranked highest in the overall evaluation criteria and Best and Final Offers (BAFO), the City entered into a contract with AST Corporation, Naperville, IL for an Oracle ERP System Solution and System Implementation, and

WHEREAS, the current ERP system needs to be upgraded; and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the reliance of the City on its core business system and the necessity of updating the infrastructure it utilizes to ensure its continued operation. The servers hosting the current ERP system are seven years old and in need of replacement. Council just recently approved their replacement. Because of the new operating systems that these hardware platforms have, the ERP software must be upgraded. The current servers, which, because of age, are increasingly causing problems will be desupported after June 2017 and pose high risk of system outage and critical impact on financial, payroll, procurement and HR processes.

WHEREAS, Modesto Municipal Code Section 8-3.204(c), provides the Purchasing Manager with the authority to determine that a project is not subject to formal bidding procedures when exigent circumstances are present; and

WHEREAS, In this case, AST was the implementation partner and the vendor who provided the technical and functional expertise and guidance during the ERP implementation in 2010 and 2011, AST has established knowledge and experience with the current ERP infrastructure, system configuration and enhancements and preparation of a scope of work suitable for competitive bidding of the project would be very complex and costly, the Purchasing Manager has determined that the award of a contract for the ERP upgrade services to AST Corporation is not subject to formal bidding requirements pursuant to Section 8-3.204(c) and

WHEREAS, funds for the project are initially coming from the IT Fund with a transfer into the IT fund from the departments as part of the FY 2017-18 Budget Development:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of a contract for the furnishing of Enterprise Resource Planning System Upgrade Services to AST Corporation of Naperville, Il, and

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to issue a purchase agreement for an estimated cost of $577,170.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-103

Print

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE LA LOMA NEIGHBORHOOD ASSOCIATION AND THE CITY OF MODESTO REGARDING THE INSTALLATION OF A WATER CONSERVATION / NATIVE PLANT GARDEN ON ENCINA AVENUE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, in June 2016, staff met with a member of the La Loma Neighborhood regarding the parcel north of Encina Avenue between Conejo Avenue and Phoenix Avenue, and

WHEREAS, the La Loma Neighborhood Association wants to beautify their neighborhood with the installation of a Water Conservation / Native Plant Garden, and

WHEREAS, a public meeting was held on October 13, 2016 and follow up meetings were held with neighbors to obtain agreement on the project scope, and

WHEREAS, City staff has prepared an Memorandum of Understanding (MOU) to allow the La Loma Neighborhood Association to lease the property for a period of five years and install and maintain the garden on City property during the term of the lease, and

WHEREAS, the MOU outlines the terms of the agreement for both parties, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the La Loma Neighborhood Association and the City of Modesto regarding the installation of a Water Conservation / Native Plant Garden on Encina Avenue.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the Resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO 2017-104

Print

RESOLUTION APPROVING A FISCAL SPONSOR AGREEMENT WITH SHANE'S INSPIRATION FOR THE PURPOSES OF FUNDRAISING RELATED TO THE DEVELOPMENT OF AN INCLUSIVE PLAYGROUND AT BEYER COMMUNITY PARK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the play equipment at Beyer Community park was installed in 1986, and

WHEREAS, Beyer Community Park is one of the parks identified for playground improvements, and

WHEREAS, it is the desire of the City to install an inclusive playground designed for citizens of all abilities to play side by side at Beyer Community Park, and

WHEREAS, a group of citizens has organized into The Awesome Spot Playground team for the purposes of playground design, community engagement, and fundraising, and

WHEREAS, Shane's Inspiration holds a current 501(c)(3) Non-Profit Status, and

WHEREAS, The Awesome Spot Playground team is seeking to obtain 501(c)(3) Non-Profit Status, and

WHEREAS, The Awesome Spot Playground team desires to begin fund raising for the project, and

WHEREAS, Shane's Inspiration desires to partner with the City and The Awesome Spot Playground team to assist with fundraising efforts as a fiscal sponsor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fiscal Sponsor Agreement with Shane's Inspiration for the

purposes of fundraising related to the development of an inclusive playground and Beyer Community Park.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and any other supporting documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-105

Print

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN ALLOCATION REQUEST TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR $255,849 IN FY 2016-17 LOCAL AND REGIONAL FUNDING UNDER THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) AND A MATCH OF $51,170 IN EXISTING LOCAL TRANSPORTATION FUNDS (LTF) FOR IMPROVEMENTS AND UPGRADES TO THE DOWNTOWN TRANSIT CENTER, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS

WHEREAS, Senate Bill 862 (2014), created the Low Carbon Transit Operations Program (LCTOP) and identified the California Department of Transportation (Caltrans) as the administrating agency for LCTOP, and

WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $255,849 to the Stanislaus Council of Governments (StanCOG) for regional distribution to local transit agencies, and

WHEREAS, at the March 15, 2017 StanCOG Policy Board meeting, the City of Modesto was allocated $238,250 of the regional funds, and

WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $2,430 to Stanislaus County, and

WHEREAS, Stanislaus County agreed to contribute their $2,430 in LCTOP funds to Modesto's regional project at the downtown Modesto Transit Center, and

WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $731 to the City of Turlock, and

WHEREAS, the City of Turlock agreed to contribute their $731 in LCTOP funds to a regional project at the downtown Modesto Transit Center, and

WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $14,438 to the City of Modesto, and

WHEREAS, the City of Modesto is eligible to apply for a total of $255,849 in LCTOP funds, and

WHEREAS, the statutes related to state-funded transit projects require Modesto to abide by various regulations, and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to local agencies, and

WHEREAS, the City of Modesto is an eligible project sponsor and may receive state funding from LCTOP, and

WHEREAS, the City of Modesto agrees to comply with all conditions and requirements set forth by LCTOP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of an allocation request to the California Department of Transportation (Caltrans) for $255,849 in FY 2016-17 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) and a match of $51,170 in existing Local Transportation Funds (LTF) for improvements and upgrades to the downtown Transit Center.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute all necessary grant applications and grant agreement documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-106

Print

RESOLUTION APPROVING AN AGREEMENT WITH CONSOLIDATED CM, INC., OAKLAND, CA, FOR DESIGN-BUILD OWNER ADVISOR SERVICES FOR THE WATER CORPORATION YARD PROJECT, IN AN AMOUNT NOT TO EXCEED $760,447 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $76,045 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $836,492, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on November 4, 2015, by Resolution Numbers 2015-424 and 2015-426, Council approved the purchase of a 48.62 acre property located on Litt Road in northeast Modesto for the Water Corporation Yard Project, and

WHEREAS, the project site is approximately 3,000 feet north of Sylvan Avenue and 850 feet south of Plainview Road, just outside of City limits but within the City's sphere of influence., and

WHEREAS, to achieve an anticipated project completion by spring of 2019, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff recommends pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling the design and construction services under a single entity, and

WHEREAS, this methodology should minimize risks and reduce the project delivery schedule, and

WHEREAS, considering the technical complexity and accelerated schedule of this project, in addition to current staff workload and lack of expertise, City staff is recommending the use of a consultant to provide Owner Advisor (OA) services to the City throughout the D-B process, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREASE, justification for this exception is based upon the project has been already budgeted in the current Fiscal Year 2016-2017 water fund and will not require budget transfer from reserves to provide the required services, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was issued on November 23, 2016 via the Planet Bids website, and

WHEREAS, on January 5, 2017, staff received and distributed two (2) proposals to a selection committee consisting of Utilities Department and Community & Economic Development Department Staff, and

WHEREAS, the selection committee evaluated the responses and on January 26, 2017, met to interview the firms, discuss the evaluations and review the rankings, and

WHEREAS, the committee recommended Consolidated CM, Inc. (CCM) as the most qualified firm to provide D-B OA services to the City for the Project, and

WHEREAS, CCM's involvement of local sub-consultants accounts for 18% of the total contract amount, and

WHEREAS, the scope of services to be provided under this agreement includes: 1) Project management and administration; 2) Develop D-B procurement strategy, criteria, documentation and schedule; 3) Develop D-B qualification and proposal

documents and review criteria; 4) Predesign geotechnical evaluations and survey; 5) Prepare conceptual and selective preliminary design; 6) Assist staff to evaluate proposals and negotiate final D-B contract; and 6) Prepare construction documents and estimates for Litt Road, and

WHEREAS, the OA services for the Water Corporation Yard Project fall within the scope of services of CCM's proposal, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, however, staff proceeded through a RFP process pursuant to Administrative Directive 3.1Staff recommends approval of the agreement with CCM for OA services for the Water Corporation Yard Project, and

WHEREAS, staff recommends approval of the agreement with CCM for OA services for the Water Corporation Yard Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Consolidated CM, Inc., Oakland, CA, for Design-Build Owner Advisor Services for the Water Corporation Yard Project, in an amount not to exceed $760,447 for the identified scope of services, plus $76,045 for additional services (if needed), for a maximum total amount of $836,492.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-107

Print

RESOLUTION APPROVING THE PROCUREMENT, INSTALLATION AND ANNUAL SUPPORT OF MAINTENANCE CONNECTION COMPUTER MAINTENANCE MANAGEMENT SYSTEM WITH MAINTENANCE CONNECTION IN DAVIS, CA, FOR THE UTILITES DEPARTMENT, WASTEWATER DIVISION, FOR AN INITIAL COST OF $42,996 AND WITH ANNUAL SUPPORT OVER FIVE YEARS FOR A TOTAL COST OF $65,453

WHEREAS, Resolution 2015-20, dated January 27, 2015, authorized the purchase of an Oracle eAM Enterprise Asset Management Program (eAM) from AST Corporation (AST) for Wastewater Operations Administration, and

WHEREAS, staff has been using eAM since its start up on October 1, 2015, and

WHEREAS, Wastewater staff, Information Technology (IT) staff and AST have been working together with the eAM Program, and

WHEREAS, while it performs well as an Asset Management Program, staff is unable to utilize the program as required by the City's Wastewater Treatment National Pollutant Discharge Elimination System (NPDES) Permit, and

WHEREAS, the City is required to track all maintenance activities and be able to provide asset specific history per our NPDES permit, and

WHEREAS, to have a program that will assist with tracking and asset history, staff has determined that the purchase of the Maintenance Connection program is necessary, and

WHEREAS, staff reviewed several programs currently in use by the City of Modesto as a supplement for eAM, and

WHEREAS, Maintenance Connection has over 300 standard reports that can be manipulated various ways to create the exact report as needed and also has an Inventory

Module and a mobile application that can be accessible anywhere on any mobile device, and

WHEREAS, Maintenance Connection is not housed on a City server; it is web based and housed on the Maintenance Connection server, which they maintain at all times, and

WHEREAS, Help Desk support is available 24 hours a day by way of phone, internet, or email along with many online "How To" questions and answers, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City.

WHEREAS, on March 6, 2017, the City Manager's Office approved an exception to this freeze for this procurement based upon the need for the Wastewater Division to have in place a Computer Maintenance Management System CMMS program that allows for the tracking of staff and equipment for reports to be submitted to the State of California as required by their NPDES Permit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the procurement, installation and annual support of Maintenance Connection Computer Maintenance Management System with Maintenance Connection in Davis, CA for the Utilities Department, Wastewater Division, for an initial cost of $42,996 and with annual support over five years for a total cost of $65,453.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the purchase agreements in forms approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-108

Print

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE RUMBLE SEWER TRUNK LINE REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION, ATWATER, CA, IN THE AMOUNT OF $2,327,287, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Rumble Sewer Trunk Line Replacement Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Rumble Sewer Trunk Line Replacement Project were opened at 11:00 a.m. on March 7, 2017 for the consideration of the Council pursuant to Modesto Municipal Code section 8-3.403, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,327,287 received from Rolfe Construction be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Rumble Sewer Trunk Line Replacement Project, accepts the bid of $2,327,287 and awards Rolfe Construction of Atwater, CA, the contract for the Rumble Sewer Trunk Line Replacement Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-109

Print

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE RUMBLE SEWER TRUNK LINE REPLACEMENT PROJECT FROM 8% ($186,183) TO 10% ($232,729) OF THE CONSTRUCTION CONTRACT PRICE OF $2,327,287 WITH ROLFE CONSTRUCTION, ATWATER, CA

WHEREAS, on March 28, 2017, the City Council is concurrently awarding a $2,327,287 contract to Rolfe Construction, of Atwater, CA for the construction of the Rumble Sewer Trunk Line Replacement Project, and

WHEREAS, the existing sewer trunk line will be replaced with 24-inch diameter pipe to address hydraulic deficiencies and will be realigned in certain sections to address access limitations, and

WHEREAS, sections of the Rumble Sewer Trunk Line Replacement Project will involve construction in narrow alley ways,

WHEREAS, the excavation and pipe construction is difficult due to the multiple utilities within the alley and the limited work space, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $186,183,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Rumble Sewer Trunk Line Replacement Project from 8 percent ($186,183) to 10 percent

($232,729) of the construction contract price of $2,327,287 with Rolfe Construction, Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-110

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $320,200 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE RUMBLE SEWER TRUNK LINE REPLACEMENT PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$320,200**, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Rumble Sewer Trunk Line Replacement Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100678 "Rumble Sewer Trunk Line Replacement", and the total project costs need to be increased by $320,200. This would be done by adjusting Construction Admin by <$12,537>, City Construction Forces by $60,000, Construction by $277,282, Contingency-CIP by $27,729, and Eng/Design/Admin by <$32,274.

To fund the above account, $320,200 will be transferred from Wastewater Fund Reserves into CIP Project 100678 for the Rumble Sewer Trunk Line Replacement Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-111

Print

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 3500 LYDIA LANE, IN MODESTO, OWNED BY MIGUEL PEDROZA AND YANET Y. LOPEZ SOLORIO, (APN: 083-005-021) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE SONOMA TRUNK LIFT STATION PROJECT

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

WHEREAS, the City of Modesto desires to purchase for the acquisition of property interests located at located at 3500 Lydia Lane, in Modesto, (APN: 083-005-021), for the Sonoma Trunk Lift Station Avenue (APN 038-022-025), owned by Miguel Pedroza and Yanet Y. Lopez Solorio, to be purchased by the City of Modesto for the Sonoma Trunk Lift Station Project and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of real property located at 3500 Lydia Lane, in Modesto, owned by Miguel Pedroza and Yanet Y. Lopez Solorio, (APN: 083-005-021) to be purchased by the City of Modesto for a Sonoma Trunk Lift Station Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-112

Print

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH MIGUEL PEDROZA AND YANET Y. LOPEZ SOLORIO, FOR ACQUISITION OF 0.31 ACRES FOR A SEWER LIFT STATION, LOCATED AT 3500 LYDIA LANE, IN MODESTO, (APN: 083-005-021), IN THE AMOUNT OF $303,300, FOR THE SONOMA TRUNK LIFT STATION PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto has been in search of a site to locate a parcel of land for use by Utilities' to place the Sonoma Trunk Lift Station within a defined area and as determined by engineering specifications and,

WHEREAS, staff has identified a 0.31-acre parcel, located at 3500 Lydia Lane, in Modesto, and

WHEREAS, the Wastewater Collection System Master Plan (WWCSMP) identifies the Sonoma Trunk Extension and Sonoma Lift Station as a system that is necessary to serve the immediate area as well as future development of the Roselle/Claribel Comprehensive Planning District (CPD) located in the northeast area of the City, and

WHEREAS, the Sonoma Trunk is currently stubbed off at the intersection of Wood Sorrel Drive and Sylvan Avenue, which is relatively shallow, and

WHEREAS, it is necessary to install a lift station to force the main to pump wastewater from new development into the existing system, and

WHEREAS, property acquisition is needed for the lift station site, and

WHEREAS, initially, Utilities sought an area for an easement to install a lift station, however, property owners in the area were not willing to grant an easement due to concerns it would impact their commercial property, and

WHEREAS, Utilities plans to construct the lift station on the property, adjacent to the residence, without major impacts to the existing structures, once complete, the City intends to resell the property and,

WHEREAS, an Agreement is needed for the acquisition of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Purchase and Sale Agreement with Miguel Pedroza and Yanet Y. Lopez Solorio, for acquisition of 0.31 acres for a Sewer Lift Station, located at 3500 Lydia Lane, in Modesto, (APN: 083-005-021), in the amount of $303,300, for the Sonoma Trunk Lift Station Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-113

RESOLUTION ACCEPTING THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $2,176,289 TO CAL VALLEY CONSTRUCTION, INC., OF FRESNO, CA

WHEREAS, the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project has been completed by Cal Valley Construction, Inc., of Fresno, CA in accordance with the contract agreement dated December 3, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project is hereby accepted as complete from said contractor, by Cal Valley Construction, Inc., of Fresno, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,176,289 as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-114

Print

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR ONE SENIOR FINANCIAL ANALYST, ONE SENIOR UTILITIES SERVICES WORKER, ONE ADMINISTRATIVE OFFICE ASSISTANT II, AND THREE WATER SERVICE AND MAINTENANCE AIDES

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, adoption of Resolution No. 2017-86 prevented employment offers for positions although candidates had previously been selected to fill the vacant positions, and

WHEREAS, five of these positions are in the Utilities Water Fund and one is in the Budget Division, and

WHEREAS, the position in the Budget Division is primarily funded by Utilities through the Water and Wastewater Funds by direct charge reimbursements to the General Fund, and

WHEREAS, the Utilities Department functions are regulatory compliance driven and adequate financial resources are available to fill the existing vacant positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Hiring Freeze Exceptions for one Senior Financial Analyst, one Senior Utilities Worker, one Administrative Office Assistant II, and three Water Service and Maintenance Aides are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-115

Print

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR THREE FIRE CAPTIANS AND FIVE FIRE ENGINEER POSITIONS

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, adoption of Resolution No. 2017-86 prevented employment offers for positions although candidates had previously been selected to fill the vacant positions, and

WHEREAS, on September 27, 2016, Council adopted Resolution No. 2016-389 accepting the 2015 SAFER for the purposes of re-opening Engine 11. As a result of this action, nine (9) positions were created; 3 Firefighter positions, 3 Engineer positions and 3 Captains positions, and

WHEREAS, currently the Engineer and Captains positions are under-filled with Firefighters as they go through academy training, which will be completed in April of 2017, and

WHEREAS, in addition to the SAFER grant, the Fire Department has seen a recent spike in retirements and employees leaving for other departments, this has resulted in additional Engineer and Captain vacancies. Currently, the Fire Department has a total of three (3) Captains positions and five (5) Engineer positions that are all currently under-filled, and

WHEREAS, these positions are fully funded in the current fiscal year and no cost savings will result in keeping these positions under-filled, and

WHEREAS, the projected fiscal impact of not approving the requested promotions will result in an estimated $60,000 per month increase in overtime, and

WHEREAS, staff has identified essential positions in **Attachment A** and seeks Council approval to fill these positons in FY2016/17. This action will not result in any need for new hires.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the essential positions listed in **Attachment A** are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A- Exception list for Fire Positions

Dept.	OPN	Fund #	Vacant Position
MFD	1359	0100	Fire Captain
MFD	1360	0100	Fire Captain
MFD	1361	0100	Fire Captain
MFD	0985	0100	Fire Engineer
MFD	0998	0100	Fire Engineer
MFD	0999	0100	Fire Engineer
MFD	1356	0100	Fire Engineer
MFD	1357	0100	Fire Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-116

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR NON-BENEFITED PART TIME POSITIONS ASSIGNED TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No 2017-86; and

WHEREAS, certain part-time non benefited positions are critical to the various recreational, after school and other department programs, and

WHEREAS, part-time staff is the backbone of the Parks, Recreation and Neighborhoods Department, and

WHEREAS, without non-benefited part time staff, the City must reduce programs and service levels to a wide variety of programs, and

WHEREAS, without well qualified and trained employees, the City risks the continuity of our programs, placing current program users at risk and not fulfilling our commitment to the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that exception to the hiring freeze non-benefited part time positions assigned to the Parks, Recreation, and Neighborhoods Department is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-117

Print

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(37)

WHEREAS, Planned Development Zone, P-D(37) was approved by the City Council by Ordinance 878-C.S., which became effective on April 10, 1968, to allow for the expansion of the existing recreational facilities of the Sportsmen of Stanislaus Health Club in addition to new health club facilities on property located at 819 Sunset Avenue, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(37) was filed by TA Modesto SA, LP on November 18, 2016 to allow for the addition of Kindergarten-Grade 12 Charter School to the allowable uses at the site, with conversion of the existing structures for use as educational facilities including the addition of 7,560 square feet as a second-story within the existing building square footage for use as educational facilities, allow new construction of up to 17,350 square feet for educational facilities, and permit the use of the site for a K-12 Charter School with parking at a level less than is required by the City's Zoning Code for Elementary and High School uses; property located at 819 Sunset Avenue, and

WHEREAS, after a public hearing held on February 6, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2017-04, that amending the allowable uses of the Planned Development Zone P-D(37) as requested will not be detrimental to the public health, safety or welfare because the project will provide for a

new Kindergarten through Grade 12 charter school to serve the needs of the surrounding community, and

WHEREAS, the Planning Commission found the following:

1) The requested zone change will result in an orderly planned use of land because the project will allow for the conversion of an existing health club facility into a new elementary through high school educational facility; and
2) The requested amendment to allow on-site parking at a lower amount than Modesto Municipal Code requirement would not adversely affect operations of the facility because there is an abundance of available on-street parking on the street frontages of the school and nearby Neece Drive, which would provide for additional parking for the school, and the school will maintain a lower student-to-classroom ratio for the high school grades than typical of traditional high schools; and
3) The requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the K-12 Charter School is consistent with the Mixed Use (MU) land use designation of the site, which allows for institutional uses such as public schools, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 28, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of TA Modesto 819 SA, LP for an amendment to Planned Development Zone P-D(37) will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2017-04 **attached** hereto and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3668-C.S. on the 28th day of March, 2017, amending the allowable uses of Planned Development Zone P-D(37) to include a Kindergarten-Grade 12 Charter School.

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

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(37), is hereby approved subject to the following conditions:

    1. Prior to the issuance of a building permit, all development shall conform to the development plan titled "Modesto Charter School, 819 Sunset Avenue, Modesto CA, TA II Acquisition LLC", stamped approved by the City Council on [date to be determined].

    2. All conditions of City Council Resolution No. 68-207 not in conflict with this action shall remain in full force and effect.

    3. Fencing along the south property line and the street frontages shall be replaced with new fencing to amend existing fencing in poor condition. Wrought-iron fencing is highly recommended for security and durability. Minimum fence height shall be seven (7) feet from grade.

    4. Parking lot lighting along the north property line shall be adequately shielded to minimize light spillage or glare upon neighboring residents north of the project site.

5. Bicycle racks shall be provided per the Modesto Municipal Code and Green Building Code.

6. In the event the parking lot layout is changed beyond restriping and rerouting traffic flow, one shade tree for each eight (8) parking spaces shall be provided. Parking lot shade trees shall be located no closer than fifteen (15) feet from parking lot light fixtures.

7. Applicant shall provide street trees along the Roselawn, Neece and Sunset Avenue street frontages.

8. Vehicular access shall be provided to the parking lot from Roselawn Avenue.

9. Prior to issuance of a building permit, new classroom construction shall maintain the minimum setback of ten (10) feet from the Roselawn Avenue frontage and the southerly property line, and the setback areas shall be landscaped.

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

11. Prior to issuance of a building or grading permit, plans shall address on-site storm water management and any increase in run-off to off-site areas shall be mitigated in accordance to City and State Standards.

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

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

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

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

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

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

18. Prior to issuance of a building or grading permit, Developer shall submit Landscape and Irrigation plans for review and approval by the City's Parks Planning and Development Division. L&I plans shall be compliant with current State of California Model Water Use Ordinance, MMC requirements and City Standards at the time of submittal.

19. On-site fire hydrants shall be provided to meet requirement of spacing and distribution of 500 feet O.C.

20. Modification for the change of use of these buildings shall be in accordance with the California Building Code (CBC) and California Fire Code (CFC).

21. Modifications to the fire sprinkler system shall be in accordance to NFPA 13.

22. Fire Department Connections (FDC) to fire sprinklers are to be within 90-feet of a fire hydrant.

23. A fire alarm system conforming to the requirements of the CFC will be required for existing and new buildings for student use.

24. Fire department access roads are to be provided with an unobstructed 20-foot width, have an all-weather surface, with changes in direction having an inside radii of 20-feet and outside radii of 40-feet and be able to support the load of a 30-ton (60,000-lb) fire apparatus.

25. Access gates plans shall be submitted to Modesto Fire Prevention Division for approval prior to installation.

26. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

27. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

28. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

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

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

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

The following conditions are recommended mitigation measures from the City of Modesto General Plan Master EIR that should be applied to the project:

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

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

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

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

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

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

38. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

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

40. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(37):

> The entire construction program shall be accomplished in one phase, construction to begin within two years of the effective date of the amendment to the allowable uses of the Planned Development Zone, and completion to be not later than two years after commencement of construction.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending the allowable uses of the above-described Planned Development Zone, P-D(37), becomes effective.

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

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be

filed, begins on March 28, 2017, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By: _____
Community & Economic Development Department
Planning Division

PLANNING COMMISSION
RESOLUTION NO. 2017-04

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO P-D(37), PROPERTY LOCATED AT 819 SUNSET AVENUE (TA MODESTO 819 SA, LP)

WHEREAS, Planned Development Zone, P-D(37), was approved by the City Council by Ordinance No. 878-C.S., which became effective on April 10, 1968, to allow for the expansion of the existing recreational facilities of the Sportsmen of Stanislaus Health Club in addition to new health club facilities on property located at 819 Sunset Avenue; and

WHEREAS, a verified application for an amendment to P-D(37) was filed by TA Modesto 819 SA, LP on November 18, 2016, to allow for the addition of K-12 Charter School to the allowable uses at the site, with conversion of the existing structures for use as educational facilities, new construction of up to 17,350 square feet for educational facilities, and permit the use of the site for a K-12 charter school with parking at 29 spaces fewer than required by the City's Zoning Code for Elementary and High School uses; and

WHEREAS, a public hearing was held by the Planning Commission on February 6, 2017, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2017-02, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested amendment will not be detrimental to the public health, safety or welfare because the project will provide for a new Kindergarten through Grade 12 charter school to serve the needs of the surrounding community.

2. The requested amendment will result in an orderly planned use of land because the project will allow for the conversion of an existing health club facility into a new elementary through high school educational facility.

3. The requested amendment to allow on-site parking at a lower amount than Modesto Municipal Code requirement would not adversely affect operations of the facility because there is an abundance of available on-street parking on the street frontages of the school and nearby Neece Drive, which would provide for additional parking for the school, and the school will maintain a lower student-to-classroom ratio for the high school grades than typical of traditional high schools.

4. The requested amendment is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the K-12 Charter School is consistent with the Mixed Use (MU) land use designation of the site, which allows for institutional uses such as public schools.

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

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

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

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

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

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

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the Council as follows: That P-D(37) be amended to permit the addition of K-12 Charter School to the allowable uses at the site, with remodeling of the existing structures to add 7,560 square feet as a second-story within the existing building square footage for use as educational facilities, allow new construction of up to 17,350 square feet for educational facilities, and permit the use of the site for a K-12 charter school with parking at a level less than is required by the City's Zoning Code for High School use.

IT IS FURTHER RECOMMENDED that a revised development plan for P-D(37) be approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan titled "Modesto Charter School, 819 Sunset Avenue, Modesto CA, TA II Acquisition LLC", stamped approved by the City Council on [date to be determined].

2. All conditions of City Council Resolution No. 68-207 not in conflict with this action shall remain in full force and effect.

3. Fencing along the south property line and the street frontages shall be replaced with new fencing to amend existing fencing in poor condition. Wrought-iron fencing is highly recommended for security and durability. Minimum fence height shall be seven (7) feet from grade.

4. Parking lot lighting along the north property line shall be adequately shielded to minimize light spillage or glare upon neighboring residents north of the project site.

5. Bicycle racks shall be provided per the Modesto Municipal Code and Green Building Code.

6. In the event the parking lot layout is changed beyond restriping and rerouting traffic flow, one shade tree for each eight (8) parking spaces shall be provided. Parking lot shade trees shall be located no closer than fifteen (15) feet from parking lot light fixtures.

7. Applicant shall provide street trees along the Roselawn, Neece and Sunset Avenue street frontages.

8. Vehicular access shall be provided to the parking lot from Roselawn Avenue.

9. Prior to issuance of a building permit, new classroom construction shall maintain the minimum setback of ten (10) feet from the Roselawn Avenue frontage and the southerly property line, and the setback areas shall be landscaped.

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

11. Prior to issuance of a building or grading permit, plans shall address on-site storm water management and any increase in run-off to off-site areas shall be mitigated in accordance to City and State Standards.

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

13. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate

the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

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

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

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

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

18. Prior to issuance of a building or grading permit, Developer shall submit Landscape and Irrigation plans for review and approval by the City's Parks Planning and Development Division. L&I plans shall be compliant with current State of California Model Water Use Ordinance, MMC requirements and City Standards at the time of submittal.

19. On-site fire hydrants shall be provided to meet requirement of spacing and distribution of 500 feet O.C.

20. Modification for the change of use of these buildings shall be in accordance with the California Building Code (CBC) and California Fire Code (CFC).

21. Modifications to the fire sprinkler system shall be in accordance to NFPA 13.

22. Fire Department Connections (FDC) to fire sprinklers are to be within 90-feet of a fire hydrant.

23. A fire alarm system conforming to the requirements of the CFC will be required for existing and new buildings for student use.

24. Fire department access roads are to be provided with an unobstructed 20-foot width, have an all-weather surface, with changes in direction having an inside radii of 20-feet and outside radii of 40-feet and be able to support the load of a 30-ton (60,000-lb) fire apparatus.

25. Access gates plans shall be submitted to Modesto Fire Prevention Division for approval prior to installation.

26. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

27. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

28. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

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

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

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

The following conditions are recommended mitigation measures from the City of Modesto General Plan Master EIR that should be applied to the project:

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

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

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

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

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

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

38. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

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

40. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or before February 6, 2017, and be completed by not later than February 6, 2019.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 6, 2017, by Commissioner Pollard, who moved its adoption, which motion was seconded by Commissioner Lucas and carried by the following vote:

Ayes:	Escutia-Braaton, Lucas, Pollard, Smith, Vohra
Noes:	None
Absent:	Morad
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD
Patrick Kelly, Secretary

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-118

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT TO PLANNED DEVELOPMENT ZONE P-D(37) TO ALLOW FOR A K-12 CHARTER SCHOOL IN ADDITION TO THE ALLOWABLE USES, PROPERTY LOCATED AT 819 SUNSET AVENUE

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

WHEREAS, TA Modesto 819 SA, LP has proposed an amendment to Planned Development P-D(37) to allow for a Kindergarten to Grade 12 Charter School to the allowable uses of the site, property located at 819 Sunset Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-02 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on March 8, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 28, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development P-D(37), a copy of which is **attached** hereto as **Exhibit "A",** and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

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

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2017-02

For the proposed:

Amendment to Planned Development Zone P-D(37)
Addition of Kindergarten-12th Grade Charter School to allowable uses
819 Sunset Avenue
PDA-16-003

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

November 23, 2016

Updated: September 2013

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Contents

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the amendment to Planned Development Zone P-D(37), ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: PDA-16-003—Amendment to Planned Development Zone P-D(37)

B. Address or Location: 819 Sunset Avenue, Modesto CA 95351

C. Applicant: TA Modesto 819 SA LP, attn.: Liat Bishko
3000 Olympic Blvd, Bldg. 1, Suite 2120
Santa Monica, CA 90404

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: kamartin@modestogov.com

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

F. Current Zoning Classification(s): Planned Development Zone P-D(37)

G. Surrounding Land Uses:
North: Low Density Residential (R-1) Zone, single-family residences.

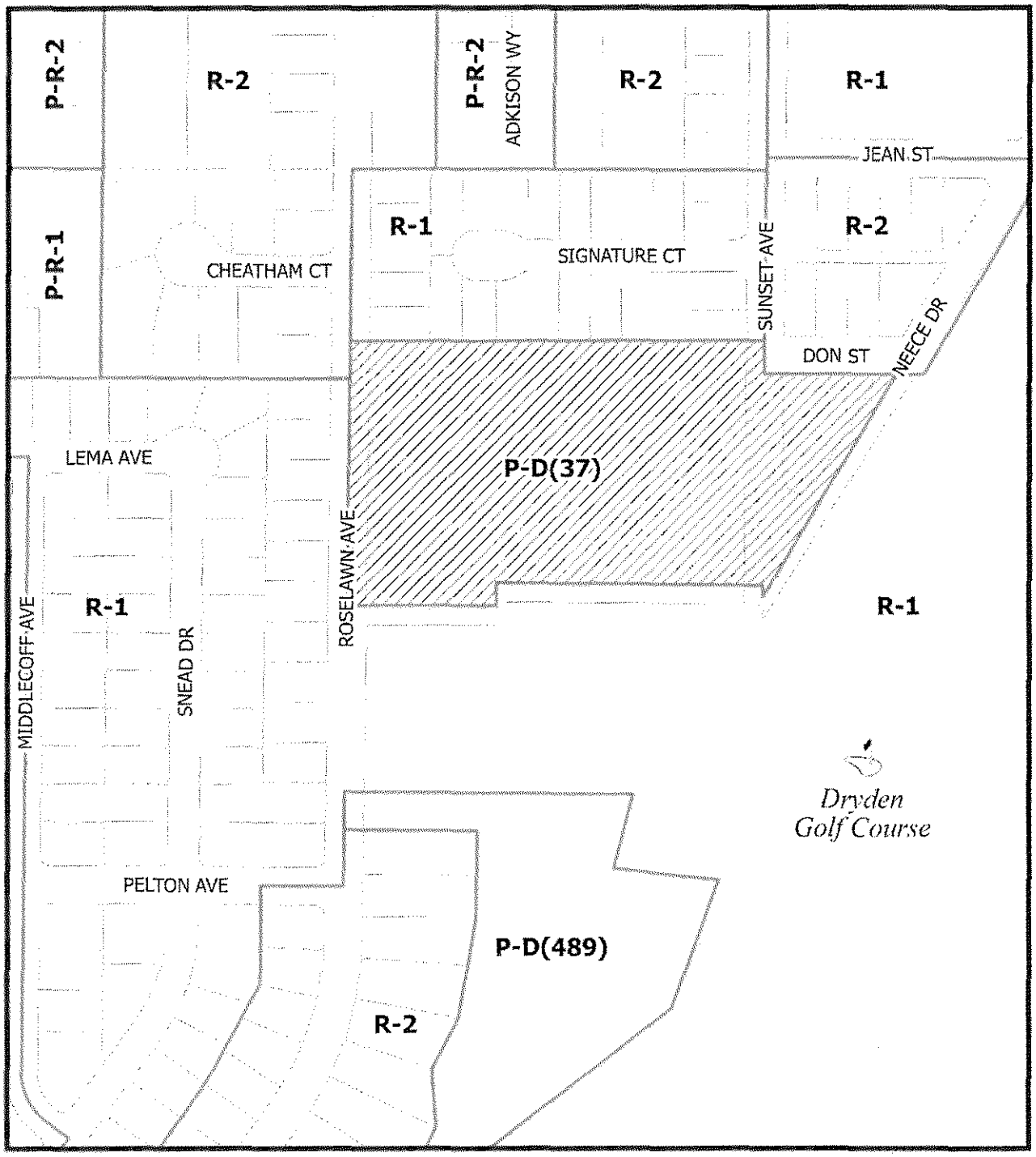
South: Low Density Residential (R-1) Zone, parking lot and maintenance buildings for Dryden Golf Course.
East: Low Density Residential (R-1) Zone, Dryden Golf Course.
West: Low Density Residential (R-1) Zone, single-family residential, and Medium Density Residential (R-2) Zone, residential duplexes and triplexes.

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The project involves the amendment of the Planned Development Zone P-D(37) to allow for a K-12 Charter School in addition to current uses. The project site is located 819 Sunset Avenue within the Baseline Urbanized Area of the General Plan.

The Planned Development Zone was adopted by the Modesto City Council on March 7, 1968 by Ordinance 878-C.S. to provide custom zoning that allowed for a Health Club, for the existing Sportsmen of Stanislaus fitness and recreation facility. The facility, founded in 1957, currently consists of 57,260 square feet of building area comprised of workout facilities, locker rooms, gymnasium, and conference rooms, with outdoor facilities including swimming pools and tennis courts.

The amendment proposes adding K-12 Charter School to the allowed use, in order to facilitate the reuse and remodel of the existing facility. The remodel would include the conversion of existing buildings to educational facilities, the addition of 7,650 square feet as an interior second-story to an existing building, and allow new construction of 17,350 square feet for educational purposes. The proposal would permit use of the site for up to 924 students in addition to staff.



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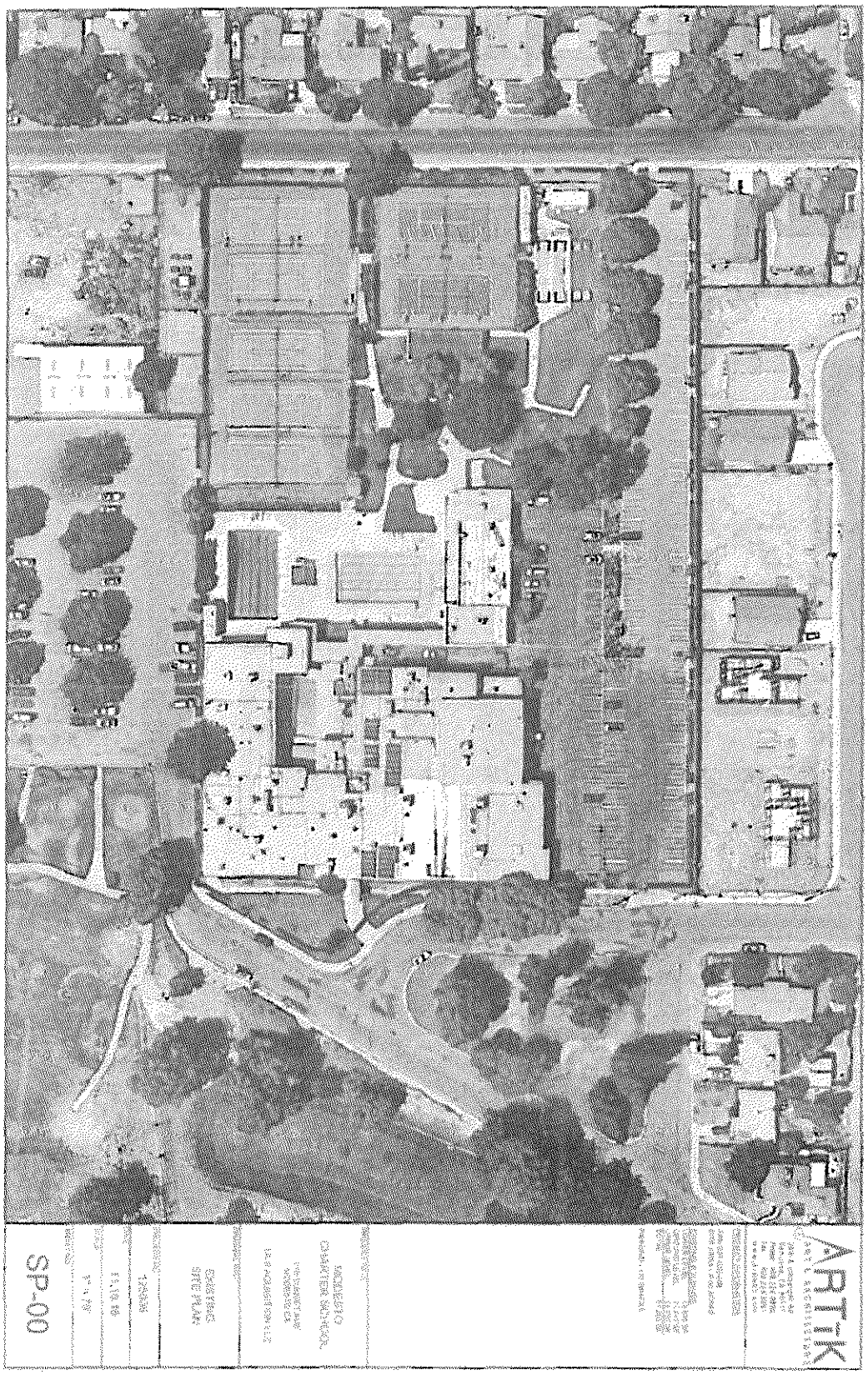
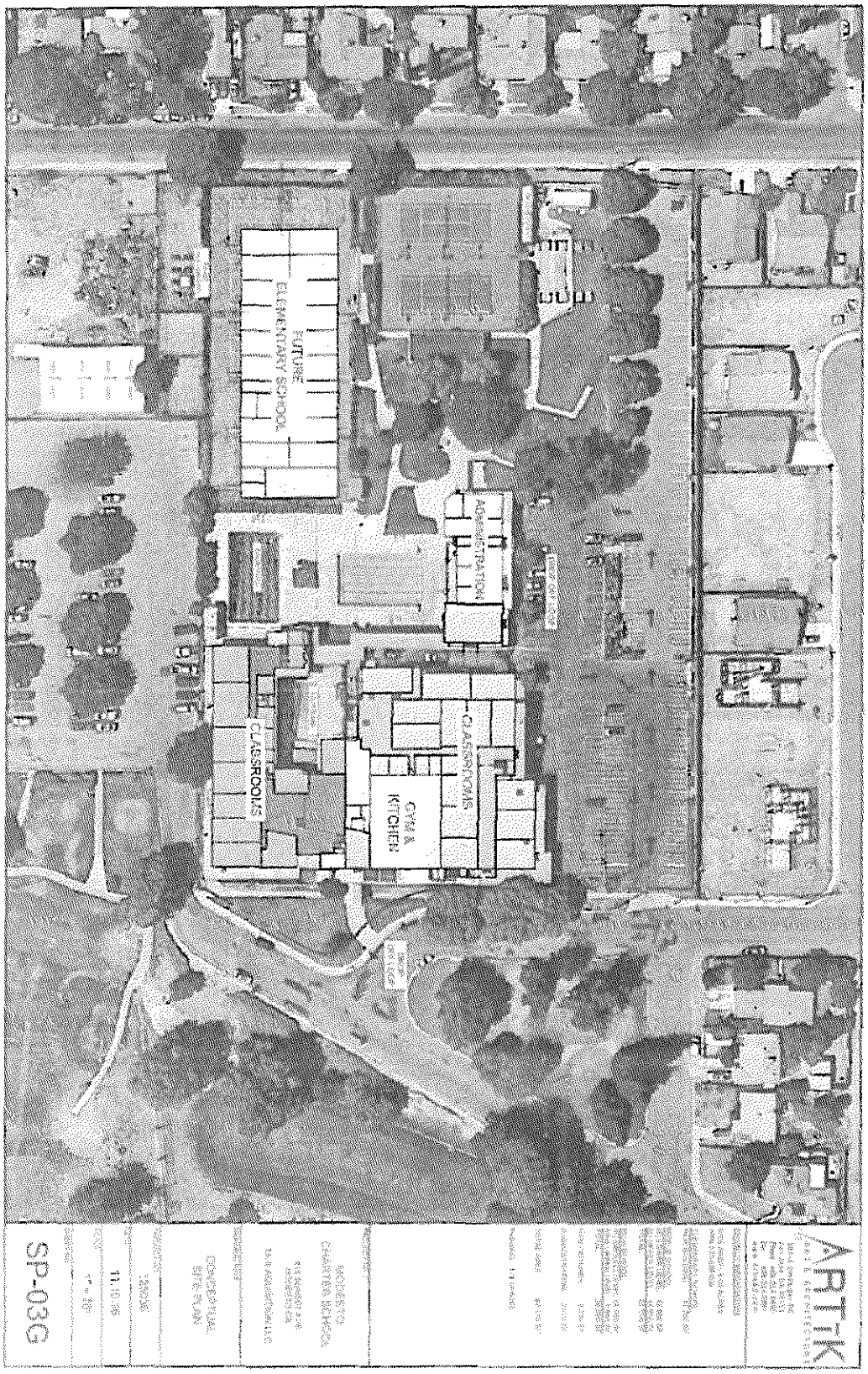
AREA MAP OF PROPOSED
PLANNED DEVELOPMENT AMENDMENT
PDA-16-003



EXISTING SPORTSMEN OF STANISLAUS FACILITY
PDA-16-003



PROPOSED AMENDMENT TO ALLOW FOR K-12 CHARTER SCHOOL
PDA-16-003

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

_____	Associate Planner	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

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

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

5. Currency of the Master EIR Document

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

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

Discussion:

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

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

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

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

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

IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☒	☐
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☒	☐
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☒	☐
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1) The project proposes conversion of the existing facilities of an established health club into a K-12 charter school. A Trip Generation Study between Health Club uses and schools was conducted by KD Anderson and Associates (attached) which concluded that while trip generation would increase in the Peak AM hours above that of a health club, the school would generate fewer daily trips than a health club. The project was referred to Traffic Engineering and Land Development Engineering, Traffic, who indicated no concerns with traffic volume exceeding daily trip generation assumptions for such uses in the General Plan MEIR.

(2) The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

(3) The project would not conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled. There will be increases in traffic of short duration in the morning and afternoon hours as is typical of drop-off and pick-up times at similar schools; however, the school's administration will use staggered start times for the elementary grades and Middle-high school grades to lessen the impact, and the City's Traffic Division indicated no concerns that the project would cause the surrounding street's level of service to exceed LOS D.

(4) The project would not cause emergency response times to exceed acceptable standards. The project was referred to the City Fire Department, who indicated no concerns.

(5) The project proposes 141 parking spaces for students, visitors and staff, 29 spaces less than the City's requirement for office, elementary school and high school uses, as required by the City's Zoning Code for parking spaces per square footage of use. However, the student-classroom ratio is projected by the school to be low, approximately 14:1 in the high school classrooms, reducing the parking shortage to a less than significant impact.

(6) The proposed project will not conflict with adopted policies, plans, or programs that support alternative transportation.

(7) The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42, and AQ-44 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_X, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐

Discussion:

(1) The project involves the remodeling of existing health club facilities into a K-12 Charter school. The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a school as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3) The project would comply with the air quality policies in the Urban Area General Plan with implementation of the mitigation measures cited above.

(4) With mitigation measures cited above, the project would not expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

(5) Construction activities could potentially generate odors with processes such as application of architectural coatings and asphalt paving materials; however, activities will be mitigated as called for by the MEIR with the mitigation measures listed above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at

various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

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

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with,	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Modesto Urban Area General Plan.				
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☒	☐
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☒	☐

Discussion:

(1-2) The project is consistent with the noise policies of the General Plan. The proposed development is not anticipated to generate noise levels that exceed the noise thresholds of the MEIR.

(3) The project will not result in a substantial increase in ambient noise above levels described in the MEIR. There will be occasional outdoor noise associated with children at play during recess times and outdoor physical activity, but at levels not expected to be in excess of normal activities of the previously operational health club.

(4) There will be temporary construction-related noise, but implementation of the mitigation measure outlined above would reduce the impacts to a less than significant amount.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the General Plan's policies relating to agricultural land. The site is located within the Baseline Developed Area, and is designated as Mixed Use (MU) in the General Plan's Land Use Diagram.

(2) The project will not result in the development of land outside of the 2008 General Plan boundary. The site is within the Baseline Developed Area and is surrounded by urbanized area within the jurisdiction of the City.

(3) The site is not zoned for agricultural uses. The proposed amendment is to allow for a charter school within a facility established as a health club in 1957. There are no Williamson Act contracts on the properties of the project site.

(4) The project will not convert existing farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering staff who indicated no concerns with water supply or demands of the project.

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

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains

and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.				

Discussion:

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

(2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

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

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The project would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project would be consistent with the archeological and historical resource policies in the General Plan.

(2) The site is not a local landmark nor is listed or eligible for listing as a historic resource.

(3) The facility was originally established in 1957 and has been in regular use as a health club with gymnasium and conference areas. The project would remodel existing structures from the health club facilities to accommodate the activities of a K-12 Charter School. Any modification and new construction is to be as required by the California Building Code and the California Department of General Services, Division of the State Architect.

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

(5) The project would not conflict with a local policy or ordinance protecting biological resources. The City of Modesto does not have a tree preservation policy or ordinance.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes: SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project would not be inconsistent with the storm drainage policies of the General Plan.

(2) The project involves the reuse of existing health club facilities into a K-12 charter school with addition of new classrooms at the existing tennis courts. Storm water runoff from the site is not expected to increase significantly with the project as the new construction is to be built at the location of the existing tennis courts.

(3) Best management practices will be utilized with construction through the mitigation measure cited above.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.				
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).

(4) The project would remodel and expand existing structures from the health club to accommodate the activities of a K-12 Charter School. Expansion is to be in the form of a second-story addition within the interior of an existing building and the placement of new classroom spaces over an existing tennis court area at the southwest corner of the site. No structures would be placed within a 100-year flood hazard zone.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

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

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

(8) The project was referred to Land Development Engineering who indicated no concerns with the project creating or contributing to runoff in excess of what is expected as part of the General Plan's implementation.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
physical effect on the environment.				

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project involves the reuse of an existing health club into a K-12 Charter School, which would not impact parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project involves the reuse of an existing health club into a new K-12 Charter School, which would not conflict with policies related to schools in the General Plan.

(2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project was referred to the City Police Department, who indicated no concerns.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
districts.				

Discussion:

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

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

(3) The project would not cause the erosion or elimination of fire protection services. The project will meet City Standards for emergency services access.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

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

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

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

Discussion:

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

(2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.				

Discussion:

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

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

18. ENERGY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

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

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

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the Mixed Use (MU) land use designation in the General Plan.

(2) The project would not divide an established community. The proposal is to rezone two existing residential properties on an arterial street to Professional Office uses, in an area that is transitioning from residential uses to office uses.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project

will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

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

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project would not affect automobile trip lengths or CO_2 emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

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

A. Master EIR Mitigation Measures Applied to the Project

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

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

B. New or Additional Mitigation Measures or Alternatives Required

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

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

N/A

Degradation of Air Quality:

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

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

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

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

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

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

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

Generation of Noise:

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

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Flooding and Water Quality:

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

APPENDIX

KD Anderson & Associates

Trip Generation Comparison for SOS Athletic Club and Potential Charter School; Modesto, CA, October 20, 2016

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-119

Print

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE SENIOR CITIZENS CENTER & AIRPORT NEIGHBORHOOD COMMUNITY CENTER KITCHEN RENOVATION PROJECTS, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH JHK CONSTRUCTION, INC., ESCALON, CA, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT IN THE AMOUNT OF $407,300

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, on June 14, 2016, City Council, by Resolution No. 2016-254, approved the Program Year 2016-2017 Annual Action Plan (Plan), and

WHEREAS, included in the Plan were anticipated use of CDBG funds for Public Facility Improvements for the Senior Center (100865) and Airport Neighborhood Community Center (100868), and

WHEREAS, there is no impact to the General Fund as these funds are received from HUD for the project, and

WHEREAS, the project will renovate the existing Senior Citizen's Center kitchen providing for new appliances, sinks, counters and expand the kitchen to accommodate the needs of the users of the facility, and

WHEREAS, the project will install a commercial grade kitchen in the Airport Neighborhood Center to accommodate the needs of the community, and

WHEREAS, the project was advertised for bids on February 1, 2017, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 Implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the fact that this project is fully funded by Grant funds and no General Fund money is required to complete this project.

WHEREAS, bids were publicly opened on March 7, 2017 pursuant to Modesto Municipal Code section 8-3.403, and

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

WHEREAS, the lowest responsive and responsible bid was JHK Construction, Inc., Escalon, CA, 10.08% above the engineer's estimate, and

WHEREAS, the remaining bids ranged from 51% above to 62% above the engineers, estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Senior Citizens Center & Airport Neighborhood Community Center Kitchen Renovation Projects, accepts the bid, and approves a construction contract with JHK Construction, Inc., Escalon, CA.

BE IT FURTHER RESOLVED by the Council of the City of Modesto authorizes the City Manager, or his designee, to execute the contract in the amount of $407,300.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-120

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $271,444 TO BE TRANSFERRED INTO THE PROJECT FROM CDBG FUNDS IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE SENIOR CITIZENS CENTER & AIRPORT NEIGHBORHOOD COMMUNITY CENTER KITCHEN RENOVATION PROJECTS, AND AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE AMENDMENTS

WHEREAS, on June 14, 2016, City Council, by Resolution No. 2016-254, approved the Program Year 2016-2017 Annual Action Plan (Plan), and

WHEREAS, included in the Plan were anticipated use of CDBG funds for Public Facility Improvements for the Senior Citizens Center (100865) and Airport Neighborhood Community Center (100868), and

WHEREAS, the total estimated cost for the construction portion of the projects is $521,344.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amending the FY 2016-2017 Capital Improvement Program Budgets to add $197,026.40 in CDBG funds to fully fund the Senior Citizens Center (100865) and $74,417.60 in CDBG funds to fully fund the Airport Neighborhood Community Center (100868).

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it authorizes the Deputy City Manager, or his designee, to implement the amendments.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-121

Print

RESOLUTION ACCEPTING THE CALIFORNIA MARIJUANA ERADICATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF $25,000 FOR THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, on February 10, 2017, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $25,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the term of this grant will be from October 1, 2016 through September 30, 2017, and

WHEREAS, the City of Modesto will be the fiscal agent,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Marijuana Eradication Grant from the U. S. Department of Justice Drug Enforcement Administration in the amount of $25,000.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-122

Print

RESOLUTION AMENDING THE STANISLAUS DRUG ENFORCEMENT AGENCY'S FISCAL YEAR 2016/17 MULTI-YEAR OPERATING BUDGET ESTIMATING REVENUE IN THE AMOUNT OF $25,000 FROM THE U. S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION GRANT; AND AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on February 10, 2017, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $25,000, and

WHEREAS, it is required to amend the SDEA budget to increase revenues in the amount of $25,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the City of Modesto will be the fiscal agent,

WHEREAS, the term of this grant will be from October 1, 2016 through September 30, 2017,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the the Stanislaus County Drug Enforcement Agency's Fiscal Year 2016/17 Multi-Year Operating Budget as indicated on **Attachment A**, which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A: Budget Adjustment

Fund 6600: 2016/17 Multi-Year

Expense:

To:

101016 – Appr. A	$ 5,000	Overtime
101016 – Appr. C	500	Intergov. Services – Other (53505) OT for Outside Agencies
101016 – Appr. C	2,500	Police Equipment <$5,000
101016 – Appr. C	1,000	Fuel/Oil
101016 – Appr. C	16,000	Insurance
Total	$25,000	

Revenue:

To:

6600-89999-42040-101016	$25,000	Intergov-Federal – Dept. of Justice

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-123

Print

RESOLUTION ACCEPTING THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT FUNDED AIRPORT IMPROVEMENT PROGRAM (AIP) NO. 39 PROJECT TITLED "AIRPORT PERIMETER FENCE CONSTRUCTION" AS COMPLETE, AND AUTHORIZING ALL NECESSARY STEPS TO FILE THE NOTICE OF COMPLETION WITH THE COUNTY CLERK RECORDER

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated facility and is required to meet Federal Aviation Administration (FAA) standards, and

WHEREAS, the FAA requires that the Airport secure the airport and implement methods to reduce the hazard of wildlife strikes to aircraft, and

WHEREAS, the fencing project replaced 1.5 miles of failing airport perimeter fencing, enhancing security and adding wildlife deterrent fencing for compliance, and

WHEREAS, the Airport Perimeter Fence Construction Project has been completed by Golden Bay Fence of Stockton, CA in accordance with the contract agreement dated September 2, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Airport Perimeter Fence Construction Project is hereby accepted as complete from said contractor, Golden Bay Fence, of Stockton, CA.

BE IT FURTHER RESOLVED that the City Clerk is authorized to complete all necessary steps to file the Notice of Completion with the County Clerk Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-124

Print

RESOLUTION ACCEPTING THE DESTRUCTION OF WELLS 4, 8, 19, 32, 36, 44, 226 & 229 PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $415,004 TO HOWK SYSTEMS, INC., OF MODESTO, CA

WHEREAS, the Destruction of Wells 4,8,19,32,36,44,226 & 229 Project has been completed by Howk Systems, Inc., of Modesto, CA in accordance with the contract agreement dated June 28, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Destruction of Wells 4,8,19,32,36,44,226 & 229 Project is hereby accepted as complete from said contractor, Howk Systems, Inc., of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $415,004, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-125

Print

RESOLUTION ACCEPTING THE SEWER LIFT STATION COATING PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES, RECEIVING CREDITS, AND RELEASING PAYMENTS TOTALING $294,069 TO F. D. THOMAS, INC., OF CENTRAL POINT, OR

WHEREAS, the Sewer Lift Station Coating Project has been completed by F.D. Thomas, Inc., of Central Point, OR in accordance with the contract agreement dated March 1, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Sewer Lift Station Coating Project is hereby accepted as complete from said contractor, F.D. Thomas, Inc., of Central Point, OR, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $294,069, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-126

Print

RESOLUTION ACCEPTING THE G STREET AND HATCH ROAD PAVEMENT REHABILITATION PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES AND PAYMENTS TOTALING $826,326 TO DSS COMPANY, DBA KNIFE RIVER CONSTRUCTION, INC., OF STOCKTON, CA

WHEREAS, the G Street and Hatch Road Pavement Rehabilitation Project has been completed by DSS Company, dba Knife River Construction, Inc., of Stockton, CA in accordance with the contract agreement dated April 26, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the G Street and Hatch Road Pavement Rehabilitation Project is hereby accepted as complete from said contractor, DSS Company, dba Knife River Construction, Inc., of Stockton, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $826,326, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-127

Print

RESOLUTION APPROVING AMENDMENT NO. 3 TO CITY OF MODESTO PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN TO ALLOCATE $400,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS TO CARRY OUT A HOMEBUYERS ASSISTANCE PROGRAM; AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO HUD FOR AMENDMENT NO. 3 TO THE CITY OF MODESTO PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN, ATTACHED HERETO AS EXHIBIT A; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION OF AMENDMENT NO. 3

WHEREAS, on June 14, 2016, the City Council, by Resolution No. 2016-254, approved the submission of the Program Year 2016-2017 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, on June 21, 2016, City Council, by Ordinance No., 3652-C.S., adopted the Fiscal Year 2016-2017 Annual and Multi- Year Operating Budgets, and

WHEREAS, any changes to AAP allocations are accomplished through amendments to the AAP, and

WHEREAS, on October 4, 2016, the City Council, by Resolution No. 2016-405, approved Amendment No. 1 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, on January 10, 2017, the City Council, by Resolution No. 2017-19, approved Amendment No. 2 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, Amendment No. 3 to the City of Modesto Program Year 2016-17 AAP (Amendment No. 3) allocates $400,000 in Community Development Block Grant funds for the purpose of carrying out a homebuyer assistance program to assist eligible first time buyers with gap financing loans to allow the purchase of a home, and

WHEREAS, the public was afforded a 30-day comment period on the proposed amendment, and

WHEREAS, on March 9, 2017, City staff presented the Amendment No. 3 to the Citizens' Housing & Community Development Committee meeting who recommended it be forwarded to City Council for approval, and

WHEREAS, on March 9, 2017, City staff held a community meeting, to assess local needs and priorities related to Amendment No. 3, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on February 5, 2017 and closed with a public hearing at the City Council meeting on Tuesday, April 4, 2017, and

WHEREAS, any comments received during the public review period or during the April 4, 2017 City Council meeting will be incorporated into the final Amendment No. 3 to City of Modesto Program Year 2016-2017 Annual Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts Amendment No. 3 to City of Modesto Program Year 2016-2017 Annual Action Plan to allocate $400,000 in Community Development Block Grant entitlement funds to carry out a Homebuyers Assistance Program and authorizing the City Manager, or his designee, to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 3.

BE IT FURTHER RESOLVED that City staff is authorized to submit an application to HUD for Amendment No. 3 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in "Program Year 2016-2017 Annual Action Plan Third Amendment," **attached** hereto as **Exhibit A** and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 3 to City of Modesto Program Year 2016-17 Annual Action Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017 Annual Action Plan
Amendment No. 3

THIRD AMENDMENT

City of Modesto
FY 2016-2017 Annual Action Plan

Substantial Amendment

City Council April 4, 2017

The purpose of the Substantial Amendment is to define the following Eligible Uses:

1. **Establish a Fund in the amount of $400,000 for the purpose of carrying out a Homebuyer Assistance Program to assist eligible first time buyers with gap financing loans to allow the purchase of a home. The fund is designed to generate payments to the fund once loans are paid to the City of Modesto. All recaptured loan funds will be used to carry out the same activity- 24 CFR 570.201(n)**

   Homebuyer Assistance Program $400,000

   Resources: CDBG 24CFR 570.201(n)

   National Objective: Low/Moderate Income Clientele (LMC)
   - Up to 50% of down payment assistance amount;
   - All assisted households must be low- and moderate-income;
   - Interest rate write-downs;
   - Principal write-downs; and
   - Subsidizing interest rates and mortgage principal amounts, including making grants to reduce the effective interest rate on the amount needed by the purchaser to an affordable level. (Funds granted would have to be applied to the purchase price);
   - Subordinating direct loans toward the purchase price, at little interest, so that the total mortgage will be affordable to the purchaser;
   - Paying all or part of the premium (on behalf of the purchaser) for the mortgage insurance required up-front by a private mortgagee. (This would include private mortgage insurance (PMI)).

OMB Control No: 2506-0117 (exp. 07/31/2015)

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-128

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT CHANGES NOTED IN THE ATTACHED AMENDMENT NO. 3 TO THE CITY OF MODESTO'S PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT, AND AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 14, 2016, the City Council, by Resolution No. 2016-254, approved the submission of the Program Year 2016-2017 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, on June 21, 2016, City Council, by Ordinance No. 3652-C.S., adopted the Fiscal Year 2016-2017 Annual and Multi-Year Operating Budgets, and

WHEREAS, any changes to AAP allocations are accomplished through amendments to the AAP, and

WHEREAS, on October 4, 2016, the City Council, by Resolution No. 2016-405, approved Amendment No. 1 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, on January 10, 2017, the City Council, by Resolution No. 2017-19, approved Amendment No. 2 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, Amendment No. 3 to the City of Modesto Program Year 2016-17 AAP (Amendment No. 3) allocates $400,000 in Community Development Block Grant funds for the purpose of carrying out a homebuyer assistance program to assist eligible first time buyers with gap financing loans to allow the purchase of a home, and

WHEREAS, the public was afforded a 30-day comment period on the proposed amendment, and

WHEREAS, on March 9, 2017, City staff presented Amendment No. 3 to the Citizens' Housing & Community Development Committee meeting who recommended it be forwarded to forward to City Council for approval, and

WHEREAS, on March 9, 2017, City staff held a community meeting, to assess local needs and priorities related to Amendment No. 3.

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby approves an amendment to the fiscal year 2016-17 annual operating and capital improvement budgets to reflect changes noted in Amendment No. 3, **attached** hereto as **Exhibit A**, to City of Modesto's Program Year 2016-2017 Annual Action Plan for Community Development Block Grant and authorizing the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017 Annual Action Plan
Amendment No. 3

THIRD AMENDMENT

City of Modesto
FY 2016-2017 Annual Action Plan

Substantial Amendment

City Council April 4, 2017

The purpose of the Substantial Amendment is to define the following Eligible Uses:

1. **Establish a Fund in the amount of $400,000 for the purpose of carrying out a Homebuyer Assistance Program to assist eligible first time buyers with gap financing loans to allow the purchase of a home. The fund is designed to generate payments to the fund once loans are paid to the City of Modesto. All recaptured loan funds will be used to carry out the same activity- 24 CFR 570.201(n)**

   Homebuyer Assistance Program $400,000

   Resources: CDBG 24CFR 570.201(n)

   National Objective: Low/Moderate Income Clientele (LMC)
   - Up to 50% of down payment assistance amount;
   - All assisted households must be low- and moderate-income;
   - Interest rate write-downs;
   - Principal write-downs; and
   - Subsidizing interest rates and mortgage principal amounts, including making grants to reduce the effective interest rate on the amount needed by the purchaser to an affordable level. (Funds granted would have to be applied to the purchase price);
   - Subordinating direct loans toward the purchase price, at little interest, so that the total mortgage will be affordable to the purchaser;
   - Paying all or part of the premium (on behalf of the purchaser) for the mortgage insurance required up-front by a private mortgagee. (This would include private mortgage insurance (PMI)).

OMB Control No: 2506-0117 (exp. 07/31/2015)

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-129

Print

RESOLUTION APPROVING AMENDMENT NO. 4 TO CITY OF MODESTO PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN TO ALLOCATE $1,200,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT ENTITLEMENT FUNDS TO ESTABLISH A RENTAL HOUSING REHABILITATION PROGRAM TO SERVE LOW INCOME HOUSING, AND AMEND AN EXISTING PROGRAM NAME TO "AFFORDABLE HOUSING ACQUISITION PROGRAM" AND ALLOCATE AN ADDITIONAL $400,000 IN FUNDING; AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO HUD FOR AMENDMENT NO. 4 TO THE CITY OF MODESTO PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN, ATTACHED HERETO AS EXHIBIT A; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION OF AMENDMENT NO. 4

WHEREAS, on June 14, 2016, the City Council, by Resolution No. 2016-254, approved the submission of the Program Year 2016-2017 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, on June 21, 2016, City Council, by Ordinance No., 3652-C.S., adopted the Fiscal Year 2016-2017 Annual and Multi- Year Operating Budgets, and

WHEREAS, any changes to AAP allocations are accomplished through amendments to the AAP, and

WHEREAS, on October 4, 2016, the City Council, by Resolution No. 2016-405, approved Amendment No. 1 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, on January 10, 2017, the City Council, by Resolution No. 2017-19, approved Amendment No. 2 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, on April 4, 2017, the City Council, by Resolution No. 2017-128, approved Amendment No. 3 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, Amendment No. 4 to the City of Modesto Program Year 2016-17 AAP (Amendment No. 4) to allocate $1,200,000 in Community Development Block Grant entitlement funds to establish a Rental Housing Rehabilitation Program to serve low income housing and (2) amend an existing program name to "Affordable Housing Acquisition Program" and allocate an additional $400,000 in funding, and

WHEREAS, the public was afforded a 30-day comment period on the proposed amendment, and

WHEREAS, on March 9, 2017, City staff presented the Amendment No. 4 to the Citizens' Housing & Community Development Committee meeting who recommended it be forwarded to forward to City Council for approval, and

WHEREAS, on March 9, 2017, City staff held a community meeting, to assess local needs and priorities related to Amendment No. 4, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on March 5, 2017 and closed with a public hearing at the City Council meeting on Tuesday, April 4, 2017, and

WHEREAS, any comments received during the public review period or during the April 4, 2017 City Council meeting will be incorporated into the final Amendment No. 4 to City of Modesto Program Year 2016-2017 Annual Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts Amendment No. 4 to City of Modesto Program Year 2016-2017 Annual Action Plan to allocate $1,200,000 in Community Development Block Grant entitlement funds to establish a Rental Housing Rehabilitation Program to serve low

income housing, amend an existing program name to "Affordable Housing Acquisition Program" and allocate an additional $400,000 in funding.

BE IT FURTHER RESOLVED that City staff is authorized to submit an application to HUD for Amendment No. 4 to the City of Modesto Program Year 2016-2017 Annual Action Plan as described in "Program Year 2016-2017 Annual Action Plan Fourth Amendment," **attached** hereto as **Exhibit A** and incorporated by reference herein.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to negotiate and execute any related program agreements, contracts or other documentation required for implementation of Amendment No. 4 to City of Modesto Program Year 2016-17 Annual Action Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017 Annual Action Plan
Amendment No. 4

FOURTH AMENDMENT

City of Modesto
2016 Annual Action Plan

Substantial Amendment

City Council April 4, 2017

The purpose of the Substantial Amendment is to define the following Eligible Uses:

1. **Rental Housing Rehabilitation program to establish two activities in the amount of $1,200,000 for the purpose of carrying out rehabilitating affordable rental housing in partnership with our local non-profits and Housing Authority of the County of Stanislaus. - 24 CFR 570.202.**

   Rental Housing Rehabilitation Program $1,200,000

   Resources: CDBG 24CFR 570.202

   National Objective: Low/Moderate Income Clientele (LMC)

   - Low-income public housing and other publicly owned residential buildings and improvements.

2. **Affordable Housing Acquisition Program to amend existing program name and provide additional funds in the amount $400,000. - 24 CFR 570.201**

   Affordable Housing Acquisition Program $400,000

   Resources: CDBG 24CFR 570.201

   National Objective: Low/Moderate Income Clientele (LMC)

   - Acquisition in whole or in part by the recipient, or other public or private nonprofit entity, by purchase, long-term lease, donation, or otherwise, of real property (including air rights, water rights, rights-of-way, easements, and other interests therein) for any public purpose, subject to the limitations of 24 CFR 570.207.

OMB Control No: 2506-0117 (exp. 07/31/2015)

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-130

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO REFLECT CHANGES NOTED IN THE ATTACHED AMENDMENT NO. 4 TO THE CITY OF MODESTO'S PROGRAM YEAR 2016-2017 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT, AND AUTHORIZING THE DEPUTY CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, on June 14, 2016, the City Council, by Resolution No. 2016-254, approved the submission of the Program Year 2016-2017 Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, on June 21, 2016, City Council, by Ordinance No. 3652-C.S., adopted the Fiscal Year 2016-2017 Annual and Multi-Year Operating Budgets, and

WHEREAS, any changes to AAP allocations are accomplished through amendments to the AAP, and

WHEREAS, on October 4, 2016, the City Council, by Resolution No. 2016-405, approved Amendment No. 1 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, on January 10, 2017, the City Council, by Resolution No. 2017-19, approved Amendment No. 2 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, on April 4, 2017, the City Council, by Resolution No. 2017-128, approved Amendment No. 3 to the City of Modesto Program Year 2016-17 AAP, and

WHEREAS, the public was afforded a 30-day comment period on the proposed amendment, and

WHEREAS, on March 9, 2017, City staff presented the Amendment No. 4 to the Citizens' Housing & Community Development Committee meeting who recommended it be forwarded to forward to City Council for approval, and

WHEREAS, on March 9, 2017, City staff held a community meeting, to assess local needs and priorities related to Amendment No. 4.

NOW, THEREFORE, BE IT RESOLVED, that the Modesto City Council hereby approves an amendment to the Fiscal Year 2016-17 annual operating and capital improvement budgets to reflect changes noted in Amendment No. 4, **attached** hereto as **Exhibit A**, to City of Modesto's Program Year 2016-2017 Annual Action Plan for Community Development Block Grant.

BE IT FURTHER RESOLVED that the City Council authorizes the Deputy City Manager, or his designee, to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2016-2017 Annual Action Plan
Amendment No. 4

FOURTH AMENDMENT

City of Modesto
2016 Annual Action Plan

Substantial Amendment

City Council April 4, 2017

The purpose of the Substantial Amendment is to define the following Eligible Uses:

1. **Rental Housing Rehabilitation program to establish two activities in the amount of $1,200,000 for the purpose of carrying out rehabilitating affordable rental housing in partnership with our local non-profits and Housing Authority of the County of Stanislaus. - 24 CFR 570.202.**

   Rental Housing Rehabilitation Program $1,200,000

   Resources: CDBG 24CFR 570.202

   National Objective: Low/Moderate Income Clientele (LMC)

   - Low-income public housing and other publicly owned residential buildings and improvements.

2. **Affordable Housing Acquisition Program to amend existing program name and provide additional funds in the amount $400,000. - 24 CFR 570.201**

   Affordable Housing Acquisition Program $400,000

   Resources: CDBG 24CFR 570.201

   National Objective: Low/Moderate Income Clientele (LMC)

   - Acquisition in whole or in part by the recipient, or other public or private nonprofit entity, by purchase, long-term lease, donation, or otherwise, of real property (including air rights, water rights, rights-of-way, easements, and other interests therein) for any public purpose, subject to the limitations of 24 CFR 570.207.

OMB Control No: 2506-0117 (exp. 07/31/2015)

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-131

Print

RESOLUTION APPROVING AN EXTENSION OF THE CURRENT NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES AGREEMENT, REQUEST FOR APPLICATION (RFA) NO. 1314-28 CONTRACT, UNTIL THE COMPLETION OF THE RFA PROCESS OR UP TO SIX MONTHS

WHEREAS, on April 14, 2014, the City Council awarded Non-Exclusive Non-Consensual Franchise Towing Services contracts (RFA No. 1314-28) to sixteen applicants, and

WHEREAS, the current contract is a three year contract with two one-year extensions, and

WHEREAS, the current contract expires on April 13, 2017, and

WHEREAS, the Non-Exclusive Non-Consensual Franchise Towing Services contract has been managed by the Police Department for approximately eight years, and

WHEREAS, the Great Safe Neighborhoods Committee heard this agenda item on March 13, 2017 and recommended forwarding to the City Council for approval, and

WHEREAS, upon approval by the City Council of Resolution No. 2017-132, approving a Request for Application (RFA) authorizing the Purchasing Manager to issue the RFA, and

WHEREAS, the Purchasing Manager will issue the RFA for Non-Exclusive Non-Consensual Franchise Towing Services within 90 days from Council's approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the extention of the current Non-Exclusive Non-Consensual Franchise Tow Agreement, RFA No. 1314-28 contract, until the completion of the RFA process or up to six months.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-132

Print

RESOLUTION APPROVING A REQUEST FOR APPLICATION (RFA) AND IMPLEMENTATION OF THE CITY OF MODESTO NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICE AGREEMENT 90 DAYS FROM COUNCIL'S APPROVAL OF THIS ITEM

WHEREAS, on March 13, 2017, the Great Safe Neighborhoods Committee received a report from the Police Department requesting endorsement for the issuance of a RFA for City Council approval of Non-Exclusive Non-Consensual Franchise Tow Services, and

WHEREAS, in September 2016, Police Department staff embarked on formulating an improved contract for the City that would provide optimum service, greater accountability and a tiered fees structure that would offset the growing cost of the City's Non-Consensual Towing Program, and

WHEREAS, it is the intent of the Modesto Police Department to secure safe and reliable towing services and a manageable contract that will also offset the City's costs of its Non-Consensual Towing Program, and

WHEREAS, a Non-Exclusive Non-Consensual Franchise Towing Service Agreement with specific requirements, including a tiered fee structure and implementation of dispatching and tracking software will ensure safe, prompt, reliable and professional service to the Police Department and the citizens of Modesto, and

WHEREAS, recommendation for contract awards will be made for all companies that meet the financial/business/insurance and application requirements, and

WHEREAS, financial/business and insurance requirements will be reviewed by the Finance Director and the Risk Manager, and

WHEREAS, the Modesto Police Department will review the RFA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Request for Application (RFA) and authorizes the Purchasing Manager to issue the Request for Application for City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services 90 days from Council's approval of this item.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-133

Print

RESOLUTION APPROVING THE AMENDED TIERED TOW RELEASE FEES

WHEREAS, the Police Department will be making a formal Request for Applications (RFA) for Non-Exclusive Non-Consensual Franchise Towing Services, and

WHEREAS, the new Non-Exclusive Non-Consensual Franchise Towing Services Agreement would be a three year contract with the option for two one-year extensions, and

WHEREAS, the new Non-Exclusive Non-Consensual Franchise Towing Services Agreement would charge the approved applicants the current $60 franchise fee for the first two years, and the franchise fee would increase to $70 commencing in the third year of this Agreement (i.e. the 731st day from the start date), and

WHEREAS, under a tiered tow release program the approved applicants would be allowed to charge the new rates for services rendered, as listed on **Exhibit A**, and

WHEREAS, the Franchise Tow project was developed under CVC 12110(b), which allows an agency to collect fees and charge a franchise fee, as long as it does not exceed its actual costs in doing so, and

WHEREAS, California Vehicle Code 22850.5 allows a City or entity to adopt a procedure for the release of properly impounded vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicle, and

WHEREAS, the Police Department did an updated study of the Vehicle Impound Fees and recommended a tiered tow release structure, and

WHEREAS, the purpose of the recommended tiered Tow Release Fees is to

recover costs that the Police Department incurs, and

WHEREAS, the tiered system includes the following categories and proposed fees: Illegally Parked/Abandoned Vehicle ($120); Unlicensed Driver/Expired Registration ($160); Suspended/Revoked Driver/Arrested ($250); DUI Driver ($450).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the implementation of the amended Tiered Tow Release Fees, **attached** hereto and hereinafter incorporated by reference as **Exhibit A.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

TIERED TOW FEES

CURRENT RATES:	**NEW RATES**:	
Tow Rates:		
$215	Year 1	$220
	Year 2	$225
	Year 3	$230
Storage Rates:		
$39	Year 1	$55
	Year 2	$57
	Year 3	$59
Gate Fee:		
$50	Year 1-5	$100
Modesto Police Department Evidence Vehicles:		
$215	Year 1	$100
	Year 2	$105
	Year 3	$110
Lock-out Fee		
$215	Year 1-5	$55
Stolen Vehicle Tow Fee:		
$215	Year 1-3	$160
	Year 4	$165
	Year 5	$170

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-134

Print

RESOLUTION APPROVING THE IMPLEMENTATION OF THE DISPATCHING AND TRACKING SOLUTION (DTS) SOFTWARE PROGRAM AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY, RELATING TO THE IMPLEMENTATION OF THE SOFTWARE PROGRAM

WHEREAS, the City of Modesto Police Department currently utilizes a Tow Impound Tracking Database from 1998 that is antiquated and not accurately capturing statistics for vehicles that are towed by Modesto Police Department, and

WHEREAS, staff is recommending implementing a new DTS software program to replace the current Tow Impound Tracking Database, and

WHEREAS, the new Agreement will require tow companies to contract with DTS to tow for the Non-Exclusive Non-Consensual Franchise Towing Services Agreement, and

WHEREAS, the proposed contract for the tow companies with DTS software will charge the tow companies $12-$25 per vehicle towed, and

WHEREAS, the new software program will create more accountability on the part of the tow companies, and streamline the workload for the Franchise Tow Administrator, and

WHEREAS, the DTS software program is a web-based program which oversees summons, audits and manages tow requests, and

WHEREAS, the Police Department will receive a real-time view into the vehicle history of vehicles that are towed and stored, and

WHEREAS, the program will reduce officer wait time, improve public service, reduce dispatch call time, increase fee collections, and reduce department liability, and

WHEREAS, there will be a 90-day transitional period to allow for training in use of DTS,

WHEREAS, DTS software is used by Orange County, Sacramento Sheriff's Department, Clovis Police Department, and Fresno Police Department, and has been very successful, and

WHEREAS, DTS software is a free program to the Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the implementation of the Dispatching and Tracking Solution software program and authorizes the City Manager, or his designee, to execute an agreement, in a form approved by the City Attorney, relating to the implementation of the software program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-135

Print

RESOLUTION APPROVING THE INSTALLATION OF A PUBLIC ART PROJECT ON WELL #211; A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE LA LOMA NEIGHBORHOOD ASSOCIATION RELATING TO THE PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, Section 4-22.04 of the Municipal Code of the City of Modesto authorizes the Culture Commission to approve or deny art project proposals, and

WHEREAS, the Culture Commission met on January 18, 2017 and approved a request by the La Loma Neighborhood Association to install a public art project on Well #211 at 904 Edgebrook Drive, subject to approval by the City to locate the project on public property and to meet the City requirements for installation.

WHEREAS, the La Loma Neighborhood Association proposes installation of a community art project to enhance the identity of the neighborhood and to engage the public, and

WHEREAS, the La Loma Neighborhood Association will create and install the piece at its own cost and expense, and

WHEREAS, The City must approve the method of installation of the art project before it is installed and the City does not anticipate any damage will be caused to Well #211 as a result of the installation.

WHEREAS, the La Loma Neighborhood Association will be responsible for all ongoing maintenance and repair of the project pursuant to the terms of the MOU, and

WHEREAS, the City will own the public art project once it becomes affixed to Well #211.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the installation of a public art project to Well #211.,

BE IT FURTHER RESOLVED, that the **attached** Memorandum of Understanding between the City of Modesto and the La Loma Neighborhood Association is hereby approved and the City Manager, or his designee, is authorized to execute the Memorandum of Understanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding ("Memorandum of Understanding" or "agreement"), made and entered into on _____, effective as of the last signature herein, in the City of Modesto, State of California, ("Effective Date") by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as the "CITY," and the La Loma Neighborhood Association, a California nonprofit organization, hereinafter referred to as "ASSOCIATION". The City and Association shall be collectively referred to as the "parties."

I. Recitals

This Memorandum of Understanding is made with regard to the following Recitals:

WHEREAS, the CITY owns and maintains a parcel in the CITY and pumping station Well # 211 located at 904 Edgebrook Drive, Modesto California ("Property"); and

WHEREAS, the ASSOCIATION desires to enhance this Property with the installation of a community art project, depicted in Exhibit A attached hereto and hereinafter incorporated by reference, which shall be a 14x4 framed panel which shall be covered with porcelain tiles that each have upon them art that has been painted by local neighbors in the La Loma neighborhood ("Project") and affixed to Well #211; and

WHEREAS, the CITY has made a strategic commitment to develop and maintain a safe and inviting community in which to live, work and play. Additionally, the City has adopted a Public Art Commission and is committed to making the City a more aesthetically pleasing and enjoyable place to live that reflects the City's diverse culture, history, future, and geography; and

WHEREAS, the CITY and the ASSOCIATION wish to affirm and formalize the understanding between the parties related to the ASSOCIATION's placement of the Project on City property; and

WHEREAS, both parties understand that ASSOCIATION does not have insurance and it is not feasible for ASSOCIATION to obtain insurance coverage for this Project, the CITY agrees to take its normal liability as it relates to the use of the Property by the public. This liability shall be limited during the construction and maintenance operations of the Project as outlined herein; and

WHEREAS, the parties intend this MOU to be binding and enforceable in a court of law.

II. Terms

NOW THEREFORE, in consideration of this Memorandum of Understanding, and the mutual promises, covenants and stipulations hereinafter contained, the parties agree as follows:

A. Recitals.

The parties agree that the aforementioned recitals are true and correct and are incorporated into the terms of this Memorandum of Understanding.

B. Term of Memorandum of Understanding.

The CITY shall allow placement of the Project on the Property until such time as either party terminates this Memorandum of Understanding, the Association ceases to exist, or the Project is destroyed.

C. Use of Property.

Use of the Property shall be for display of the Project only and may be terminated at any time, for any reason, by the CITY, pursuant to section F of this Memorandum of Understanding.

D. Ownership.

CITY shall own the Project once it is affixed to Well #211.

E. Installation.

1. ASSOCIATION shall secure the Project to Well #211. The method and means of affixing the Project on the Property shall be approved by City prior to installation and City staff must be present during the time the Project is affixed to Well #211.

2. The Project shall in no way interfere with the purpose and function of Well #211 nor shall it be installed in a manner that would cause damage to the Property.

F. Maintenance.

1. ASSOCIATION shall be responsible for the maintenance of the Project. For purposes of this agreement, "maintenance" shall mean the process of maintaining or preserving the Project, which includes, but is not limited to, the removal of graffiti or repair to the Project due to vandalism, weather, deterioration, or any other cause.

2. CITY shall contact ASSOCIATION and advise them of any necessary maintenance. Any maintenance that shall be performed by the ASSOCIATION must first be approved by the CITY.

3. The ASSOCIATION agrees to conduct any maintenance of the Project at its own expense.

4. CITY will continue to provide maintenance to the Property, including maintenance to the exterior of Well #211, at its own expense, but shall not contribute to the maintenance of the Project.

G. Termination.

Should the ASSOCIATION fail to maintain the Project the CITY shall issue a "notice of non-compliance" with this Memorandum of Understanding. The ASSOCIATION will have ten (10) days from the receipt of the notice to complete the required maintenance. If the ASSOCIATION does not comply with the notice, the CITY shall have the right to immediately terminate this Memorandum of Understanding and to remove the Project. If the Project is removed, the CITY may, in its discretion, relocate, store, or destroy the Project.

The CITY or the ASSOCIATION shall be able to terminate this Memorandum of Understanding, for any reason, upon thirty (30) days' written notice to the other party.

H. Insurance.

ASSOCIATION shall ensure that any and all general contractors working on the Project performing construction or maintenance, provide at their own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to City as may be required by the City Manager of City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of City by registered mail, return receipt requested. for all of the following stated insurance policies.

1. General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $1,000,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations; and/or professional liability
2. Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.
3. Workers Compensation in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.
4. The CITY, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed on the Project. The insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk

Manager. Certificates must be delivered evidencing existence of the insurance listed above to the CITY prior to the time the contract is signed.

5. Contractor's or Organizations shall provide CITY with separate endorsements evidencing proof of the CITY's additional insured status as to both the general liability and automobile liability insurance policies. In addition, Contractor's or Organizations shall provide CITY with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

If at any time any of said policies shall be unsatisfactory to CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to CITY. ASSOCIATION shall promptly ensure contractors and organizations obtain a new policy, submit the same to Risk Manager of CITY for approval and submit a certificate thereof as herein above provided. Upon failure of ASSOCIATION to furnish, deliver or maintain such insurance and certificates as above provided, this Memorandum of Understanding, at the election of CITY, may be forthwith declared suspended or terminated. Failure of ASSOCIATION to ensure contractors and organizations obtain and/or maintain any required insurance shall not relieve ASSOCIATION from any liability under this Memorandum of Understanding, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of ASSOCIATION concerning indemnification. If any insurance policy maintains higher limits than the minimum shown above, the CITY requires and shall be entitled to coverage for the higher limits maintained.

I. Waivers.

The ASSOCIATION agrees to ensure that all volunteers, contractors or organizations performing construction or maintenance on the Project sign a waiver of liability, attached hereto and incorporated by reference as Exhibit A, as required by the CITY. This waiver will be provided to the CITY shortly after the execution of the waiver by all volunteers, contractors, or organizations and will limit the liability for the CITY in respect to the construction and maintenance of the Project.

J. Compliance With Laws.

The ASSOCIATION and its agents shall not do or suffer to be done on or about the Property anything that would or does violate or conflict with any applicable law, ordinance, rule or regulation which is now in force or effect or which may hereafter be enacted or adopted by federal, state, county or municipal authority.

K. Partnership Disclaimer.

It is mutually understood and agreed that nothing in this agreement is intended or shall be construed as in any way creating or establishing the relationship of co-partners between the parties hereto, or as constituting the ASSOCIATION as agents or representatives of CITY for any purpose or in any manner whatsoever.

L. Entire Agreement.

This Memorandum of Understanding contains the sole and only agreement of the parties relating to the Project described herein. Any prior agreements, promises, negotiations or representations not expressly set forth in this Memorandum of Understanding are of no force or effect.

M. Notices.

All notices pursuant to this Memorandum of Understanding shall be in writing and served on the other party (a) by personal delivery, or (b) by certified mail, return receipt requested, to the respective addresses set forth below:

CITY: Cynthia Birdsill, CEDD Director
1010 Tenth Street, Ste. 3300
Modesto, CA 95356

ASSOCIATION: La Loma Neighborhood Association
Attn. Deborah Steinberg
1112 Highland Ave
Modesto, CA. 95354

N. Amendments.

This Memorandum of Understanding, including any exhibits hereto, shall not be amended, except in writing and signed by the parties. Any amendment or addendum to this Memorandum of Understanding shall expressly refer to this agreement.

O. No Limitation on Property Rights.

Nothing contained herein shall limit or restrict the CITY'S ownership of the Property and the ASSOCIATION may continue use of the Property until such time as this Memorandum of Understanding is terminated. The parties agree that this Memorandum of Understanding does not vest any property rights with the ASSOCIATION.

P. Governing Law.

This Memorandum of Understanding shall be governed according to the laws of the State of California and venue shall be proper in Stanislaus County Superior Court.

Q. Time.

Time is of the essence in every provision of this contract.

R. Partial Invalidity.

If any provision in this Memorandum of Understanding is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

S. Waiver.

The waiver by any party to this Memorandum of Understanding of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Memorandum of Understanding in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2017- , adopted by the Council of the City of Modesto on the _____ day of March, 2017, and La Loma Neighborhood Association has caused this agreement to be duly executed in duplicate as of the Effective Date

CITY OF MODESTO

a municipal corporation

By: _____
James N. Holgersson, City Manager

LA LOMA NEIGHBORHOOD ASSOCIATION
a California nonprofit organization

By: _____
Deborah Steinberg, President

By: _____
Chris Murphy, Vice-President

ATTEST: (Seal)

By _____
Stephanie Lopez, City Clerk

APPROVED AS TO FORM:

By: _____
Adam U. Lindgren, City Attorney

APPROVED AS TO RISK MANAGEMENT FORM:

** Corporations - signature of two (2) officers required or one (1) officer plus corporate seal*

** LLC - signature of two (2) officers required*

Partnership - signature of a partner required

Sole Proprietorship - signature of proprietor required

By:_____
Beverly Jensen, Risk Manager

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-136

Print

RESOLUTION APPROVING AN AGREEMENT WITH MODESTO JUNIOR COLLEGE (MJC) FOUNDATION AND STANISLAUS COUNTY, COMMENCING JULY 1, 2017, TO PROVIDE A MJC BUS PASS PROGRAM FOR THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM WITH AN ANNUAL REVENUE OF $100,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates the Modesto Area Express (MAX) bus system, and

WHEREAS, Stanislaus County operates the StaRT bus system, and

WHEREAS, the City wishes to promote ridership to college students on the MAX bus system, and

WHEREAS, college students are a demographic that utilize the bus due to their economic status, growing reluctance to use a personal vehicle and general focus on a sustainable environment, and

WHEREAS, the Modesto Junior College (MJC) Foundation is willing to enter into an agreement with the City and the County to start a bus pass program for all MJC students, and

WHEREAS, MJC will pay a set amount of $100,000 per year for the first two years of the agreement to the City's MAX system, and

WHEREAS, the revenues from the MJC bus program will be budgeted for the operations of MAX's fixed route system as part of the annual budget process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with MJC Foundation and Stanislaus County, commencing July 1, 2017 to provide a bus pass program for the MAX transit system with

an annual revenue of $100,000, and authorizing the City Manager, or his designee, to execute the agreement.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-137

RESOLUTION ACCEPTING THE FINAL REPORT AS PRESENTED FOR THE PROJECT TITLED "RETIME DOWNTOWN TRAFFIC SIGNALS – 2010 PROJECT" AS COMPLETE, AND AUTHORIZING THE CITY CLERK TO COMPLETE ALL NECESSARY STEPS TO FILE ALL DOCUMENTS WITH THE STANISLAUS COUNTY CLERK RECORDER

WHEREAS, the Retime Downtown Traffic Signals - 2010 Project has been completed by City of Modesto staff, and

WHEREAS, in 2010, the City of Modesto was awarded a grant from the Congestion Mitigation Air Quality (CMAQ) program to develop more efficient traffic signal timing plans along 18 designated corridors in the City, and

WHEREAS, staff collected traffic data which was used to retime 72 traffic signals within the downtown area of Modesto, and

WHEREAS, on May 27, 2016, timing plans were installed to minimize the impact on motorists.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Retime Downtown Traffic Signals - 2010 Project is hereby accepted as complete.

BE IT FURTHER RESOLVED, the City Clerk is authorized to complete all necessary steps to file all documents with the Stanislaus County Clerk Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zosocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-138

RESOLUTION APPROVING THE AWARD OF BIDS FOR PUMP STATION REJUVENATION SERVICES TO DON PEDRO PUMP, HUGHSON, CA, AS "PRIMARY" CONTRACTOR, AND HOWK SYSTEMS, MODESTO, CA, AS 'SECONDARY" CONTRACTOR, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $600,000, AND $3,000,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE AGREEMENTS FOR AN ESTIMATED ANNUAL COST OF $600,000

WHEREAS, the City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for pump station rejuvenation services, and

WHEREAS, on January 24, 2017, the Purchasing Division issued RFB No. 1617-21 Pump Station Rejuvenation Services on the City's website under the commodity codes for pumps and pump accessory maintenance and repair, seventeen companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, both were local vendors. All companies provided responsive and responsible bids, and

WHEREAS, to ensure continued services to the City, contracts shall be awarded to more than one contractor to provide for backup should the primary contractor be unable to meet the City's needs. A secondary contractor may be awarded a specific job if the primary contractor is unable to perform the service, the primary contractor is unable to complete the specific job within the time frame required by the City, or if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on the responsive and responsible bids received, City staff recommends the award of bids for pump station rejuvenation services for the Utilities

Department, Water Services Division and Wastewater Services Division, to Don Pedro Pump, Hughson, CA, as "primary" contractor, and Howk Systems, Modesto, CA, as "secondary" contractor, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City. As allowed by the resolution, the City Manager's Office approved an exception to this freeze for this procurement. Justification for this exception is based upon the need of the Utilities Department to strengthen and maintain a safe infrastructure of water supply and sewers to ensure reliable fire protection, water and storm/sewer service to City of Modesto customers.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bids for the Pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as "primary" contractors and Howk Systems, Modesto, CA, as "secondary" contractor, conforms to the Modesto Municipal Code, and

WHEREAS, the cost for these services will be covered by the Water and Wastewater funds through existing budget in the following cost centers and projects:

4100-45050-53150	Repair and Maintenance Services
CIP – 100800	Well Rehabilitation
4210-44314-53100	UPP – Jennings Plant Maintenance
4210-44313-53100	UPP – Sutter Plant Maintenance
4210-44315-53100	UPP – Sewer Lift Stations
4480-44311-53100	UPP – Stormwater Lift Stations

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bids for pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as "primary" contractor, and Howk Systems, Modesto, CA, as "secondary" contractor.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated annual cost of $600,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-139

Print

RESOLUTION APPROVING AN AGREEMENT WITH DF ENGINEERING, INC., MODESTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE NINTH STREET STORM DRAIN BASIN AND PUMP STATION PROJECT, IN AN AMOUNT NOT TO EXCEED $89,750 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $8,975 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A MAXIMUM TOTAL AMOUNT OF $98,725, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the proposed storm drain basin on 9th Street was initially part of the Kansas Needham Overpass Project but was not constructed due to site issues, and

WHEREAS, this storm drain basin is necessary for additional storm water storage, and

WHEREAS, the basin will be designed to maximize the horizontal footprint and vertical depth to achieve optimal storage capacity, and

WHEREAS, a pump station will be also constructed to transfer storm water into the existing nearby MID canal Lat. No.4 once a certain water level in the basin is filled, and

WHEREAS, in addition to the storage basin, new storm drain conveyance and storage improvements will be provided to alleviate the localized flooding experienced at the nearby area of 9th Street and Tully Road, and

WHEREAS, these improvements will provide remediation measures to mitigate storm water from ponding at different locations along 9th Street and will allow the intersections to function in their normal state during storm events without storm water impeding the traffic flow, and

WHEREAS, City staff is recommending the use of a consultant to increase project delivery efficiencies, and

WHEREAS, on September 13, 2016, by Resolution 2016-356, Council approved a prequalified list of local consultants for Civil Engineering Services for Capital Improvement Program (CIP) projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four (4) pre-qualified local consultants for Civil Engineering Services for Capital Improvement Program Projects, and

WHEREAS, on December 23, 2017, staff received and distributed two (2) proposals to a selection committee consisting of Utilities engineering staff, and

WHEREAS, the selection committee evaluated the proposals and determined that DF Engineering, Inc., to be the most qualified and responsive, and

WHEREAS, DF Engineering's sealed cost proposal was opened after the selection ranking had been finalized, and

WHEREAS, DF Engineering's proposal cost and scope were reviewed and determined to be reasonable to provide engineering design services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Project Management; 2) Meetings with City Staff; 3) Topographic Survey; and 4) Hydraulic calculations, 5) Preparation of Plans and Specifications, 6) Bid Phase Support and 7) Engineering Support During Construction and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is based upon public safety needs, the project being budgeted in the current Fiscal Year 2016-2017 storm drain fund, and it will not require a budget transfer from reserves to provide the required services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, however, staff still went through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with DF Engineering for engineering design services for the Ninth Street Storm Drain Basin and Pump Station Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with DF Engineering, Inc., Modesto, CA, for design services for the Ninth Street Storm Drain Basin and Pump Station Project, in an amount not to exceed $89,750 for the identified scope of services, plus $8,975 for additional services, if needed, for a maximum total amount of $98,725.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-140

Print

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR ONE SENIOR SOFTWARE ANALYST AND ONE SENIOR SYSTEMS TECHNICIAN ASSIGNED TO THE INFORMATION TECHNOLOGY DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No. 2017-86; and

WHEREAS, there are currently six vacant positions in the Information Technology Department, and

WHEREAS, certain positions are critical to the daily support of emergency service technology at the City of Modesto Police Department and Modesto Fire Department, and

WHEREAS, not filling these positions will negatively impact technology support and service delivery for a department that responds to public safety emergencies, and

WHEREAS, certain positions are critical to the management of the applications support specialists and to manage software upgrades and implementation projects, and

WHEREAS, not filling these positions may impact project timelines and may create cost overruns for projects and could create severe system outage and impact business operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Hiring Freeze Exceptions for one Senior Software Analysts and one Senior Systems Technician are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-141

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR NON-BENEFITED PART TIME POSITIONS ASSIGNED TO THE PUBLIC WORKS DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No 2017-86; and

WHEREAS, certain part-time non benefited positions are critical to the Parks Operations Division and other department programs, and

WHEREAS, without non-benefited part time staff, the City must reduce programs and service levels to a wide variety of services, and

WHEREAS, without part time positions, the City parks will not be maintained at the current levels, tagging abatement will not be completed in a timely manner and mandated fire breaks and fuel reduction will not be completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that exception to the hiring freeze non-benefited part time positions assigned to the Public Works Department is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-142

Print

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR NON-BENEFITED PART TIME POSITIONS ASSIGNED TO THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No 2017-86; and

WHEREAS, certain part-time non benefited positions are critical to the contractual obligations for events that have been committed by the Community and Economic Development Department, and

WHEREAS, without non-benefited part time staff, the City will be in breach of commitments for bookings and will compromise the ability to continue to program events at Centre Plaza, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that exception to the hiring freeze non-benefited part time positions assigned to the Community and Economic Development Department is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-143

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): CODE AMENDMENT FOR DIGITAL FREEWAY BILLBOARDS

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

WHEREAS, the City of Modesto has proposed a code amendment for digital freeway billboards ("subsequent project"), and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2016-27 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on January 17, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 11th, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed

code amendment for digital freeway billboards, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

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

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

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2016-27

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. EA No. 2016-27

For the proposed:

Zoning Code Amendment
CODE-16-001
Digital Freeway Billboards

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

December 12, 2016

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

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

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

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

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

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

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

II. PROJECT DESCRIPTION

A. Title: Zoning Code Amendment, Digital Freeway Billboards

B. Address or Location: Various locations along State Highway 99

C. Applicant: City of Modesto

D. City Contact Person: Paul Liu
Project Manager: Paul Liu
Department: Community and Economic Development
Phone Number: 209-577- 5267
E-mail address: pliu@modestogov.com

E. Current General Plan Designation(s): Not applicable

F. Current Zoning Classification(s): Not applicable

G. Surrounding Land Uses: Not applicable

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record): The proposed project is an amendment the Zoning Code allow digital freeway

billboards. The Zoning Code amendment include a requirement for a conditional use permit approval for new digital freeway billboards and specific development standards such as sign height, size, location, aesthetics, and illumination level. No application to construct a new digital billboard is part of this proposal.

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

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

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

Discussion:

(1) The Zoning Code Amendment is not a development project. The City of Modesto will be the lead agency for subsequent projects for a new digital freeway billboard.

(2) No modifications to the Urban Area General Plan are proposed as part of this project. No significant impacts are expected to occur beyond those identified in the Urban Area General Plan Master EIR and all relevant mitigations/policies will be applied.

(3) The proposed project does not include changes to federal, state, regional, or county regulations.

(4) There is no new information regarding the presence of significant resources.

(5) The Zoning Code Amendment is not a development project.

(6) The Zoning Code Amendment is not a development project.

5. Currency of the Master EIR Document

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

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

Discussion:

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

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

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

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

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

IV. ENVIRONMENTAL ANALYSIS

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

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

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

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

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

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

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

Cumulative Impacts

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

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

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency	☐	☐	☐	☒

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).				
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) The proposed project is a Zoning Code amendment that will allow for digital freeway billboards and will have no effect on traffic generation assumptions.

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

(3) The project will have no effect on traffic and circulation issues.

(4) The project will have no effect on emergency response time.

(5) The project will have no effect on meeting parking requirements.

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

(7) The project will have no effect on automobile vehicle miles traveled.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed project will have no effect on emissions thresholds.

(2) The project will have no effect on best management practices established by the SJVAPCD.

(3) The project will have no effect on air quality policies.

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

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

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

(1) The proposed project will have no effect on noise level standards.

(2) The project will have no effect on noise policies.

(3) The project will not result in an increase of ambient noise levels.

(4) The project will not result in a temporary or periodic increase of ambient noise levels.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

4. EFFECTS ON AGRICULTURAL LANDS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

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

(2) The project will have no effect on development outside the Modesto planning area.

(3) The project will have no effect on land zoned for agricultural use or with Williamson Act contract.

(4) The project will have no effect on the conversion of farmland to non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

(2) The project will have no effect on water demand.

(3) The project will have no effect on groundwater supply.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

(2) The project will have no effect on sewage flows.

(3) The project will have no effect on wastewater capacity.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on wildlife and plant habitat policies.

(2) The project will have no effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.

(3) The project will have no effect on federally protected wetlands.

(4) The project will have no effect on native resident or migratory fish or wildlife species.

(5) The project will have no effect on local policies or ordinances protecting biological resources.

(6) The project will have no effect on local, regional, or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the archaeological / historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years old.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.	☐	☐	☐	☒

Discussion:

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

(2) The project will have no effect on historical buildings or landmarks.

(3) The project will have no effect on structures.

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

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

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel.

Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

(2) The project will have no effect on surface runoff.

(3) The project will have no effect on Low Impact Development strategies to reduce runoff.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

10. FLOODING AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a	☐	☐	☐	☒

10. FLOODING AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
watercourse, in such a way as to cause flooding on- or off-site.				
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on flooding and water quality policies.

(2) The project will have no effect on federal Clean Water Act or the State Porter-Cologne Act.

(3) The project will not result in more housing within a 100-year flood hazard zone.

(4) The project will have no effect on flooding.

(5) The project will have no effect on Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will have no effect on water quality standards or waste discharge requirements.

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

(8) The project will have no effect on runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

(2) The project will have no effect on parks and open space.

(3) The project will have no effect on parks and recreation facilities.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

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

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

(2) The project will not result in the need for more police facilities.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

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

c. Project-Specific Effects

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

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

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

Discussion:

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

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

(3) The project will have no effect on fire protection services in adjoining fire protection districts.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

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

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

15. GENERATION OF SOLID WASTE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on solid waste policies.

(2) The project will have no effect on the County solid waste facility.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

16. GENERATION OF HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on hazardous materials policies

(2) The project will not result in emitting hazardous emissions or handling hazardous materials.

(3) The project will not result in locating projects on hazardous materials sites.

(4) The project will not result in locating projects on contaminated sites.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

17. GEOLOGY, SOILS, AND MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to	☐	☐	☐	☒

17. GEOLOGY, SOILS, AND MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.				

Discussion:

(1) The proposed project will have no effect on geology, soils, and mineral resources policies.

(2) The project will not result in exposing people or structure to seismic activities, location on expansive soils, or loss of mineral resources.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations / policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

18. ENERGY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on energy policies.

(2) The project will not result in wasteful energy consumption during future construction activities.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations / policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

19. EFFECTS ON VISUAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed zoning code amendment to allow digital freeway billboards would include standards that address visual resources policies. The allowed size and height would be consistent with other existing billboards along freeways. There is a provision to remove existing nonconforming billboards in exchange for a new digital billboard in the effort to reduce sign clutter. New digital freeway billboards must be located within 660 feet of the freeway and shall not be located on any parcel with a residential zone and residential use. The sign structure and support pole must be streamlined so as not to call extra attention. The sign shall not result in substantial reduction in existing landscaping. The digital freeway billboard shall display static messages only and shall meet specified brightness levels. A conditional use permit is required for any digital freeway billboard. The proposed code amendment will not affect scenic vistas, scenic resources, or light and glare. The visual impacts will be less than significant.

(2) The project will have no effect on views from riverside areas and parks.

(3) The project will have no effect on views of riverside areas from public roadways and nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

20. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will be consistent land use and planning policies.

(2) The project will not result in the physical division of an established community.

(3) The project will have no effect on a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact.

(4) The project will have no effect on applicable habitat conservation plan or natural community conservation plan.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations / policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

21. CLIMATE CHANGE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on climate change policies

(2) The project will have no effect on automobile trip lengths or CO2 emissions.

(3) The project will have no effect on the Sustainable Communities Strategy or Alternative Planning Strategy.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

No mitigation measures from the Master EIR are applicable and appropriate to the proposed project for a code amendment to allow digital freeway billboards. No physical project is included in this project. When a digital billboard is proposed, the required conditional use permit application process will include consideration of applicable mitigation measures.

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

No additional project-specific mitigation measures are necessary for this project. A Mitigated Negative Declaration or Focused EIR is not needed.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-144

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO PROFESSIONAL OFFICE (P-O) ZONE, PROPERTY LOCATED AT 1237 OAKDALE ROAD, SOUTH OF EAST ORANGEBURG AVENUE

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Dr. Tong Sun has proposed a rezone of property located at 1237 Oakdale Road from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-05 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on March 14, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 11, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A",** and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-05

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2017-05

For the proposed:

RZN-16-003: Rezone of 1.20 Acres from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone

DPR-16-012: Development Plan Review for Remodel of and Addition to Medical Office Building on 1.20 Acres

1237 Oakdale Road
(APN 032-015-038)

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

January 31, 2017

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Rezone and Development Plan Review for 1237 Oakdale Road ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title:
RZN-16-003—Rezone of 1.20 acres from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone
DPR-16-012—Remodel of and addition to a Medical Office Building on 1.20 acres

B. Address or Location: 1237 Oakdale Road, Modesto CA 95355

C. Applicant: Dr. Tong Sun; 2712 Vestrella Drive, Modesto CA 95356

D. City Contact Person: Jonnie Lan, AICP, Associate Planner

Project Manager: Jonnie Lan
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-577-5267
E-mail address: jlan@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

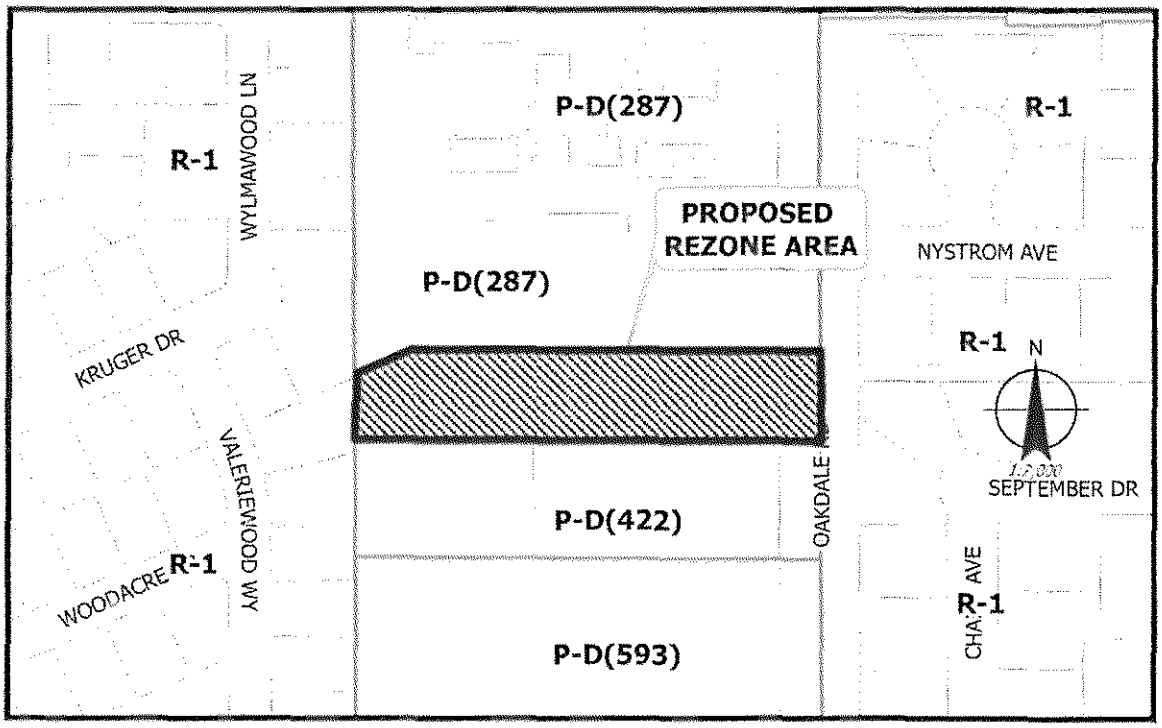
F. Current Zoning Classification(s): Low Density Residential (R-1) Zone

G. Surrounding Land Uses:

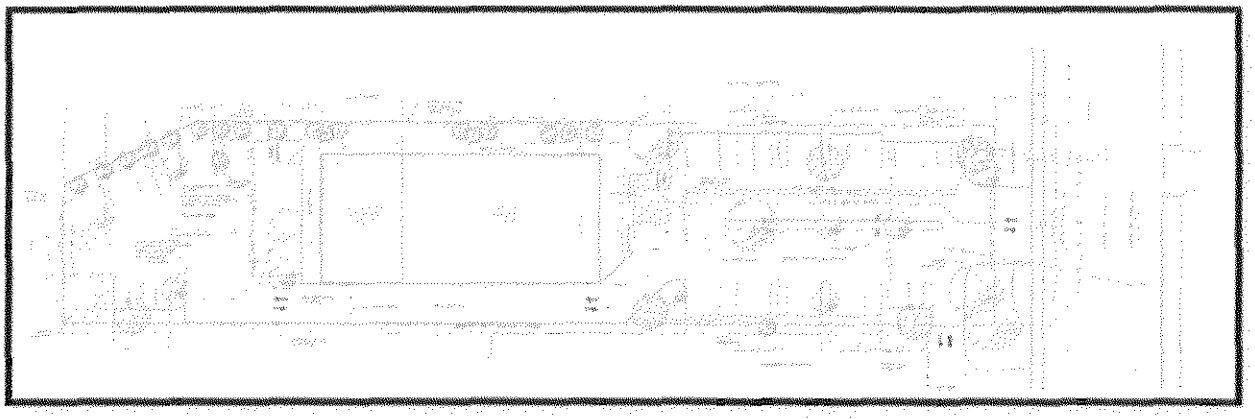
North: Planned Development Zone P-D (287), High Density Residential (R-3) Condominiums
South: Planned Development Zone P-D (422), Restaurant and Vacant Lot Approved for a Recreational Vehicle Storage Area
East: Low Density Residential (R-1) Zone, single-family residences
West: Low Density Residential (R-1) Zone, single-family residences

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Project proposes the rezone of 1.20 acres of vacant land from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone to facilitate the development a 10,472 square foot medical office building and its supporting parking. Rezone of the site to be by City Council Ordinance. Development of the site to be by administrative Development Plan Review (DPr-16-012) to ensure compliance with applicable City Zoning Codes and Standards, with a determination by the Director of Community and Economic Development or designee, and is contingent on the proposed rezoning.



PROPOSED REZONE AND DEVELOPMENT AREA



PROPOSED DEVELOPMENT SITE PLAN

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

B. No new or additional mitigation measures or alternatives are required.

C. The subsequent project is within the scope of the project covered by the Master EIR.

D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ___ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	_____	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐

(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) The project would rezone 1.20 acres of land developed as a preschool from Low Density Residential (R-1) Zone uses to Professional Office (P-O) Zone uses, and remodel and add building square footage to create a 10,472 square foot medical office building with its supportive parking. The site is within the Baseline Developed Area of the General Plan, and is within an area designated as Mixed Use (MU) in the General Plan. While the change in use would create more trips than residential development, the change in use will not create more trips than a preschool, the development existing at the time of the General Plan MEIR adoption. The City's Traffic Division indicated no concerns with traffic generated by the minor change in use.

(2) The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

(3) The project would not cause an increase in level of service for the adjacent streets or conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled. The segment of Oakdale Road at the location is already at LOS D, and the City's Traffic Division indicated no concerns that the project would cause the level of service to exceed that level.

(4) The project would not cause emergency response times to exceed acceptable standards. The project was referred to the City Fire Department, who indicated no concerns.

(5) The project would provide parking as required for medical office related uses.

(6) The project would not conflict with adopted alternative transportation plans or programs.

(7) The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
odors affecting a substantial number of people.				

Discussion:

(1) The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for an office use as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3) The project would comply with the air quality policies in the Urban Area General Plan with implementation of the mitigation measures cited above.

(4) With mitigation measures cited above, the project would not expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

(5) Construction activities could potentially generate odors with processes such as application of architectural coatings and asphalt paving materials; however, activities will be mitigated as called for by the MEIR with the mitigation measures listed above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-2) The project is consistent with the noise policies of the General Plan. The proposed development is not anticipated to generate noise levels that exceed the noise thresholds of the MEIR.

(3-4) The project will not result in a substantial increase in ambient noise above levels described in the MEIR. There will be temporary construction-related noise, but implementation of the mitigation measures outlined above would reduce the impacts to a less than significant amount.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the General Plan's policies relating to agricultural land. The site is located within the Baseline Developed Area, and is designated as Mixed Use (MU) in the General Plan's Land Use Diagram.

(2) The project will not result in the development of land outside of the 2008 General Plan boundary. The site is within the Baseline Developed Area and is surrounded by urbanized area within the jurisdiction of the City.

(3) The site is not zoned for agricultural uses, is currently zoned for Low Density Residential (R-1) uses and is proposed to be rezoned to Professional Office (P-O) to allow for the development of two new office buildings. There are no Williamson Act contracts on the properties of the project site.

(4) The project will not convert existing farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
from existing entitlements and resources.				
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering staff who indicated no concerns with water supply or demands of the project.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan.

(2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.				
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

(2) The project site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The project would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes the measures specified in Table V-8-1(b-f) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the archeological and historical resource policies in the General Plan.

(2-3) The project site is developed with a former preschool and its supporting parking. This building was built in the late 1980"s. The project applicant is proposing to remodel the existing building, not demolish it.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) The project would not conflict with a local policy or ordinance protecting biological resources. The City of Modesto does not have a tree preservation policy or ordinance.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: SD-7 and SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.				
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the storm drainage policies of the General Plan.

(2-3) The project is being proposed on an already improved parcel. Where possible, the project will be required to handle and treat storm water runoff on-site in accordance to City Standards.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-12 and FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project will be required to treat and store on-site storm water drainage. The project was referred to Land Development Engineering who indicated no concerns with the project creating or contributing to runoff in excess of what is expected as part of the General Plan's implementation.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project involves rezoning property from Low Density Residential (R-1) uses to Professional Office (P-O) uses, which would not impact parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school

impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project involves rezoning property from Low Density Residential (R-1) uses to Professional Office (P-O) uses, which would not conflict with policies related to schools in the General Plan.

(2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
relating to police services in the Urban Area General Plan.				
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project was referred to the City Police Department, who indicated no concerns.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The proposed rezone and subsequent commercial development is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not cause the erosion or elimination of fire protection services. Development of professional office buildings as a result of the rezone will meet City Standards for emergency services access.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project site is not located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the Mixed Use Planning District (MUPD) land use designation in the General Plan.

(2) The project would not divide an established community. The proposal is to rezone one residentially zoned, but commercially developed property on an arterial street to Professional Office (P-O) uses.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.				

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project would not affect automobile trip lengths or CO_2 emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
2. A hand-powered saw.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and

impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

Table V-8-1(b-f):

b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

d. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

e. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

Increased Demand for Storm Drainage:

SD-7: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3 [f])

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3 [h])

Flooding and Water Quality:

FWQ-12: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3 [f])

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3 [h])

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-145

Print

RESOLUTION ACCEPTING BID AND APPROVING A 4-YEAR AGREEMENT WITH TWO 2-YEAR OPTION YEARS WITH NATIONAL EXPRESS TRANSIT CORPORATION COMMENCING JULY 1, 2017, AND TERMINATING JUNE 30, 2021, TO PROVIDE FIXED ROUTE SERVICES FOR THE OPERATION OF THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM FOR $8,192,955 IN FISCAL YEAR 2017/18 AND $74,497,350 OVER THE TERM OF THE AGREEMENT, INCLUDING THE TWO 2-YEAR OPTIONAL EXTENSIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the existing agreement with Transdev Services, Inc. to operate the MAX service expires June 30, 2017, and

WHEREAS, the City wishes to continue providing MAX service to the citizens and visitors of Modesto, and

WHEREAS, a Request for Proposals (RFP) was issued soliciting proposals from qualified firms for a new contract to be effective on July 1, 2017, and

WHEREAS, National Express Transit Corporation submitted a proposal that was determined to be reasonable and cost effective, and

WHEREAS, an evaluation panel reviewed and evaluated all proposals, interviewed proposers and evaluated best and final offers, and

WHEREAS, after such evaluation the panel scored National Express Transit Corporation highest utilizing the scoring criteria included in the RFP and recommend award of the contract to National Express Transit Corporation, and

WHEREAS, the RFP conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203 and staff recommends awarding the contract to the lowest responsive and responsible proposal submitted by National Express Transit

Corporation, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the continued operation of the Modesto Area Express transit system.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of National Express Transit Corporation and approves a 4 year agreement with two-2 year option years with National Express Transit Corporation commencing July 1, 2017, and terminating June 30, 2021, to provide fixed route services for the operation of the Modesto Area Express transit system.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney, at a first year cost of $8,192,955 and $74,497,350 over the term of the agreement, including the 2 two-year optional extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-135

Print

RESOLUTION APPROVING THE INSTALLATION OF A PUBLIC ART PROJECT ON WELL #211; A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF MODESTO AND THE LA LOMA NEIGHBORHOOD ASSOCIATION RELATING TO THE PROJECT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, Section 4-22.04 of the Municipal Code of the City of Modesto authorizes the Culture Commission to approve or deny art project proposals, and

WHEREAS, the Culture Commission met on January 18, 2017 and approved a request by the La Loma Neighborhood Association to install a public art project on Well #211 at 904 Edgebrook Drive, subject to approval by the City to locate the project on public property and to meet the City requirements for installation.

WHEREAS, the La Loma Neighborhood Association proposes installation of a community art project to enhance the identity of the neighborhood and to engage the public, and

WHEREAS, the La Loma Neighborhood Association will create and install the piece at its own cost and expense, and

WHEREAS, The City must approve the method of installation of the art project before it is installed and the City does not anticipate any damage will be caused to Well #211 as a result of the installation.

WHEREAS, the La Loma Neighborhood Association will be responsible for all ongoing maintenance and repair of the project pursuant to the terms of the MOU, and

WHEREAS, the City will own the public art project once it becomes affixed to Well #211.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the installation of a public art project to Well #211.,

BE IT FURTHER RESOLVED, that the **attached** Memorandum of Understanding between the City of Modesto and the La Loma Neighborhood Association is hereby approved and the City Manager, or his designee, is authorized to execute the Memorandum of Understanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding ("Memorandum of Understanding" or "agreement"), made and entered into on _____, effective as of the last signature herein, in the City of Modesto, State of California, ("Effective Date") by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter referred to as the "CITY," and the La Loma Neighborhood Association, a California nonprofit organization, hereinafter referred to as "ASSOCIATION". The City and Association shall be collectively referred to as the "parties."

I. Recitals

This Memorandum of Understanding is made with regard to the following Recitals:

WHEREAS, the CITY owns and maintains a parcel in the CITY and pumping station Well # 211 located at 904 Edgebrook Drive, Modesto California ("Property"); and

WHEREAS, the ASSOCIATION desires to enhance this Property with the installation of a community art project, depicted in Exhibit A attached hereto and hereinafter incorporated by reference, which shall be a 14x4 framed panel which shall be covered with porcelain tiles that each have upon them art that has been painted by local neighbors in the La Loma neighborhood ("Project") and affixed to Well #211; and

WHEREAS, the CITY has made a strategic commitment to develop and maintain a safe and inviting community in which to live, work and play. Additionally, the City has adopted a Public Art Commission and is committed to making the City a more aesthetically pleasing and enjoyable place to live that reflects the City's diverse culture, history, future, and geography; and

WHEREAS, the CITY and the ASSOCIATION wish to affirm and formalize the understanding between the parties related to the ASSOCIATION's placement of the Project on City property; and

WHEREAS, both parties understand that ASSOCIATION does not have insurance and it is not feasible for ASSOCIATION to obtain insurance coverage for this Project, the CITY agrees to take its normal liability as it relates to the use of the Property by the public. This liability shall be limited during the construction and maintenance operations of the Project as outlined herein; and

WHEREAS, the parties intend this MOU to be binding and enforceable in a court of law.

II. Terms

NOW THEREFORE, in consideration of this Memorandum of Understanding, and the mutual promises, covenants and stipulations hereinafter contained, the parties agree as follows:

A. Recitals.

The parties agree that the aforementioned recitals are true and correct and are incorporated into the terms of this Memorandum of Understanding.

B. Term of Memorandum of Understanding.

The CITY shall allow placement of the Project on the Property until such time as either party terminates this Memorandum of Understanding, the Association ceases to exist, or the Project is destroyed.

C. Use of Property.

Use of the Property shall be for display of the Project only and may be terminated at any time, for any reason, by the CITY, pursuant to section F of this Memorandum of Understanding.

D. Ownership.

CITY shall own the Project once it is affixed to Well #211.

E. Installation.

1. ASSOCIATION shall secure the Project to Well #211. The method and means of affixing the Project on the Property shall be approved by City prior to installation and City staff must be present during the time the Project is affixed to Well #211.

2. The Project shall in no way interfere with the purpose and function of Well #211 nor shall it be installed in a manner that would cause damage to the Property.

F. Maintenance.

1. ASSOCIATION shall be responsible for the maintenance of the Project. For purposes of this agreement, "maintenance" shall mean the process of maintaining or preserving the Project, which includes, but is not limited to, the removal of graffiti or repair to the Project due to vandalism, weather, deterioration, or any other cause.

2. CITY shall contact ASSOCIATION and advise them of any necessary maintenance. Any maintenance that shall be performed by the ASSOCIATION must first be approved by the CITY.

3. The ASSOCIATION agrees to conduct any maintenance of the Project at its own expense.

4. CITY will continue to provide maintenance to the Property, including maintenance to the exterior of Well #211, at its own expense, but shall not contribute to the maintenance of the Project.

G. Termination.

Should the ASSOCIATION fail to maintain the Project the CITY shall issue a "notice of non-compliance" with this Memorandum of Understanding. The ASSOCIATION will have ten (10) days from the receipt of the notice to complete the required maintenance. If the ASSOCIATION does not comply with the notice, the CITY shall have the right to immediately terminate this Memorandum of Understanding and to remove the Project. If the Project is removed, the CITY may, in its discretion, relocate, store, or destroy the Project.

The CITY or the ASSOCIATION shall be able to terminate this Memorandum of Understanding, for any reason, upon thirty (30) days' written notice to the other party.

H. Insurance.

ASSOCIATION shall ensure that any and all general contractors working on the Project performing construction or maintenance, provide at their own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to City as may be required by the City Manager of City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of City by registered mail, return receipt requested. for all of the following stated insurance policies.

1. General Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $1,000,000 for property damage or $1,000,000 combined single limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent contractors and subcontractors; products and completed operations; and/or professional liability
2. Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury and $100,000 for property damage or $1,000,000 combined single limit. This insurance shall cover any automobile for bodily injury and property damage.
3. Workers Compensation in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.
4. The CITY, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed on the Project. The insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk

Manager. Certificates must be delivered evidencing existence of the insurance listed above to the CITY prior to the time the contract is signed.

5. Contractor's or Organizations shall provide CITY with separate endorsements evidencing proof of the CITY's additional insured status as to both the general liability and automobile liability insurance policies. In addition, Contractor's or Organizations shall provide CITY with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

If at any time any of said policies shall be unsatisfactory to CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to CITY. ASSOCIATION shall promptly ensure contractors and organizations obtain a new policy, submit the same to Risk Manager of CITY for approval and submit a certificate thereof as herein above provided. Upon failure of ASSOCIATION to furnish, deliver or maintain such insurance and certificates as above provided, this Memorandum of Understanding, at the election of CITY, may be forthwith declared suspended or terminated. Failure of ASSOCIATION to ensure contractors and organizations obtain and/or maintain any required insurance shall not relieve ASSOCIATION from any liability under this Memorandum of Understanding, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of ASSOCIATION concerning indemnification. If any insurance policy maintains higher limits than the minimum shown above, the CITY requires and shall be entitled to coverage for the higher limits maintained.

I. Waivers.

The ASSOCIATION agrees to ensure that all volunteers, contractors or organizations performing construction or maintenance on the Project sign a waiver of liability, attached hereto and incorporated by reference as Exhibit A, as required by the CITY. This waiver will be provided to the CITY shortly after the execution of the waiver by all volunteers, contractors, or organizations and will limit the liability for the CITY in respect to the construction and maintenance of the Project.

J. Compliance With Laws.

The ASSOCIATION and its agents shall not do or suffer to be done on or about the Property anything that would or does violate or conflict with any applicable law, ordinance, rule or regulation which is now in force or effect or which may hereafter be enacted or adopted by federal, state, county or municipal authority.

K. Partnership Disclaimer.

It is mutually understood and agreed that nothing in this agreement is intended or shall be construed as in any way creating or establishing the relationship of co-partners between the parties hereto, or as constituting the ASSOCIATION as agents or representatives of CITY for any purpose or in any manner whatsoever.

L. Entire Agreement.

This Memorandum of Understanding contains the sole and only agreement of the parties relating to the Project described herein. Any prior agreements, promises, negotiations or representations not expressly set forth in this Memorandum of Understanding are of no force or effect.

M. Notices.

All notices pursuant to this Memorandum of Understanding shall be in writing and served on the other party (a) by personal delivery, or (b) by certified mail, return receipt requested, to the respective addresses set forth below:

CITY: Cynthia Birdsill, CEDD Director
1010 Tenth Street, Ste. 3300
Modesto, CA 95356

ASSOCIATION: La Loma Neighborhood Association
Attn. Deborah Steinberg
1112 Highland Ave
Modesto, CA. 95354

N. Amendments.

This Memorandum of Understanding, including any exhibits hereto, shall not be amended, except in writing and signed by the parties. Any amendment or addendum to this Memorandum of Understanding shall expressly refer to this agreement.

O. No Limitation on Property Rights.

Nothing contained herein shall limit or restrict the CITY'S ownership of the Property and the ASSOCIATION may continue use of the Property until such time as this Memorandum of Understanding is terminated. The parties agree that this Memorandum of Understanding does not vest any property rights with the ASSOCIATION.

P. Governing Law.

This Memorandum of Understanding shall be governed according to the laws of the State of California and venue shall be proper in Stanislaus County Superior Court.

Q. Time.

Time is of the essence in every provision of this contract.

R. Partial Invalidity.

If any provision in this Memorandum of Understanding is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

S. Waiver.

The waiver by any party to this Memorandum of Understanding of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Memorandum of Understanding in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2017- , adopted by the Council of the City of Modesto on the _____ day of March, 2017, and La Loma Neighborhood Association has caused this agreement to be duly executed in duplicate as of the Effective Date

CITY OF MODESTO

a municipal corporation

By: _____
James N. Holgersson, City Manager

LA LOMA NEIGHBORHOOD ASSOCIATION
a California nonprofit organization

By: _____
Deborah Steinberg, President

By: _____
Chris Murphy, Vice-President

ATTEST: (Seal)

By _____
Stephanie Lopez, City Clerk

APPROVED AS TO FORM:

By: _____
Adam U. Lindgren, City Attorney

APPROVED AS TO RISK MANAGEMENT FORM:

** Corporations - signature of two (2) officers required or one (1) officer plus corporate seal*

** LLC - signature of two (2) officers required*

Partnership - signature of a partner required

Sole Proprietorship - signature of proprietor required

By:_____
Beverly Jensen, Risk Manager

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-136

Print

RESOLUTION APPROVING AN AGREEMENT WITH MODESTO JUNIOR COLLEGE (MJC) FOUNDATION AND STANISLAUS COUNTY, COMMENCING JULY 1, 2017, TO PROVIDE A MJC BUS PASS PROGRAM FOR THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM WITH AN ANNUAL REVENUE OF $100,000, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto operates the Modesto Area Express (MAX) bus system, and

WHEREAS, Stanislaus County operates the StaRT bus system, and

WHEREAS, the City wishes to promote ridership to college students on the MAX bus system, and

WHEREAS, college students are a demographic that utilize the bus due to their economic status, growing reluctance to use a personal vehicle and general focus on a sustainable environment, and

WHEREAS, the Modesto Junior College (MJC) Foundation is willing to enter into an agreement with the City and the County to start a bus pass program for all MJC students, and

WHEREAS, MJC will pay a set amount of $100,000 per year for the first two years of the agreement to the City's MAX system, and

WHEREAS, the revenues from the MJC bus program will be budgeted for the operations of MAX's fixed route system as part of the annual budget process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with MJC Foundation and Stanislaus County, commencing July 1, 2017 to provide a bus pass program for the MAX transit system with

an annual revenue of $100,000, and authorizing the City Manager, or his designee, to execute the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-137

RESOLUTION ACCEPTING THE FINAL REPORT AS PRESENTED FOR THE PROJECT TITLED "RETIME DOWNTOWN TRAFFIC SIGNALS – 2010 PROJECT" AS COMPLETE, AND AUTHORIZING THE CITY CLERK TO COMPLETE ALL NECESSARY STEPS TO FILE ALL DOCUMENTS WITH THE STANISLAUS COUNTY CLERK RECORDER

WHEREAS, the Retime Downtown Traffic Signals - 2010 Project has been completed by City of Modesto staff, and

WHEREAS, in 2010, the City of Modesto was awarded a grant from the Congestion Mitigation Air Quality (CMAQ) program to develop more efficient traffic signal timing plans along 18 designated corridors in the City, and

WHEREAS, staff collected traffic data which was used to retime 72 traffic signals within the downtown area of Modesto, and

WHEREAS, on May 27, 2016, timing plans were installed to minimize the impact on motorists.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Retime Downtown Traffic Signals - 2010 Project is hereby accepted as complete.

BE IT FURTHER RESOLVED, the City Clerk is authorized to complete all necessary steps to file all documents with the Stanislaus County Clerk Recorder.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zosocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-138

RESOLUTION APPROVING THE AWARD OF BIDS FOR PUMP STATION REJUVENATION SERVICES TO DON PEDRO PUMP, HUGHSON, CA, AS "PRIMARY" CONTRACTOR, AND HOWK SYSTEMS, MODESTO, CA, AS 'SECONDARY" CONTRACTOR, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $600,000, AND $3,000,000 OVER FIVE YEARS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE AGREEMENTS FOR AN ESTIMATED ANNUAL COST OF $600,000

WHEREAS, the City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for pump station rejuvenation services, and

WHEREAS, on January 24, 2017, the Purchasing Division issued RFB No. 1617-21 Pump Station Rejuvenation Services on the City's website under the commodity codes for pumps and pump accessory maintenance and repair, seventeen companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two (2) companies chose to respond, both were local vendors. All companies provided responsive and responsible bids, and

WHEREAS, to ensure continued services to the City, contracts shall be awarded to more than one contractor to provide for backup should the primary contractor be unable to meet the City's needs. A secondary contractor may be awarded a specific job if the primary contractor is unable to perform the service, the primary contractor is unable to complete the specific job within the time frame required by the City, or if the primary contractor is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on the responsive and responsible bids received, City staff recommends the award of bids for pump station rejuvenation services for the Utilities

Department, Water Services Division and Wastewater Services Division, to Don Pedro Pump, Hughson, CA, as "primary" contractor, and Howk Systems, Modesto, CA, as "secondary" contractor, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City. As allowed by the resolution, the City Manager's Office approved an exception to this freeze for this procurement. Justification for this exception is based upon the need of the Utilities Department to strengthen and maintain a safe infrastructure of water supply and sewers to ensure reliable fire protection, water and storm/sewer service to City of Modesto customers.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bids for the Pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as "primary" contractors and Howk Systems, Modesto, CA, as "secondary" contractor, conforms to the Modesto Municipal Code, and

WHEREAS, the cost for these services will be covered by the Water and Wastewater funds through existing budget in the following cost centers and projects:

4100-45050-53150	Repair and Maintenance Services
CIP – 100800	Well Rehabilitation
4210-44314-53100	UPP – Jennings Plant Maintenance
4210-44313-53100	UPP – Sutter Plant Maintenance
4210-44315-53100	UPP – Sewer Lift Stations
4480-44311-53100	UPP – Stormwater Lift Stations

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bids for pump station rejuvenation services to Don Pedro Pump, Hughson, CA, as "primary" contractor, and Howk Systems, Modesto, CA, as "secondary" contractor.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue purchase agreements for an estimated annual cost of $600,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-139

Print

RESOLUTION APPROVING AN AGREEMENT WITH DF ENGINEERING, INC., MODESTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE NINTH STREET STORM DRAIN BASIN AND PUMP STATION PROJECT, IN AN AMOUNT NOT TO EXCEED $89,750 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $8,975 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A MAXIMUM TOTAL AMOUNT OF $98,725, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the proposed storm drain basin on 9th Street was initially part of the Kansas Needham Overpass Project but was not constructed due to site issues, and

WHEREAS, this storm drain basin is necessary for additional storm water storage, and

WHEREAS, the basin will be designed to maximize the horizontal footprint and vertical depth to achieve optimal storage capacity, and

WHEREAS, a pump station will be also constructed to transfer storm water into the existing nearby MID canal Lat. No.4 once a certain water level in the basin is filled, and

WHEREAS, in addition to the storage basin, new storm drain conveyance and storage improvements will be provided to alleviate the localized flooding experienced at the nearby area of 9th Street and Tully Road, and

WHEREAS, these improvements will provide remediation measures to mitigate storm water from ponding at different locations along 9th Street and will allow the intersections to function in their normal state during storm events without storm water impeding the traffic flow, and

WHEREAS, City staff is recommending the use of a consultant to increase project delivery efficiencies, and

WHEREAS, on September 13, 2016, by Resolution 2016-356, Council approved a prequalified list of local consultants for Civil Engineering Services for Capital Improvement Program (CIP) projects, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four (4) pre-qualified local consultants for Civil Engineering Services for Capital Improvement Program Projects, and

WHEREAS, on December 23, 2017, staff received and distributed two (2) proposals to a selection committee consisting of Utilities engineering staff, and

WHEREAS, the selection committee evaluated the proposals and determined that DF Engineering, Inc., to be the most qualified and responsive, and

WHEREAS, DF Engineering's sealed cost proposal was opened after the selection ranking had been finalized, and

WHEREAS, DF Engineering's proposal cost and scope were reviewed and determined to be reasonable to provide engineering design services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Project Management; 2) Meetings with City Staff; 3) Topographic Survey; and 4) Hydraulic calculations, 5) Preparation of Plans and Specifications, 6) Bid Phase Support and 7) Engineering Support During Construction and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is based upon public safety needs, the project being budgeted in the current Fiscal Year 2016-2017 storm drain fund, and it will not require a budget transfer from reserves to provide the required services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, however, staff still went through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with DF Engineering for engineering design services for the Ninth Street Storm Drain Basin and Pump Station Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with DF Engineering, Inc., Modesto, CA, for design services for the Ninth Street Storm Drain Basin and Pump Station Project, in an amount not to exceed $89,750 for the identified scope of services, plus $8,975 for additional services, if needed, for a maximum total amount of $98,725.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-140

Print

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR ONE SENIOR SOFTWARE ANALYST AND ONE SENIOR SYSTEMS TECHNICIAN ASSIGNED TO THE INFORMATION TECHNOLOGY DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No. 2017-86; and

WHEREAS, there are currently six vacant positions in the Information Technology Department, and

WHEREAS, certain positions are critical to the daily support of emergency service technology at the City of Modesto Police Department and Modesto Fire Department, and

WHEREAS, not filling these positions will negatively impact technology support and service delivery for a department that responds to public safety emergencies, and

WHEREAS, certain positions are critical to the management of the applications support specialists and to manage software upgrades and implementation projects, and

WHEREAS, not filling these positions may impact project timelines and may create cost overruns for projects and could create severe system outage and impact business operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Hiring Freeze Exceptions for one Senior Software Analysts and one Senior Systems Technician are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-141

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR NON-BENEFITED PART TIME POSITIONS ASSIGNED TO THE PUBLIC WORKS DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No 2017-86; and

WHEREAS, certain part-time non benefited positions are critical to the Parks Operations Division and other department programs, and

WHEREAS, without non-benefited part time staff, the City must reduce programs and service levels to a wide variety of services, and

WHEREAS, without part time positions, the City parks will not be maintained at the current levels, tagging abatement will not be completed in a timely manner and mandated fire breaks and fuel reduction will not be completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that exception to the hiring freeze non-benefited part time positions assigned to the Public Works Department is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-142

Print

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR NON-BENEFITED PART TIME POSITIONS ASSIGNED TO THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No 2017-86; and

WHEREAS, certain part-time non benefited positions are critical to the contractual obligations for events that have been committed by the Community and Economic Development Department, and

WHEREAS, without non-benefited part time staff, the City will be in breach of commitments for bookings and will compromise the ability to continue to program events at Centre Plaza, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that exception to the hiring freeze non-benefited part time positions assigned to the Community and Economic Development Department is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-143

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): CODE AMENDMENT FOR DIGITAL FREEWAY BILLBOARDS

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, the City of Modesto has proposed a code amendment for digital freeway billboards ("subsequent project"), and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2016-27 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on January 17, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 11th, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed

code amendment for digital freeway billboards, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2016-27

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. EA No. 2016-27

For the proposed:

Zoning Code Amendment
CODE-16-001
Digital Freeway Billboards

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

December 12, 2016

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether Zoning Code Amendment, Digital Freeway Billboards, is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: Zoning Code Amendment, Digital Freeway Billboards

B. Address or Location: Various locations along State Highway 99

C. Applicant: City of Modesto

D. City Contact Person: Paul Liu
Project Manager: Paul Liu
Department: Community and Economic Development
Phone Number: 209-577- 5267
E-mail address: pliu@modestogov.com

E. Current General Plan Designation(s): Not applicable

F. Current Zoning Classification(s): Not applicable

G. Surrounding Land Uses: Not applicable

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record): The proposed project is an amendment the Zoning Code allow digital freeway

billboards. The Zoning Code amendment include a requirement for a conditional use permit approval for new digital freeway billboards and specific development standards such as sign height, size, location, aesthetics, and illumination level. No application to construct a new digital billboard is part of this proposal.

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ **Focused EIR Required-** On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

Discussion:

(1) The Zoning Code Amendment is not a development project. The City of Modesto will be the lead agency for subsequent projects for a new digital freeway billboard.

(2) No modifications to the Urban Area General Plan are proposed as part of this project. No significant impacts are expected to occur beyond those identified in the Urban Area General Plan Master EIR and all relevant mitigations/policies will be applied.

(3) The proposed project does not include changes to federal, state, regional, or county regulations.

(4) There is no new information regarding the presence of significant resources.

(5) The Zoning Code Amendment is not a development project.

(6) The Zoning Code Amendment is not a development project.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency	☐	☐	☐	☒

1. TRAFFIC AND CIRCULATION	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).				
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) The proposed project is a Zoning Code amendment that will allow for digital freeway billboards and will have no effect on traffic generation assumptions.

(2) The project will have no effect on the level of service standard established by the county congestion management.

(3) The project will have no effect on traffic and circulation issues.

(4) The project will have no effect on emergency response time.

(5) The project will have no effect on meeting parking requirements.

(6) The project will have no effect on alternative transportation policies.

(7) The project will have no effect on automobile vehicle miles traveled.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

2. DEGRADATION OF AIR QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on emissions thresholds.

(2) The project will have no effect on best management practices established by the SJVAPCD.

(3) The project will have no effect on air quality policies.

(4) The project will have no effect on sensitive receptors.

(5) The project will not result in the creation of objectionable odors.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations / policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

3. GENERATION OF NOISE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on noise level standards.

(2) The project will have no effect on noise policies.

(3) The project will not result in an increase of ambient noise levels.

(4) The project will not result in a temporary or periodic increase of ambient noise levels.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations / policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

4. EFFECTS ON AGRICULTURAL LANDS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on agricultural land policies.

(2) The project will have no effect on development outside the Modesto planning area.

(3) The project will have no effect on land zoned for agricultural use or with Williamson Act contract.

(4) The project will have no effect on the conversion of farmland to non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on the water supply.

(2) The project will have no effect on water demand.

(3) The project will have no effect on groundwater supply.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations / policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on the wastewater policies.

(2) The project will have no effect on sewage flows.

(3) The project will have no effect on wastewater capacity.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on wildlife and plant habitat policies.

(2) The project will have no effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.

(3) The project will have no effect on federally protected wetlands.

(4) The project will have no effect on native resident or migratory fish or wildlife species.

(5) The project will have no effect on local policies or ordinances protecting biological resources.

(6) The project will have no effect on local, regional, or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations / policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources, in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the archaeological / historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years old.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on archaeological/historical resource policies.

(2) The project will have no effect on historical buildings or landmarks.

(3) The project will have no effect on structures.

(4) The project will have no effect on cultural resources.

(5) The project will have no effect on tribal cultural resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel.

Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

9. INCREASED DEMAND FOR STORM DRAINAGE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	☒
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on storm drainage policies.

(2) The project will have no effect on surface runoff.

(3) The project will have no effect on Low Impact Development strategies to reduce runoff.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

10. FLOODING AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a	☐	☐	☐	☒

10. FLOODING AND WATER QUALITY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
watercourse, in such a way as to cause flooding on- or off-site.				
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on flooding and water quality policies.

(2) The project will have no effect on federal Clean Water Act or the State Porter-Cologne Act.

(3) The project will not result in more housing within a 100-year flood hazard zone.

(4) The project will have no effect on flooding.

(5) The project will have no effect on Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will have no effect on water quality standards or waste discharge requirements.

(7) The project will have no effect on existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation.

(8) The project will have no effect on runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on parks and open space policies.

(2) The project will have no effect on parks and open space.

(3) The project will have no effect on parks and recreation facilities.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

12. INCREASED DEMAND FOR SCHOOLS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on school policies.

(2) The project will have no effect on SB 50/Proposition 1A funding provisions.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

13. INCREASED DEMAND FOR POLICE SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect to police policies.

(2) The project will not result in the need for more police facilities.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

14. INCREASED DEMAND FOR FIRE SERVICES	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on fire service policies.

(2) The project will not result in the need for more fire service facilities.

(3) The project will have no effect on fire protection services in adjoining fire protection districts.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

15. GENERATION OF SOLID WASTE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on solid waste policies.

(2) The project will have no effect on the County solid waste facility.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

16. GENERATION OF HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on hazardous materials policies

(2) The project will not result in emitting hazardous emissions or handling hazardous materials.

(3) The project will not result in locating projects on hazardous materials sites.

(4) The project will not result in locating projects on contaminated sites.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

17. GEOLOGY, SOILS, AND MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to	☐	☐	☐	☒

17. GEOLOGY, SOILS, AND MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.				

Discussion:

(1) The proposed project will have no effect on geology, soils, and mineral resources policies.

(2) The project will not result in exposing people or structure to seismic activities, location on expansive soils, or loss of mineral resources.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations / policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

18. ENERGY	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on energy policies.

(2) The project will not result in wasteful energy consumption during future construction activities.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations / policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

19. EFFECTS ON VISUAL RESOURCES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The proposed zoning code amendment to allow digital freeway billboards would include standards that address visual resources policies. The allowed size and height would be consistent with other existing billboards along freeways. There is a provision to remove existing nonconforming billboards in exchange for a new digital billboard in the effort to reduce sign clutter. New digital freeway billboards must be located within 660 feet of the freeway and shall not be located on any parcel with a residential zone and residential use. The sign structure and support pole must be streamlined so as not to call extra attention. The sign shall not result in substantial reduction in existing landscaping. The digital freeway billboard shall display static messages only and shall meet specified brightness levels. A conditional use permit is required for any digital freeway billboard. The proposed code amendment will not affect scenic vistas, scenic resources, or light and glare. The visual impacts will be less than significant.

(2) The project will have no effect on views from riverside areas and parks.

(3) The project will have no effect on views of riverside areas from public roadways and nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations / policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

20. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The proposed project will be consistent land use and planning policies.

(2) The project will not result in the physical division of an established community.

(3) The project will have no effect on a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact.

(4) The project will have no effect on applicable habitat conservation plan or natural community conservation plan.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations / policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR will apply to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

21. CLIMATE CHANGE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The proposed project will have no effect on climate change policies

(2) The project will have no effect on automobile trip lengths or CO2 emissions.

(3) The project will have no effect on the Sustainable Communities Strategy or Alternative Planning Strategy.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

No mitigation measures from the Master EIR are applicable and appropriate to the proposed project for a code amendment to allow digital freeway billboards. No physical project is included in this project. When a digital billboard is proposed, the required conditional use permit application process will include consideration of applicable mitigation measures.

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

No additional project-specific mitigation measures are necessary for this project. A Mitigated Negative Declaration or Focused EIR is not needed.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-144

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE TO PROFESSIONAL OFFICE (P-O) ZONE, PROPERTY LOCATED AT 1237 OAKDALE ROAD, SOUTH OF EAST ORANGEBURG AVENUE

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Dr. Tong Sun has proposed a rezone of property located at 1237 Oakdale Road from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-05 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on March 14, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 11, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A",** and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-05

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2017-05

For the proposed:

RZN-16-003: Rezone of 1.20 Acres from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone

DPR-16-012: Development Plan Review for Remodel of and Addition to Medical Office Building on 1.20 Acres

1237 Oakdale Road
(APN 032-015-038)

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

January 31, 2017

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Rezone and Development Plan Review for 1237 Oakdale Road ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title:
RZN-16-003—Rezone of 1.20 acres from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone
DPR-16-012—Remodel of and addition to a Medical Office Building on 1.20 acres

B. Address or Location: 1237 Oakdale Road, Modesto CA 95355

C. Applicant: Dr. Tong Sun; 2712 Vestrella Drive, Modesto CA 95356

D. City Contact Person: Jonnie Lan, AICP, Associate Planner

Project Manager: Jonnie Lan
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-577-5267
E-mail address: jlan@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

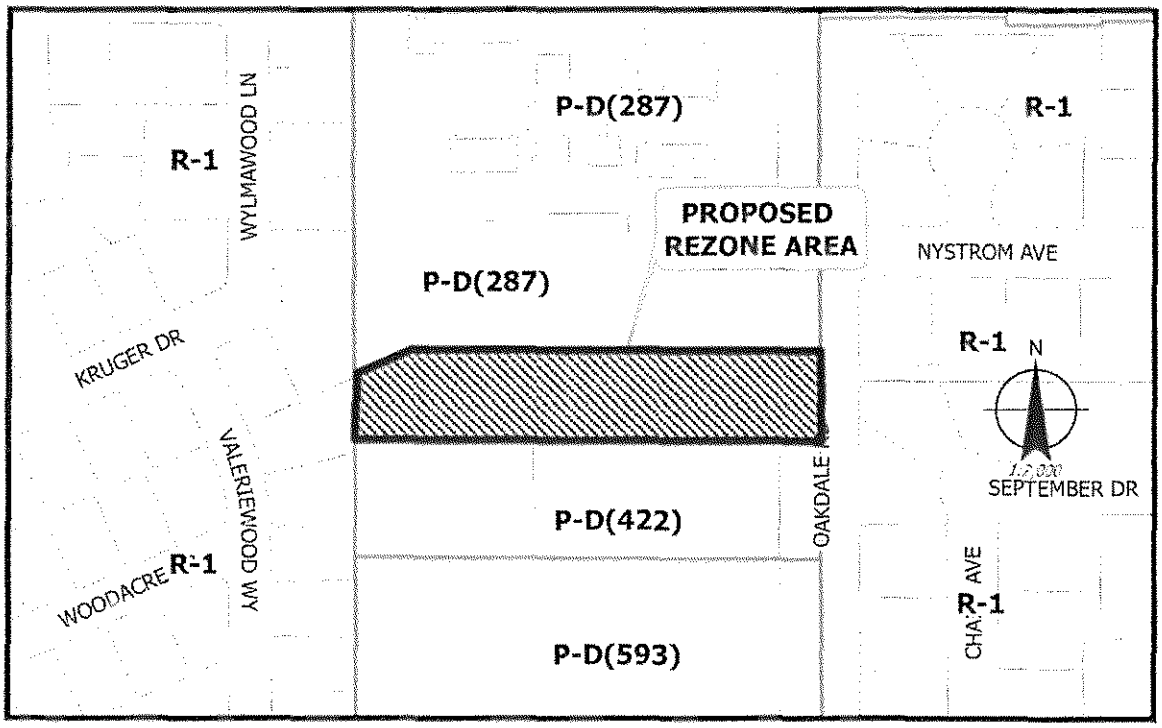
F. Current Zoning Classification(s): Low Density Residential (R-1) Zone

G. Surrounding Land Uses:

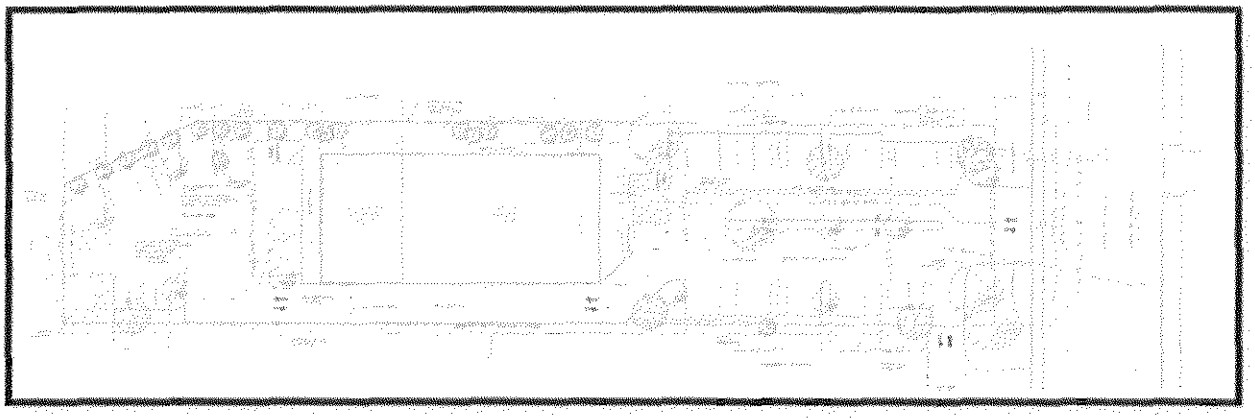
North: Planned Development Zone P-D (287), High Density Residential (R-3) Condominiums
South: Planned Development Zone P-D (422), Restaurant and Vacant Lot Approved for a Recreational Vehicle Storage Area
East: Low Density Residential (R-1) Zone, single-family residences
West: Low Density Residential (R-1) Zone, single-family residences

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Project proposes the rezone of 1.20 acres of vacant land from Low Density Residential (R-1) Zone to Professional Office (P-O) Zone to facilitate the development a 10,472 square foot medical office building and its supporting parking. Rezone of the site to be by City Council Ordinance. Development of the site to be by administrative Development Plan Review (DPr-16-012) to ensure compliance with applicable City Zoning Codes and Standards, with a determination by the Director of Community and Economic Development or designee, and is contingent on the proposed rezoning.



PROPOSED REZONE AND DEVELOPMENT AREA



PROPOSED DEVELOPMENT SITE PLAN

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

B. No new or additional mitigation measures or alternatives are required.

C. The subsequent project is within the scope of the project covered by the Master EIR.

D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ___ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	_____	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐

(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) The project would rezone 1.20 acres of land developed as a preschool from Low Density Residential (R-1) Zone uses to Professional Office (P-O) Zone uses, and remodel and add building square footage to create a 10,472 square foot medical office building with its supportive parking. The site is within the Baseline Developed Area of the General Plan, and is within an area designated as Mixed Use (MU) in the General Plan. While the change in use would create more trips than residential development, the change in use will not create more trips than a preschool, the development existing at the time of the General Plan MEIR adoption. The City's Traffic Division indicated no concerns with traffic generated by the minor change in use.

(2) The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

(3) The project would not cause an increase in level of service for the adjacent streets or conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled. The segment of Oakdale Road at the location is already at LOS D, and the City's Traffic Division indicated no concerns that the project would cause the level of service to exceed that level.

(4) The project would not cause emergency response times to exceed acceptable standards. The project was referred to the City Fire Department, who indicated no concerns.

(5) The project would provide parking as required for medical office related uses.

(6) The project would not conflict with adopted alternative transportation plans or programs.

(7) The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
odors affecting a substantial number of people.				

Discussion:

(1) The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for an office use as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3) The project would comply with the air quality policies in the Urban Area General Plan with implementation of the mitigation measures cited above.

(4) With mitigation measures cited above, the project would not expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

(5) Construction activities could potentially generate odors with processes such as application of architectural coatings and asphalt paving materials; however, activities will be mitigated as called for by the MEIR with the mitigation measures listed above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-2) The project is consistent with the noise policies of the General Plan. The proposed development is not anticipated to generate noise levels that exceed the noise thresholds of the MEIR.

(3-4) The project will not result in a substantial increase in ambient noise above levels described in the MEIR. There will be temporary construction-related noise, but implementation of the mitigation measures outlined above would reduce the impacts to a less than significant amount.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the General Plan's policies relating to agricultural land. The site is located within the Baseline Developed Area, and is designated as Mixed Use (MU) in the General Plan's Land Use Diagram.

(2) The project will not result in the development of land outside of the 2008 General Plan boundary. The site is within the Baseline Developed Area and is surrounded by urbanized area within the jurisdiction of the City.

(3) The site is not zoned for agricultural uses, is currently zoned for Low Density Residential (R-1) uses and is proposed to be rezoned to Professional Office (P-O) to allow for the development of two new office buildings. There are no Williamson Act contracts on the properties of the project site.

(4) The project will not convert existing farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
from existing entitlements and resources.				
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering staff who indicated no concerns with water supply or demands of the project.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan.

(2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.				
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

(2) The project site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The project would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes the measures specified in Table V-8-1(b-f) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the archeological and historical resource policies in the General Plan.

(2-3) The project site is developed with a former preschool and its supporting parking. This building was built in the late 1980"s. The project applicant is proposing to remodel the existing building, not demolish it.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) The project would not conflict with a local policy or ordinance protecting biological resources. The City of Modesto does not have a tree preservation policy or ordinance.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: SD-7 and SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.				
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with the storm drainage policies of the General Plan.

(2-3) The project is being proposed on an already improved parcel. Where possible, the project will be required to handle and treat storm water runoff on-site in accordance to City Standards.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-12 and FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project will be required to treat and store on-site storm water drainage. The project was referred to Land Development Engineering who indicated no concerns with the project creating or contributing to runoff in excess of what is expected as part of the General Plan's implementation.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project involves rezoning property from Low Density Residential (R-1) uses to Professional Office (P-O) uses, which would not impact parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school

impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project involves rezoning property from Low Density Residential (R-1) uses to Professional Office (P-O) uses, which would not conflict with policies related to schools in the General Plan.

(2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
relating to police services in the Urban Area General Plan.				
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project was referred to the City Police Department, who indicated no concerns.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The proposed rezone and subsequent commercial development is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not cause the erosion or elimination of fire protection services. Development of professional office buildings as a result of the rezone will meet City Standards for emergency services access.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project site is not located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the Mixed Use Planning District (MUPD) land use designation in the General Plan.

(2) The project would not divide an established community. The proposal is to rezone one residentially zoned, but commercially developed property on an arterial street to Professional Office (P-O) uses.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.				

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project would not affect automobile trip lengths or CO_2 emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
2. A hand-powered saw.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and

impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

Table V-8-1(b-f):

b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

d. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

e. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

Increased Demand for Storm Drainage:

SD-7: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3 [f])

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3 [h])

Flooding and Water Quality:

FWQ-12: New development shall comply with City requirements for conveyance, retention and detention. New development shall include onsite storage of Stormwater as necessary. Rockwells shall not be allowed for new development except at infill areas smaller than three acres where no other feasible alternative is available. (UAGP Policy V-E.3 [f])

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3 [h])

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-145

Print

RESOLUTION ACCEPTING BID AND APPROVING A 4-YEAR AGREEMENT WITH TWO 2-YEAR OPTION YEARS WITH NATIONAL EXPRESS TRANSIT CORPORATION COMMENCING JULY 1, 2017, AND TERMINATING JUNE 30, 2021, TO PROVIDE FIXED ROUTE SERVICES FOR THE OPERATION OF THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM FOR $8,192,955 IN FISCAL YEAR 2017/18 AND $74,497,350 OVER THE TERM OF THE AGREEMENT, INCLUDING THE TWO 2-YEAR OPTIONAL EXTENSIONS, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the existing agreement with Transdev Services, Inc. to operate the MAX service expires June 30, 2017, and

WHEREAS, the City wishes to continue providing MAX service to the citizens and visitors of Modesto, and

WHEREAS, a Request for Proposals (RFP) was issued soliciting proposals from qualified firms for a new contract to be effective on July 1, 2017, and

WHEREAS, National Express Transit Corporation submitted a proposal that was determined to be reasonable and cost effective, and

WHEREAS, an evaluation panel reviewed and evaluated all proposals, interviewed proposers and evaluated best and final offers, and

WHEREAS, after such evaluation the panel scored National Express Transit Corporation highest utilizing the scoring criteria included in the RFP and recommend award of the contract to National Express Transit Corporation, and

WHEREAS, the RFP conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203 and staff recommends awarding the contract to the lowest responsive and responsible proposal submitted by National Express Transit

Corporation, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the continued operation of the Modesto Area Express transit system.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of National Express Transit Corporation and approves a 4 year agreement with two-2 year option years with National Express Transit Corporation commencing July 1, 2017, and terminating June 30, 2021, to provide fixed route services for the operation of the Modesto Area Express transit system.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney, at a first year cost of $8,192,955 and $74,497,350 over the term of the agreement, including the 2 two-year optional extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-146

RESOLUTION FINDING THAT THE "NEW TRAFFIC SIGNALS – 2015 AT MCHENRY AVENUE AND GRECIAN AVENUE" PROJECT IS WITHIN THE SCOPE OF THE PROJECTS COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH#2007072023)

WHEREAS, on October, 14, 2008, the City Council, by Resolution No. 2008-582 certified the Modesto Urban Area General Plan Master Environmental Impact Report (Master EIR) (SCH No. 2007072023), and

WHEREAS, the City of Modesto has proposed the "New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue" project, which will construct a traffic signal at the intersection of McHenry Avenue and Grecian Avenue, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department has prepared an Environmental Assessment Initial Study C&ED No. 2016-16 ("Initial Study"), which analyzed whether the "New Traffic Signals-2015 at McHenry Avenue and Grecian Avenue" project, the subsequent project, may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within its scope, and

WHEREAS, in accordance with CEQA guidelines, beginning on April 14, 2017, the City caused to be published a 10-day notice of the City's intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a regular meeting on April 25, 2017, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Project, a copy of which is **attached** hereto as **Exhibit "A"** and incorporated herein by reference, and based on the substantial evidence included in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, which was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Community & Economic Development Department is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk, pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit "A"

INITIAL STUDY
EA/C&ED No. 2016-16

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2016-16

For the proposed:

State Route 108 / Grecian Avenue Traffic Signal (MISC-16-007)

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

July 7, 2016

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the 2015 Housing Element is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

This finding of conformance relies on the analysis contained in the Urban Area General Plan Master EIR (SCH #200707023).

II. PROJECT DESCRIPTION

A. Title: SR108-McHenry Avenue / Grecian Avenue Traffic Signal

B. Address or Location: Intersection of State Route 108 / McHenry Avenue and Grecian Avenue, Modesto

C. Applicant: City of Modesto, Community & Economic Development Department
1010 10th Street, Modesto CA 95354

D. City Contact Person: Cindy van Empel

Project Manager: Cindy van Empel
Department: Community & Economic Development
Phone Number: (209) 577-5267
E-mail address: cvanempel@modestogov.com

E. Current General Plan Designation(s): RC, Regional Commercial

F. Current Zoning Classification(s): Northwest, unincorporated County. P-D (218)
Northeast, Modesto. SP (Specific Plan)
Southwest, unincorporated County. P-D (130)
Southeast, unincorporated County. A-2-10

G. Surrounding Land Uses:

Northwest:	Truck rental, mobile home park, land proposed for residential development (unincorporated County)
Northeast:	Future automobile dealership (city)
Southwest:	Mobilehome park (unincorporated County)
Southeast:	Mobilehome park (unincorporated County)

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR. **Exhibit 1** shows the project location.

State Route 108 / McHenry Avenue has a traffic volume of 40,500 Annual Average Daily Trips, and Grecian Avenue has 2,895. The current function of this intersection allows only right turns into and out of Grecian Avenue. There is a stop sign on Grecian Avenue at the subject intersection.

This project will install a traffic signal with vehicle detection to the intersection of SR108 / McHenry Avenue and Grecian Avenue, creating a full-access intersection. The traffic signal standards will be installed in accordance with the existing roadway geometry and 2010 Caltrans Standard Specifications. Because SR108 / McHenry Avenue is a state highway, the signal will be timed and operated in accordance with Caltrans standards and Caltrans will be responsible for coordinating this signal with others on McHenry Avenue. This project will include ADA-compliant push buttons at the intersection.

In addition to the City of Modesto's project to install a traffic signal at the intersection of McHenry Avenue and Grecian Avenue, there is a project to install all the required street improvements along McHenry Avenue between Claratina Avenue and Grecian Avenue by the development of the Infiniti car dealership at the northeast corner of SR108 / McHenry Avenue and Grecian Avenue. This development has received Caltrans approval of its improvement plans. It is anticipated that all necessary storm drain, curb, gutter, and sidewalk – Including ADA curb ramps at all corners of the intersection – will be installed in close coordination between the City of Modesto's project to install the traffic signal and the developer's project to install the street improvements. The existing pork chop island will be removed.

It is also anticipated that existing striping on SR108 / McHenry Avenue and on Grecian Avenue that conflicts with the striping needed for signalization will be removed and appropriate thermoplastic striping will be re-installed with similar coordination between the City of Modesto's and the developer's improvements. All work to be completed for the City of Modesto's project will be conducted within City of Modesto right-of-way on Grecian Avenue and within right-of-way that is currently in the process of being dedicated to Caltrans along McHenry Avenue.

I. Other Public Agencies Whose Approval is Required:
- Caltrans, District 10 (California Department of Transportation)

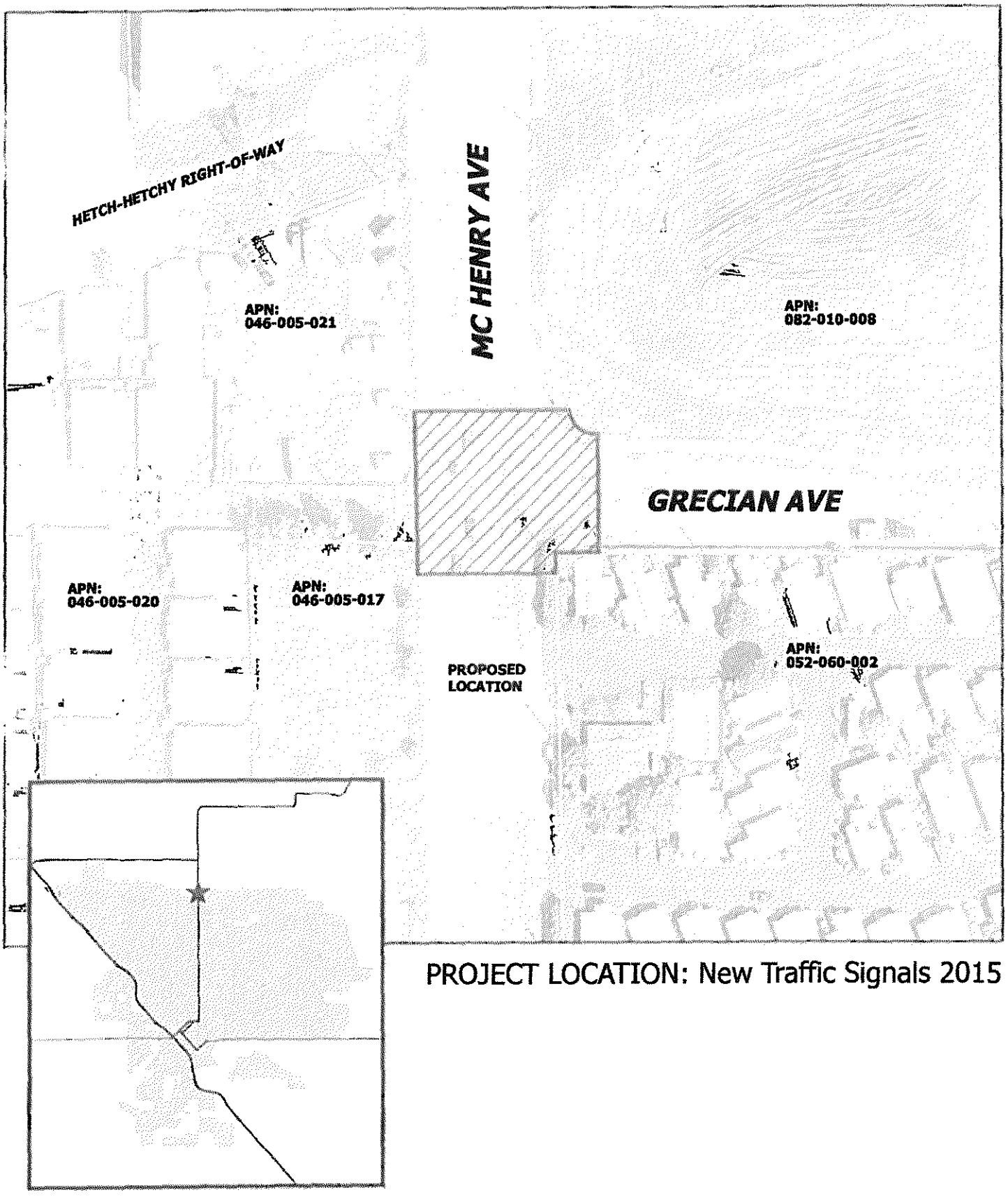

FIGURE 1
LOCATION OF PROPOSED TREAFFIC SIGNAL AT
SR-108/MCHENRY AVENUE AND GRECIAN AVENUE

MISC-16-007

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ **Within the Scope** - The project is within the scope of the Master EIR and Specific Plan EIRs and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR and Specific Plan EIRs.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR and Specific Plan EIRs have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR and Specific Plan EIRs were certified, and no new information, which was not known and could not have been known at the time that the Master EIR and Specific Plan EIRs was certified as complete, has become available.

2. ___ **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ **Focused EIR Required-** On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	_____	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

Discussion:

(1) The City of Modesto is the lead agency for this project. Caltrans District 10 is the responsible agency.

(2) Policies/mitigation measures that affect the addition of new traffic signals or relevant traffic control measures found in the General Plan and its Master EIR will not be applied to this project, as no significant impacts are anticipated.

(3) This project does not result in, nor does it contemplate changes in federal, state, or county regulations that might occur in the future.

(4) Neither the General Plan or its Master EIR or through other sources has the City of Modesto been made aware of significant resources that may be affected by this project.

(5) The proposed project affects areas within Modesto's city limits and its Sphere of Influence.

(6) As noted in response 2 above, all new traffic signals or relevant control measures must comply with policies/mitigations in the General Plan and Master EIR.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	NO
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years have passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No MEIR mitigation will be applied to the new traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the General Plan Master EIR provides analysis of Traffic and Circulation impacts. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Process, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, etc.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

(1) Traffic signals do not create trips, they are intended to manage traffic in an orderly manner. No impact is expected and no mitigation will be applied.

(2-3) The proposed new signal is being added to a roadway segment that is expected to experience LOS E/F in the peak period by 2025. That result is expected to occur with or without the proposed traffic signal, which will have a negligible effect on the functioning of the roadway segment. Furthermore, Caltrans will operate the signal in coordination with its other signals on State Route 108 / McHenry Avenue, further reducing any potential impacts. No mitigation will be applied.

(4) While a new traffic signal may result in some changes to the flow of traffic on State Route 108 / McHenry Avenue, no new traffic will be added to the roadway as a result of the signal and no impacts on emergency response times are expected to occur.

(5-7) This project will have no impact on parking and is expected to result in no changes in the number of vehicle miles traveled per capita. The addition of a traffic signal does not conflict with the Modesto General Plan, the Regional Transportation Plan, or the Congestion Management Process. No impact is expected and no mitigation measures will be applied.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the General Plan Master EIR provides the analysis of air quality impacts. The following is an analysis of whether the proposed project would result in a new, significant, project - specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1) The new traffic signal is likely to reduce trip lengths for some local residents, but may add a brief delay for some through traffic on McHenry Avenue. The number of motorists and the change in delay and trip length are likely to offset each other, resulting in no net impact. No mitigation will be applied to this project.

(2) The proposed traffic signal will be built and operated according to the most current best practices established by Caltrans and will be coordinated with Caltrans' other traffic signals. No significant impact is expected and no mitigation will be applied.

(3) This project is consistent with the air quality policies contained in the General Plan. The project will not impede the implementation of air quality goals. No mitigation will be applied.

(4) This project may cause a brief delay for some through traffic, but this would be similar to that occurring at similar intersections of local streets with arterials at other locations in Modesto. No significant impact occurs at those signals and none would be expected to occur at this signal. No mitigation measures would be applied.

(5) The construction and operation of this new traffic signal would not be expected to result in objectionable odors. No mitigation measures would be applied.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No MEIR or specific plan EIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the General Plan MEIR discloses noise impacts resulting from development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) Traffic signals do not have a noise signature independent of the traffic they control. Indirect noise impacts may occasionally occur due to excessive braking or a collision, but these noises can also be heard at intersections that are not controlled by traffic signals. No impact is expected and no mitigation will be applied.

(2-4) Construction would temporarily increase ambient noise, but not to greater levels than disclosed in the General Plan Master EIR. As noted above, operational noise impacts would be negligible.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigations in the Master EIR are applicable to this project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the General Plan Master EIR, Section IV.B of the Tivoli Specific Plan EIR, and Section 4.13 of the Woodglen Specific Plan EIR disclose the impacts resulting from the implementation of the General Plan and specific plans on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR or specific plan EIRs.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1-4) The proposed project is the addition of a traffic signal at the intersection of McHenry Avenue and Grecian Avenue, which is surrounded by developed and developing land. No impacts on agricultural land of any sort are expected to result.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the General Plan Master EIR discloses impacts on long-term water supplies resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1-3) A small amount of water may be used during construction to clean the site. Otherwise, the proposed traffic signal will not use water. No impacts will occur and no mitigation will be applied.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland caused by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan MEIR mitigations will be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the General Plan Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1-3) The proposed traffic signal will have no impact on sewer capacity. No mitigation measures will be applied.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan MEIR mitigation will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the General Plan Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1-6) The proposed project would have no impact on wildlife. The intersection of McHenry Avenue and Grecian Avenue lies within an area of developed and developing land. There are no wetlands, riparian areas, wildlife corridors, or habitat conservation plans in the area that would be affected by the traffic signal. No impacts are expected and no mitigation measures will be applied.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No General Plan MEIR or specific plan EIR mitigation will be applied to the proposed traffic signal. Should any archaeological resources be inadvertently discovered during construction, Mitigation Measure AH-16 will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the General Plan MEIR discloses impacts on archaeological/historical resources resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1-5) The area that will be disturbed in order to construct the new traffic signal is relatively small and the intersection of McHenry Avenue and Grecian Avenue is well outside of areas known or expected to contain archaeological resources. Furthermore, no historic buildings exist in the area affected by the traffic signal. No impacts on these resources are expected to occur and no mitigation measures will be applied. Should archaeological resources be inadvertently encountered during construction, Mitigation Measure AH-16 will be applied to reduce any impacts to a less-than–significant level.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

No General Plan MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the General Plan MEIR discloses impacts on the demand for storm drainage resulting from development of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	☒
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1-3) The proposed traffic signal at the intersection of McHenry Avenue and Grecian Avenue would create no new runoff or divert existing runoff. There are no general plan storm water drainage policies that apply in this situation. No impacts are expected and no mitigation measures will be applied.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No General Plan MEIR will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the General Plan Master EIR provides an analysis of Flooding and Water Quality impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1-8) The proposed project is an update to the existing Housing Element of the General Plan. The sites inventory is similar to that provided in the prior Housing Element and demographic information has been updated to reflect the most current data from the Census and other sources. The potential development contained in the revised Housing Element is consistent with flooding and water quality policies in the General Plan and related specific plans. Any development proposals that do not comply with policies in the General Plan and specific plans are subject to further environmental review.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the General Plan MEIR discloses impacts of the General Plan and specific plans on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1-3) Adding a traffic signal at the intersection of McHenry Avenue and Grecian Avenue will have no impact on the demand for parks or open space. No mitigation measures will be applied.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No MEIR or specific plan EIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the General Plan Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1-2) The proposed traffic signal will have no effect on the number of children enrolled in any school. No impacts will occur and no mitigation measures will be applied.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the General Plan Master EIR discloses impacts on police services resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1-2) The proposed traffic signal will create no increase in demand for police services. Demand for police services is typically linked to an increase in population or development and a traffic signal does not fall into those categories. No substantial changes in traffic flows or emergency response times are expected to result from the new signal. No impacts are anticipated and no mitigation measures will be applied.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the General Plan Master EIR discloses impacts on fire services resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1-3) The proposed traffic signal will create no increase in demand for fire services. Demand for fire services is typically linked to an increase in population or development and a traffic signal does not fall into those categories. No substantial changes in traffic flows or emergency response times are expected to result from the new signal. No impacts are anticipated and no mitigation measures will be applied.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the General Plan Master EIR discloses solid waste impacts resulting from implementation of the General Plan and specific plans. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR and specific plan EIRs.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1-2) Construction of the proposed traffic signal at McHenry Avenue and Grecian Avenue will create a small amount of solid waste from the demolition of roadway and sidewalk surfaces in order to install loop detectors and poles. Waste will be disposed of at appropriate landfills and is expected to have no significant impact on disposal capacity. No mitigation measures will be applied.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No General Plan MEIR will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the General Plan Master EIR discloses impacts relating to hazardous materials resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1-4) Construction and operation of the proposed project traffic signal will not involve the use of hazardous materials. Furthermore, the project site has been evaluated and determined to be free of any hazardous materials. The Phase I Environmental and Site Assessment Report prepared by Ground Zero Analysis, Inc., and dated June 9, 2015, supports this conclusion. This report and its July 16, 2015, addendum is available for review at the City of Modesto Department of Public Works, 1010 10th Street, 4th Floor, Modesto. No impact is expected and no mitigation measures will be applied.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No MEIR mitigation measures will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the General Plan Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1-2) Construction and operation of the proposed traffic signal will not affect any geological features or mineral resources. There are no known resources or geological features in the area, therefore, the proposed traffic signal will have no significant impact on any such resources or features. No mitigation measures will be applied.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the General Plan Master EIR discloses impacts of implementing the General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-2) Installation and operation of traffic signals is a routine function of cities and this signal is also considered to be routine and consistent with the general plan. Operation of the proposed traffic signal will incrementally increase the amount of electrical energy Modesto uses, but it represents a small fraction of energy used to operate traffic signals citywide. No significant increase in energy use is expected and no mitigation measures will be applied.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-19.B of the General Plan Master EIR discloses impacts of implementing the General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-3) Views of and from rivers and waterways are identified in the general plan as significant visual resources. The intersection of McHenry Avenue and Grecian Avenue is not near enough to any river to be within view of it, therefore, no impacts on visual resources will occur. The project will not be an impediment to implementation of City policies on visual resources. No mitigation measures will be applied.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the General Plan Master EIR disclosed impacts of implementing the General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1-4) The proposed traffic signal will create no changes in land use in the area. McHenry Avenue is a wide roadway that creates an impediment to pedestrians and bicycle riders; installing a traffic signal with an ADA-compliant push button at this location will improve safety for pedestrians and bicycle riders who want to cross McHenry Avenue in this area. The traffic signal has no effect on land use policies and there is no conservation plan in the area. No impact is anticipated to occur and no mitigation measures will be applied.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No General Plan MEIR mitigation will be applied to the proposed traffic signal. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the General Plan Master EIR discloses impacts of implementing the General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) None of the general plan's policies relating to climate change affects the proposed traffic signal, which would be considered consistent with the general plan. No impact would occur.

(2) The proposed traffic signal would have little effect, if any, on trip lengths in the neighborhoods adjoining it and no effect on the length of through trips on McHenry Avenue. Any change in trip length from the neighborhood would be expected to be a reduction, since residents wishing to travel southbound on McHenry could utilize this intersection, instead of driving a longer route to an intersection where a left turn is possible. There may be some increase in CO_2 idle emissions from through traffic on McHenry Avenue, should those vehicles be required to make an additional stop at this intersection. Traffic waiting to make a southbound left turn will also result in a small increase in CO_2 idle emissions. This impact would not be significant and would be at least partly offset by the shorter trips originating from the neighborhood.

(3) Adding a traffic signal at this location will not conflict with the Sustainable Communities Strategy adopted by the Stanislaus Council of Governments. Rather, it will make pedestrian and bicycle crossings at this location safer, by including an ADA-compliant push button. No impact is expected to occur.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR and specific plan EIRs for all impact categories in this Initial Study.

The following project-specific mitigation measures listed below are necessary to reduce impacts to a less-than-significant level:

Traffic and Circulation:

None.

Degradation of Air Quality:

None.

Generation of Noise:

None.

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological/Historic Sites:

None. The sole exception is the application of Mitigation Measure AH-16 should any resources be inadvertently discovered during construction.

Increased Demand for Storm Drainage:

None.

Flooding and Water Quality:

None.

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

None.

Geology, Soils, and Mineral Resources:

None.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

Climate Change:

None.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-147

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, "NEW TRAFFIC SIGNALS – 2015 AT MCHENRY AVENUE AND GRECIAN AVENUE", ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO TIM PAXIN'S PACIFIC EXCAVATION, INC. OF ELK GROVE, CA IN THE AMOUNT OF $369,786; AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in January, 2012, City Staff applied for Congestion Mitigation and Air Quality (CMAQ) funds to construct a new Traffic Signal at the following two intersections in the City of Modesto: (1) Blue Gum Avenue at Rosemore Avenue and (2) McHenry Avenue at Grecian Avenue, and

WHEREAS, construction of this project would install new traffic signals including LED street lighting at the intersections and meeting current Americans with Disabilities Act (ADA) standards, and

WHEREAS, on December 8, 2013 JWG McHenry, LLC received Conditions of Approval: DPR-13-011 – Claratina Avenue Auto Dealerships for the development of an Infinity Auto Dealership located at the south-east corner of McHenry Avenue and Claratina Avenue, and

WHEREAS, City staff has worked diligently in coordinating with representatives at JWG McHenry, LLC and Caltrans to ensure that a new traffic signal located at the intersection of McHenry Avenue and Grecian Avenue could meet the needs of the Claratina Auto Dealership project as well as gain Caltrans approval, and

WHEREAS, on March 24, 2015, the City Council, by Resolution No. 2015-100 accepted $85,000 in Congestion Mitigation and Air Quality (CMAQ) funds for the preliminary engineering phase of the New Traffic Signals – 2015 project, and

WHEREAS, at the September 2, 2014 Council Meeting the City Council approved the Plans and Specifications for MJC to construct a new traffic signal at the intersection of Blue Gum Avenue at Prichard Avenue at MJC's cost, and

WHEREAS, with the installation of the new traffic signal at the intersection of Blue Gum Avenue at Prichard Avenue, it was no longer desirable to construct a new traffic signal at the intersection of Blue Gum Avenue at Rosemore Avenue due to the close proximity of the intersections, and

WHEREAS, City staff worked with StanCOG staff to reduce the scope of the New Traffic Signals – 2015 project and eliminate the Blue Gum Avenue at Rosemore Avenue traffic signal, and

WHEREAS, with this scope reduction, StanCOG staff removed $20,000 from the preliminary engineering phase of this project, and

WHEREAS, on May 12, 2015, the City Council, by Resolution No. 2015-148 approved the addition of $30,000 in Regional Surface Transportation Program (RSTP) funds to the preliminary engineering phase of this project to cover the considerable staff coordination with representatives of JWG McHenry, LLC and Caltrans so that the design of the City's project would match the design of the approved project plans JWG McHenry, LLC had from Caltrans, and

WHEREAS, on September 13, 2016, the City Council by Resolution No. 2016-348 approved the addition of $523,450 in CMAQ and RSTP funds for the construction phase of the New Traffic Signals – 2015 project, and

WHEREAS, the project was advertised for bids on February 24, 2017, and

WHEREAS, bids were publicly opened on March 28, 2017 pursuant to Modesto Municipal Code Section 8-3.403 and later tabulated by the Director of Community and Economic Development for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development and the Acting City Manager have recommended that the bid of $369,786 received from Tim Paxin's Pacific Excavation, Inc. be accepted as the lowest responsive and responsible bid and the contract be awarded to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the fact that this project is fully funded by Grant funds and no General Fund money is required to complete this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the project titled, "New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue," accepts the bid from Tim Paxin's Pacific Excavation Inc., of Elk Grove, CA in the amount of $369,786 and awards Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA the contract for the "New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue" project.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-148

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit "A"**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

COMMUNITY AND ECONOMIC DEVELOPMENT

In 2006 the City of Modesto and the Neighborhood Center at Marshal Park, staff from the City's Police, Fire and Parks, Recreation and Neighborhood Departments held discussions on cooperating on locating a 24-hour Police Precinct, a Fire Station and a Recreation Center in a City park that would serve the northeast area of the City of Modesto. Mary E. Grogan Park was the selected location.

During the adoption of the FY2007-2008 CIP a new project was established, NE Community Services Center, with a budget of $210,000 for a feasibility study. An appropriation from the Parks, Recreation and Neighborhoods CFF in the amount of $70,000 was completed while the transfers from the Police and Fire CFF budgets did not occur. A budget adjustment is necessary to transfer $70,000 from the Police Department Capital Facility Fee Fund, Fund 3440 to the Parks Capital Facility Fee Fund, Fund 3460 as indicated in the Memorandum of Understanding between the Parks, Recreation and Neighborhoods Department, the Modesto Regional Fire Authority and the Modesto Police and Fire Departments to memorialize the obligation of the Fire and MPD contributions to the design of the Northeast Community Services Center.

A budget adjustment is necessary to establish a new project and the expenditure and revenue budget for the project in the amount of $120,000 for the John Thurman Field Capital Improvements per the requirements of the current agreement in place with the Modesto Nuts which requires $120,000 annually in capital improvements at the ballpark. This budget adjustment will reduce existing budget within the Community and Economic Development Department (CED) Administration (14110) and Convention Visitors Bureau (14115) by $100,000 and $20,000, respectively, in FY 2016-17 from the Professional Services account to cover this expense. The two cost centers reside in the General Fund and this action will require a transfer from the General Fund to the fund that the project resides in for the amount of $120,000 which is the same amount of the reduction to the current budgets in CED.

FIRE DEPARTMENT

A budget adjustment is necessary in the amount of $1,000,000 to increase the expense and revenue budgets for the 2017 Emergency Flood Aid project in Fund 1341 (Grants - Operation Grants Reimbursable Fund). The City received notice about reimbursement funding at the State level related to the Emergency Flood Storms and it is estimated that the payroll and non-payroll expenses will come in around $1,000,000. This budget adjustment is required in order track expenses for the purpose of tracking against this emergency situation and will be critical in receiving appropriate reimbursement from the State.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-149

Print

RESOLUTION ADOPTING THE ANNUAL INVESTMENT POLICY

WHEREAS, staff has identified the need to update the City's Annual Investment Policy in order to continue to effectively invest funds in accordance with the principles of sound treasury management and applicable laws, and

WHEREAS, the City Council desires to adopt the Annual Investment Policy, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the Annual Investment Policy, **attached** hereto.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future investments of funds, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

City of Modesto Policy CITY COUNCIL POLICY MODESTO		**POLICY NO.: 1.019**	
SUBJECT: INVESTMENT POLICY		**REVISED February, 2017~~MAY, 2015~~**	

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PURPOSE

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

SCOPE

The Investment Policy applies to all funds and investment activities of the City except the investment of bond proceeds, which are governed by the appropriate bond documents, and any pension or other post-employment benefit funds held in a trust.

BACKGROUND

Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the "prudent investor" rule which states that:

> "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with the care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.

ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process will refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions.

INVESTMENT REPORT

The Finance Director/Treasurer shall provide the City Council with a monthly report of investment transactions. In addition, the Finance Director/Treasurer shall render a quarterly report to the City Council, City Manager and the internal auditor within 30 days following the end of the quarter. The report shall contain the following:

1. The type of investment, issuer, purchase date, date of maturity, credit rating, overall portfolio yield based on cost, total par and dollar amount invested on all securities, investments and monies.

2. The weighted average maturity of the portfolio.

3. A description of any funds, investments or programs that are under management of contracted parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.

4. The market value as of the date of the report, and the source of the valuation.

5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.

6. A statement denoting the City's ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.

INVESTMENT CRITERIA

Public funds are invested in the following manner in order of priority:

1. **Safety of Principal**
   The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. **Liquidity**
   The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. **Return on Investment**
   The investment portfolio of the City shall be designed with the objective of attaining a market rate of return on its investments consistent with the constraints imposed by its safety objective and cash flow considerations. Return becomes a consideration only after the basic requirements of safety and liquidity have been met.

SAFEKEEPING AND CUSTODY

All security transactions entered into by the City shall be conducted on a delivery-versus payment basis. Securities will be held by third party custodian designated by the Finance Director/Treasurer and evidenced by safekeeping receipts.

The only exception to the foregoing are Local Agency Investment Pools, Certificates of Deposit, and money market funds since the purchased securities are not deliverable. In all cases, purchased securities shall be held in the City's name.

AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Finance Director/Treasurer will maintain a list of financial dealers and institutions qualified and authorized to transact business with the City.

The purchase by the City of any investment other than those purchased directly from the issuer, will be purchased either from an institution licensed by the State as a broker-dealer, as defined in Section 25004 of the Corporations Code, which is a member of the Financial Industry Regulatory Authority (FINRA), or a member of a federally regulated securities exchange, a national or state chartered bank, a federal or state association (as defined by Section 5102 of the Financial Code), or a brokerage firm designated as a Primary Government Dealer by the Federal Reserve Bank.

The Finance Director/Treasurer will investigate all institutions that wish to do business with the City, to determine if they are adequately capitalized, make markets in securities appropriate for the City's needs, and agree to abide by the conditions set forth in the City's Investment Policy and any other guidelines that may be provided. This will be done annually by having the financial institutions:

1. Provide written notification that they have read, and will abide by, the City's Investment Policy.

2. Submit their most recent audited Financial Statement within 120 days of the institution's fiscal year end.

If the City has an investment advisor, the investment advisor may use its own list of authorized broker/dealers to conduct transactions on behalf of the City.

Purchase and sale of securities will be made on the basis of competitive bids and offers with a minimum of three quotes being obtained.

PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs. The City will measure the portfolio's performance against a market benchmark that is commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

AUTHORIZED INVESTMENTS

Credit criteria and maximum percentages listed in this section refer to the credit of the issuing organization at the time the security is purchased. The City may from time to time be invested in a security whose rating is downgraded subsequent to the date of purchase. In the event a rating drops below the minimum allowed rating category for that given investment type, the investment advisor shall notify the Finance Director and/or Designee and recommend a plan of action. The City will limit investments in any one non-government issuer, except investment pools, to no more than 5% regardless of security type. Commencing with Section 53600 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

A. City of Modesto bonds. Bonds issued by the City.

B. U.S. Treasury securities. United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.

C. State of California securities. Registered State of California warrants, treasury notes or bonds, provided that the securities are rated in a rating category of ~~at least~~ A or its equivalent or higher by a nationally recognized statistical rating agency.

D. California municipal securities. Bonds, notes, warrants or other evidence of indebtedness of any local agency within California provided that the securities are rated in a rating category of ~~at least~~ A or its equivalent or higher by a nationally recognized statistical rating agency.

E. Other 49 State municipal securities. Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state, or by a department, board, agency, or authority of any of these states that are rated in a rating category of at least A or its equivalent or higher by a nationally recognized statistical rating agency.

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Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state, or by a department, board, agency, or authority of any of these states.

F. Federal Agency securities. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

G. Bankers' Acceptances. Bankers' Acceptances issued by domestic or foreign banks, which are eligible for purchase by the Federal Reserve System, the short-term paper of which is rated in the highest category by a nationally recognized statistical rating agency.

Purchases of Bankers' Acceptances may not exceed 180 days maturity or 40 percent of the City's surplus money.

H. Commercial Paper. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-

rating organization. The entity that, issues the commercial paper shall meet all of the following conditions in either paragraph (1) or paragraph (2):

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(1) The entity meets the following criteria: (a) is organized and operating within the United States as a general corporation. (b) Has total assets in excess of $500 million. (c) Has debt other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by a nationally recognized statistical-rating organization (NRSRO).

(2) The entity meets the following criteria: (a) is organized within the United States as a special purpose corporation, trust, or limited liability company. (b) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond, - (c) Has commercial paper that is rated "A-1" or higher, or the equivalent, by an NRSRO.

Investments in commercial paper are limited to a maximum of 25 percent of the portfolio. Purchases shall not exceed 10 percent of the outstanding paper of the issuing corporation. The maximum investment maturity is restricted to 270 days.

I. Certificates of Deposit. FDIC insured or fully collateralized time certificates of deposit in financial institutions located in California. Eligible investments are restricted to those issuing institutions that have been in business at least five years. The maximum term for deposits shall be one year. Investments in certificates of deposit are further limited to 20 percent of surplus funds. All time deposits must be collateralized in accordance with California Government Code section 53561. The City, at its discretion, may waive the collateralization requirements for any portion of the deposit that is covered by federal insurance.

J. Negotiable Certificates of Deposit. Negotiable certificates of deposit issued by a nationally- or state-chartered bank or a state or federal savings and loan association or by a federally-licensed or state-licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated in a rating category of "A" or its equivalent or better ~~better~~ by Moody's or Standard & Poor's. Investments in negotiable certificates of deposit are limited to 30 percent of the portfolio.

K. Repurchase Agreements. Repurchase Agreements used solely as short-term investments not to exceed 90 days.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities as described in 1 and 2 will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the City's custodian bank versus payment or be handled under a tri-party repurchase agreement. The total of all collateral for each Repurchase Agreement must equal or exceed, on the basis of market value plus accrued interest, 102 percent of the total dollar value of the money invested by the City for the term of the investment. For any Repurchase Agreement with a term of more than one day, the value of the underlying securities must be reviewed on a regular basis.

Market value must be calculated each time there is a substitution of collateral.

The City or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to Repurchase Agreement.

The City may enter into Repurchase Agreements with (1) primary dealers in U.S. Government securities who are eligible to transact business with, and who report to, the Federal Reserve Bank of New York, and (2) California and non-California banking institutions having assets in excess of $1 billion and in the highest short-term rating category as provided by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

The City will have specific written agreements with each firm with which it enters into Repurchase Agreements.

L. Reverse Repurchase Agreements. The City may invest in reverse repurchase agreements only with "primary dealers" with which the City has entered into a master repurchase agreement contract. The City may invest in reverse repurchase agreements with the following conditions: The City may only use reverse repurchase agreements to (1) cover a temporary cash shortage, or (2) augment earnings. Reverse repurchase agreements may not be used to leverage the portfolio.

In addition, if a reverse repurchase agreement is authorized, it may be utilized only if the security to be sold on reverse repurchase agreement has been owned and fully paid for by the City for a minimum of 30 days prior to the sale; the total of all reverse repurchase agreements on investments owned by the City does not exceed 20 percent of the portfolio; and the agreement does not exceed a term of 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of the security using a reverse repurchase agreement and the final maturity date of the same security. The proceeds of the reverse repurchase agreement may not be invested in securities whose maturity exceeds the term of the Reverse Repurchase Agreement.

and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the U.S. or any state and operating within the U.S. Medium-term notes shall be rated in a rating category "A" or its equivalent or better by a nationally recognized rating service. Purchase of medium-term corporate notes may not exceed 30 percent of the City's investment portfolio.

M. Medium-term corporate notes. Medium-term corporate notes defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the U.S. or any state and operating within the U.S. Medium-term notes shall be rated in a rating category "A" or its equivalent or better ~~better~~ by a nationally recognized rating service. Purchase of medium-term corporate notes may not exceed 30 percent of the City's investment portfolio.

N. Money market funds. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (money market funds).

O. State of California Local Agency Investment Fund (LAIF).

P. Mortgage and asset-backed securities. (1) Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond that has been issued by a Federal Agency and which has a maximum of five years maturity and (2) A mortgage passthrough security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable passthrough certificate, or consumer receivable-backed bond of a maximum of five years' maturity, provided such securities are issued by an issuer rated in a rating category of "A" or its equivalent or better for the issuer's debt as provided by an NRSRO and rated in a rating category of "AAA" or its equivalent or better by an NRSRO. Purchases of mortgage and asset-backed securities should not exceed 20 percent of the City's investment portfolio.

~~Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond that has been issued by a Federal Agency and has a maximum of five years maturity. Purchases of mortgage and asset-backed securities should not exceed 20 percent of the City's investment portfolio.~~

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Q. California Asset Management Program (CAMP).

R. Supranationals. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), or Inter-American Development Bank (IADB), with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of "AA", its equivalent, or better ~~better~~ by at least one NRSRO.

MAXIMUM MATURITY

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled so as to permit the City to meet all projected obligations.

Maximum maturity of an authorized investment is limited to five years.

Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.

INELIGIBLE INVESTMENTS

Any security type or structure not specifically approved by this policy is hereby specifically prohibited. Security types which are thereby prohibited include, but are not limited to:

Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.

RESTRICTIONS SET BY THE FINANCE DIRECTOR/TREASURER

A. Prior approval of the Finance Director/Treasurer is required for the following transactions, unless the City utilizes the services of an investment advisor registered with the Securities and Exchange Commission in a fiduciary relationship as outlined in this policy.

Sale of securities
Swaps and trades
Purchase of collateralized mortgage obligations (CMO)
Purchase of mortgage-backed obligations
Purchase of corporate notes
Purchase transaction in excess of $3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

Futures and options
Small Business Administration notes

AUTHORIZED INVESTMENT PERSONNEL

Pursuant to the Government Code, the City Council delegates the authority to invest or to reinvest funds, or to sell or exchange securities so purchased, to the Finance Director/Treasurer for a one-year period. The Finance Director/Treasurer is charged with the responsibility for carrying out the policies of the City Council and shall assume full responsibility for investment transactions until the delegation of authority is revoked or expires.

Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The Finance Director/Treasurer may designate an individual(s) ["Designee"] to be responsible for the daily management of the City's portfolio of treasury investments. The Designee may also be directed to monitor and forecast the City's cash flows, and prepare periodic investment reports that are submitted to the City Council. The Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. Pursuant to Government Code chapter 53600, all persons investing monies are trustees and therefore fiduciaries subject to the prudent investor standard. Financial market security transactions will be executed by delivery versus payment and the securities will be held by a third party custodian.

Subject to required procurement procedures, the City may engage the support services of outside professionals in regard to its financial program, so long as it can be demonstrated or anticipated that these services produce a net financial advantage or necessary financial protection of the City's resources.

POLICY REVIEW

The investment policy shall be adopted by resolution of the City Council on, at minimum, an annual basis. This investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to City Council for approval.

This policy and the internal controls related to the investment of City funds will be reviewed by the City's independent external auditors as part of their annual audit of the City's financial statements.

APPENDIX A - GLOSSARY

Asset-Backed Security (ABS)
An asset-backed security (ABS) is a security whose income payments and hence value is derived from and collateralized (or "backed") by a specified pool of underlying assets which are receivables. Pooling the assets into financial instruments allows them to be sold to general investors, a process called securitization, and allows the risk of investing in the underlying assets to be diversified because each security will represent a fraction of the total value of the diverse pool of underlying assets. The pools of underlying assets can comprise common payments credit cards, auto loans, mortgage loans, and other types of assets. Interest and principal is paid to investors from borrowers who are paying down their debt.

Bankers Acceptances (BAs)
Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to[1] finance the exchange of goods. When a bank "accepts" such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

California Asset Management Program (CAMP)
CAMP is a Joint Powers Authority ("JPA") designed to assist public agencies with their investment needs through the use of the Cash Reserve Portfolio ("Pool"), which is rated "AAAm" by Standard & Poor's, its highest rating category. The Pool seeks to attain a high level of current income consistent with the preservation of principal.

Certificates of Deposit (CDS)
A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

A negotiable certificate of deposit may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

A non-negotiable certificate of deposit is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

Collateralized Mortgage Obligation (CMO)
A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

Commercial Paper (CP)
This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

Derivatives
A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term "derivative products" refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (IOs) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.

Federal Agency Securities
Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major federal agencies are described as follows:

Federal National Mortgage Association (FNMA, "Fannie Mae") provides funds to the mortgage market primarily by purchasing loans from local lenders.

Federal Home Loan Mortgage Corporation (FHLMC, "Freddie Mac") purchases conventional mortgages and sells mortgage-backed securities.

Student Loan Marketing Association (SLMA, "Sallie Mae") facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

Federal Farm Credit System (FFCB) sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

Federal Home Loan Bank (FHLB) acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

Futures
Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against unfavorable price changes, and by speculators who hope to profit from such changes.

Local Agency Investment Fund (LAIF)
State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAJF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

Medium-Term Notes
Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

Options
A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock's price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

Repurchase Agreement
As authorized in Government Code Section 5360i (1), these investment vehicles are (generally short-term) agreements between the local agency and seller for the purchase of Government securities to be resold at a specific date and for a specific amount.

Reverse Repurchase Agreement
This transaction is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer interest for the use of the funds. The money "borrowed" on a "reverse repo" can be reinvested in higher yielding instruments.

Supranational entities
Entities formed by two or more central governments with the purpose of promoting economic development for the member countries. Supranational institutions finance their activities by issuing debt, such as supranational bonds. Examples of supranational institutions include the European Investment Bank and the World Bank. Similarly to the government bonds, the bonds issued by these institutions are considered direct obligations of the issuing nations and have a high credit rating.

U.S. Treasury Securities
The highest quality, most liquid debt investments available in the fixed income market-place, unconditionally backed by the "full faith and credit" of the U.S. Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-150

Print

RESOLUTION ADOPTING THE REVISED DEBT MANAGEMENT POLICY

WHEREAS, pursuant to the City of Modesto Debt Management Policy, last adopted in July 2006, the City of Modesto is required to periodically review and update its Debt Management Policy to address changes to the primary objectives related to the City's debt and financing related activities, and

WHEREAS, staff has identified the need to update the City's Debt Management Policy in order to continue to maintain cost-effective access to capital markets through prudent yet flexible policies; moderate debt principal and debt service payments through effective planning and project cash management; and achieve the highest practical credit ratings, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby adopts the revised Debt Management Policy,

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, following the adopted policy guidelines pursuant to this Resolution, in connection with the future issuances of the City Debt, for future consideration by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-151

RESOLUTION APPROVING THE DESIGNATION OF AUTHORIZED AGENTS TO FILE RELATED DOCUMENTS WITH THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES TO SEEK REIMBURSEMENT FOR THE FEBRUARY 2017 FLOODING EVENTS

WHEREAS, during January and February 2017, three atmospheric river storm events swept across California, bringing high winds, substantial precipitation, and flooding that impacted Stanislaus County and the City of Modesto, and

WHEREAS, the Tuolumne and San Joaquin rivers reached the flood stage numerous areas throughout the City were affected including but not limited to; street flooding, downed trees, traffic/electrical systems, areas surrounding the Waste Water Treatment plants and City owned golf courses, and

WHEREAS, on February 21st, 2017 in response to the flooding, an Emergency Proclamation for the City of Modesto was made by the City Manager, and

WHEREAS, on April 1, 2017, President Donald J. Trump declared a major disaster making federal disaster aid available to 42 counties, including Stanislaus for the February 2017 storms known as FEMA-4308-DR-CA. This declaration makes federal funding available for reimbursement of up to 75% of eligible costs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Designation of Authorized Agents to file related documents with the California Governor's Office of Emergency Services to seek reimbursement for the February 2017 flooding events.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Director of Finance and/or Accounting Division Manager and/or the Acting City

Manager are hereby authorized to execute for and on behalf of the City of Modesto, a public entity established under the laws of the State of California, the application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act, and

That the City of Modesto, a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required, and

That this is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below, and

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-152

Print

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND OFFICER GLENN GRAVES FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, KAI; AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Police Chief for the City of Modesto, from time to time, officially retires police canines from departmental service, and

WHEREAS, City of Modesto police canine handler, Officer Glenn Graves, wishes to purchase and assume possession of his assigned canine, Kai, upon the dog's official retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of a City of Modesto police canine by its assigned handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Officer Glenn Graves for the purchase of retired police canine, Kai.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-153

Print

RESOLUTION AUTHORIZING THE REJECTION OF ALL BIDS RECEIVED FOR REQUEST FOR BID (RFB) NO. 1617-13 FOR THE PURCHASE OF AN ALL-IN-ONE OIL ANALYSIS INSTRUMENT AND COOLANT AND DIESEL EXHAUST FLUID ANALYZER

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for an all-in-one oil analyzer and coolant and diesel analyzer through various competitive processes, and

WHEREAS, on October 31, 2016, the Purchasing Division issued RFB 1617-13 for the purchase of an all-in-one oil analyzer and coolant and diesel analyzer on the City's website under the commodity codes for automotive shop and related equipment, controlling, indicating, measuring, monitor, and recording instruments and automotive shop equipment maintenance and repair. Prospective bidders were notified online of the bid opportunity. Three companies chose to download the RFB document, and

WHEREAS, on November 22, 2016, bids were formally opened in the City Clerk's office. One company chose to respond. There were no local vendors capable of providing this type of equipment. One company provided a responsive and responsible bid, and

WHEREAS, the bid received was significantly higher than projected costs and a Return on Investment for this equipment makes it uneconomical to purchase at this time.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the rejection of all bids for the purchase of an all-in-one oil analysis instrument and coolant and diesel exhaust fluid analyzer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-154

Print

RESOLUTION ACCEPTING THE STATE ROUTE 99/PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT IMPROVEMENTS AS COMPLETE FOR THE PURPOSE OF ALLOWING CALTRANS TO BE RESPONSIBLE FOR MAINTAINING THE IMPROVEMENTS.

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project was a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99/Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation's (Caltrans) Project Development Procedures Manual, and

WHEREAS, an initial study with Mitigated Negative Declaration was prepared by the City's consultant and submitted to Caltrans for approval. This Document (SCH# 2009072012) was approved by Caltrans on September 28, 2009, and

WHEREAS, on July 10, 2009, by Resolution No. 2012-277, City Council approved an Agreement between the City of Modesto and Caltrans for maintenance of improvements within State Highway Right of Way on Route 99 (Pelandale Avenue), within the City of Modesto for the State Route 99 and Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-71, City Council approved the contract with Teichert/MCM, a Joint Venture, Fowler, California in an amount of $30,999,968.53, and authorized the City Manager, or his designee, to execute the contract, and

WHEREAS, on October 15, 2015, Caltrans issued a Drought Response memorandum to enforce Executive Order B-29-15 issued by Governor Brown mandating a state-wide reduction of water usage. Because of Executive Order B-29-15, landscape planting was excluded, thus eliminating the plant establishment time period, and

WHEREAS, Teichert/MCM has completed all items of work and requested "Relief of Maintenance. With the elimination of the plant establishment time period, staff has deemed project improvements complete, and

WHEREAS, in order for Caltrans to inherit the responsibility of maintaining improvements per the Agreement, City Council must first accept the improvements as complete.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State Route 99/Pelandale Avenue Interchange Reconstruction Project improvements as complete for the purpose of allowing Caltrans to be responsible for maintaining the improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-155

Print

RESOLUTION APPROVING THE CITY OF MODESTO SPONSORSHIP OF THE 19TH ANNUAL 2017 NORTH MODESTO KIWANIS GRAFFITI PARADE AND CAR SHOW, INCLUDING A WAIVER OF CITY PERMIT FEES, POLICE DEPARTMENT ASSOCIATED COSTS, STREETS DIVISION ASSOCIATED COSTS, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY DOCUMENTS NECESSARY RELATED TO SPONSORSHIP

WHEREAS, the 19th Annual 2017 North Modesto Kiwanis Graffiti Parade and Car Show is a Modesto tradition, and

WHEREAS, the North Modesto Kiwanis have sponsored this event for the past eighteen years, and

WHEREAS, in 2016 there were 1200 classic cars and 20,000 spectators that raised over $130,000 for support of local children charities through scholarships, grants, and multiple funding programs, and

WHEREAS, this annual event draws participants and spectators from miles around that benefit Modesto lodging, restaurants, and entertainment venues, and

WHEREAS, staff is requesting City Council approval to sponsor the 2017 North Modesto Kiwanis Graffiti Parade and Car Show, and

WHEREAS, the sponsorship will include the waiver of City permit fees, Police Department associated costs, and Street Division associated costs, and

WHEREAS, the estimated expense to the City of Modesto to sponsor the 19th Annual 2017 North Modesto Kiwanis Graffiti Parade and Car Show is approximately $46,460.

NOW THEREFORE, BE IT RESOLVED by Council of the City of Modesto that it hereby approves the City of Modesto sponsorship of the 19th Annual 2017 North

Modesto Kiwanis Graffiti Parade and Car Show including waiver of City permit fees, Police Department costs, and Streets Division costs estimated at $46,460.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the necessary documents related to the sponsorship.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-156

Print

RESOLUTION APPROVING AN AGREEMENT WITH DF ENGINEERING, INC., MODESTO, CA, FOR DESIGN SERVICES FOR THE VARIOUS FLUSH LINES PROJECT, IN AN AMOUNT NOT TO EXCEED $73,600 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $7,360 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A MAXIMUM TOTAL AMOUNT OF $80,960, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department Water Services Division currently has several wells throughout the City that are in need of flush lines, and

WHEREAS, Water Services identified wells 16, 40, 41 & 43 that are in need of immediate attention and require a flush line to be installed, and

WHEREAS the project will install a flush line at each well site location wherein a sanitary sewer pipeline will transfer water from the well site into the City's wastewater collections system, and

WHEREAS, installations of flush lines at well sites are imperative for the overall health of the water system, and

WHEREAS, flushing wells facilitate cleaning and aid in the sampling process prior to bringing wells back online, and

WHEREAS, water is forced through pipes from the well at high velocity, removing accumulated mineral sediment until the water is within acceptable regulatory limits, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four pre-qualified

local consultants for Civil Engineering Services for Capital Improvement Program Projects, and

WHEREAS, on February 24, 2017, staff received and distributed three proposals to a selection committee consisting of Utilities engineering and operations staff, and

WHEREAS, the selection committee evaluated the proposals and determined that DF Engineering, Inc. (DF), to be the most qualified and responsive, and

WHEREAS, DF's sealed cost proposal was opened after the selection ranking had been finalized, and

WHEREAS, DF's proposal cost and scope were reviewed and determined to be reasonable to provide design services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Project Management; 2) Meetings with City Staff; 3) Topographic Survey; and 4) Preparation of Plans and Specifications, and

WHEREAS, the design services for the Flush Lines for Various Wells 2017 Project falls within the scope of services of DF's proposal, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is based upon the project being essential for efficient operation of the water system,

WHEREAS, in addition, it is budgeted in the current Fiscal Year 2016-2017 Water Fund and it will not require a budget transfer from reserves to provide the required services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, however, staff still went through a RFP process pursuant to Administrative Directive 3.1., and

WHEREAS, staff recommends approval of the agreement with DF Engineering for engineering design services for the Flush Lines for Various Wells 2017 Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with DF Engineering, Inc., Modesto, CA, for design services for the Flush Lines for Various Wells 2017 Project, in an amount not to exceed $73,600 for the identified scope of services, plus $7,360 for additional services, if needed, for a maximum total amount of $80,960.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-157

Print

RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH KLEINFELDER, INC., MODESTO, CA, FOR GEOPHYSICAL INVESTIGATION SERVICES FOR WELL 274, IN AN AMOUNT NOT TO EXCEED $12,042 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO AGREEMENT

WHEREAS, the Grayson water service area was acquired from the Del Este Water Company in 1995 as part of the overall acquisition of Del Este's water system, and

WHEREAS, the City now operates and maintains two wells and storage tank No. 9 in the outlying service area of Grayson, and

WHEREAS, nitrate concentrations have been an issue at Well 274, which is currently being treated at the Well 295/Tank 9 site, and

WHEREAS, a feasibility study that addressed nitrate concentrations in Well 274 was completed in January 2015, and resulted in the recommendation that the well be replaced, as it was installed in 1967, and

WHEREAS, on November 24, 2015, by Resolution No. 2015-454, Council accepted a 9,945 square foot site from Stanislaus County, which will expand the Well 274 site, allowing the City to drill a replacement well, and

WHEREAS, a test boring is needed to assess the subsurface for design of a replacement well, and

WHEREAS, a hydrogeologist will provide direction for testing and sampling, and analyze the results of a test bore hole, which must be performed by a licensed driller, and

WHEREAS, on March 22, 2016, by Resolution No. 2016-116, Council approved an agreement with Kleinfelder, Inc. in the amount of $75,000 for a geophysical investigation on the Well 274 site, and

WHEREAS, the geophysical investigation was completed successfully, but due to the uncertain nature of subsurface investigations, additional costs were incurred for drilling, zone testing and night security beyond the initial agreement scope of work, and

WHEREAS, the additional costs total $12,041.34; therefore, an amendment is required in the amount of $12,041.34 for additional work that was not included in the original agreement, and

WHEREAS, based on the successful geophysical investigation, design of a replacement well is currently in progress, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this amendment to agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, however, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the amendment to agreement with Kleinfelder, Inc. for geophysical investigation services for Well 274, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Agreement with Kleinfelder, Inc., Modesto, CA, for Geophysical Investigation Services for Well 274, in an amount not to exceed $12,041.34 for the identified scope of services.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Amendment to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-158

Print

RESOLUTION APPROVING AN AGREEMENT WITH RMC WATER AND ENVIRONMENT, WALNUT CREEK, CA, FOR CONSULTANT SERVICES TO UPDATE THE 2017 INTEGRATED REGIONAL WATER MANAGEMENT PLAN IN AN AMOUNT NOT TO EXCEED $147,515 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $14,752 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A MAXIMUM TOTAL AMOUNT OF $162,267, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on June 22, 2010, by Resolution No. 2010-276, Council approved a Cost Sharing Agreement between the Cities of Ceres, Hughson, Modesto, and Turlock for development of an Integrated Regional Water Management Plan (IRWM Plan), and

WHEREAS, on the same date, by Resolution No. 2010-277, Council approved an agreement with RMC Water and Environment to assist in the formation of a new IRWM Region, now known as the East Stanislaus Region, and to develop the new IRWM Plan for the Region, and

WHEREAS, on August 9, 2011, by Resolution No. 2011-359, Council approved the Memorandum of Understanding (MOU) with the Cities of Ceres, Hughson, and Turlock to develop an IRWM Plan, and

WHEREAS, on September 1, 2011, East Stanislaus Integrated Regional Water Management Region was formed when the Department of Water Resources formally accepted East Stanislaus as an Integrated Water Management Region, and

WHEREAS, on January 28, 2014, by Resolution No. 2014-37, Council adopted the 2013 East Stanislaus IRWM Plan, and

WHEREAS, the Cities of Ceres, Hughson, and Turlock also adopted the IRWM Plan, and

WHEREAS, this Plan was accepted by the Department of Water Resources in September 2014 which allowed the East Stanislaus IRWM Region to be eligible to apply for a variety of water resources implementation grants through the IRWM Grant Program, and

WHEREAS, in July 2015, the City submitted an IRWM Prop 84 implementation grant application and was awarded $5 million in January 2016 for a flood mitigation storm drainage and sewer cross-connection removal project for the Roosevelt Park neighborhood, and

WHEREAS, in 2016 the State updated the 2012 IRWM Planning Act Guidelines and required each IRWM Region to submit revised IRWM Plans, incorporating the new guidelines, to remain eligible for Prop 1 funding grants, any future grants, and for funding from the State Revolving Fund loan program, and

WHEREAS, these new IRWM Guidelines also include state legislation requirements, passed in 2012 for grant funding eligibility, and

WHEREAS, in August 2016, the City, on behalf of the East Stanislaus IRWM Partnership, submitted an IRWM Prop 1 planning grant application, and

WHEREAS, in February 2017, the City was awarded $147,625 to support the 2017 IRWM Plan Update, and

WHEREAS, the grant agreement is currently being processed by the State and will be used to reimburse the City for approximately 88% of project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, and in coordination with five other partnering agencies, a

combined Request for Qualifications (RFQ) and Request for Proposals (RFP) was sent to a short-list of eight consultants, and

WHEREAS, two proposals were received, and RMC Water and Environment (RMC) was selected as the most qualified firm to perform the work. RMC's proposal cost, scope, and schedule were reviewed by a multi-agency team and determined to be consistent with our grant award scope of work and project requirements, and

WHEREAS, RMC has been providing significant support to the East Stanislaus IRWM Region since its inception in 2010 to assist in forming the Region, developing the 2013 IRWM Plan, and obtaining two successful grant awards, and

WHEREAS, the 2017 IRWM Plan Update will be on a tight timeline to complete the project in early 2018 and keep the Region eligible for the 2018 IRWM Prop 1 Implementation Grant Funding cycle, future grant funding cycles, and other funding opportunities, and

WHEREAS, RMC's scope of services under this agreement includes the following: 1) Revise Governance Structure and Committee Responsibilities; 2) Update the IRWM Plan; 3) Stakeholder Committee and Community Outreach; 4) Disadvantaged Community and Native American Outreach; and 5) Update the IRWM Website and IRWM Project Database, and

WHEREAS, staff recommends approval of the agreement with RMC Water and Environment for the 2017 East Stanislaus IRWM Update project, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is based on the fact that 88% of the project will be reimbursed by a State grant and more than 55% of the 12% remaining estimated cost will be reimbursed at the end of the project through a cost share agreement with five other partnering agencies, and

WHEREAS, there are sufficient funds available in Water Fund Reserves for the necessary budget amendment to front costs for this project, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, However, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with RMC Water and Environment for the 2017 East Stanislaus IRWM Update project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with RMC Water and Environment, Walnut Creek, CA, for consultant services to update the 2017 Integrated Regional Water Management Plan in an amount not to exceed $147,515 for the identified scope of services, plus $14,752 for additional services (if needed) for a maximum total amount of $162,267.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-159

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $137,300 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSULTANT AGREEMENT AND STAFF TIME FOR THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT PLAN UPDATE PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$137,300**, in order to fund the consultant agreement plus City staff support for the East Stanislaus Integrated Regional Water Management Plan Update Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to consultant agreement costs plus staff time being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100934 "IRWMP", and the total project costs need to be increased by $137,300. This would be done by adjusting Eng/Design/Admin by $137,300.

To fund the above account, $137,300 will be transferred from Water Fund Reserves into CIP Project 100934 for the East Stanislaus Integrated Regional Water Management Plan Update Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-160

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT TO SECTION 21-3-9 OF THE CITY OF MODESTO ZONING MAP TO REZONE PROPERTY LOCATED AT 1105 COFFEE ROAD FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Mike Sarwari has proposed the rezone of 0.46 acres located at 1105 Coffee Road from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-06 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on March 21, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 11, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-06

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2017-06

For the proposed:

Rezone of 0.46 Acres from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone
1105 Coffee Road APN: 031-042-035
RZN-17-001

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

January 26, 2017

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Rezone from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone ("Rezone") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: RZN-17-001—Rezone of 0.46 Acres from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone

B. Address or Location: 1105 Coffee Road, Modesto CA 95355

C. Applicant: Mike Sarwari, 746 Samantha St., Mountain House CA 95391

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development Department, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

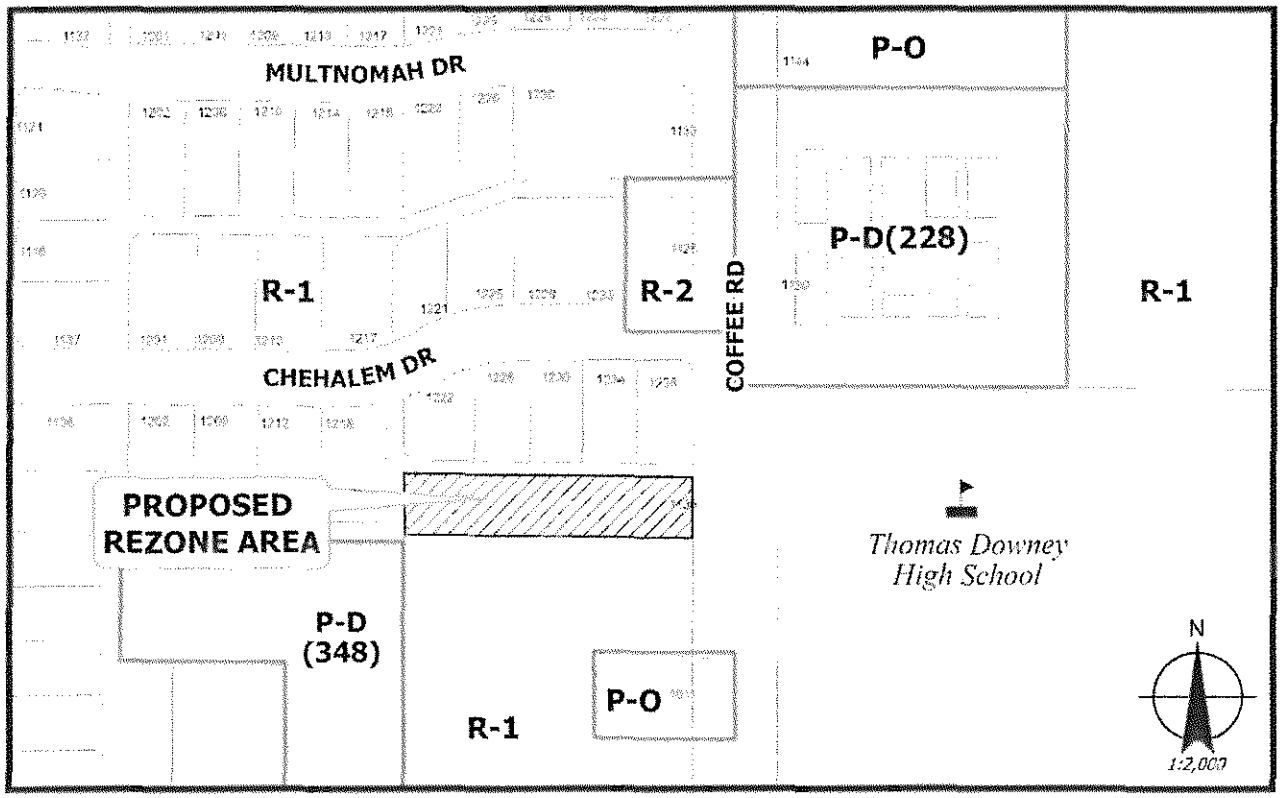
F. Current Zoning Classification(s): Low Density Residential (R-1) Zone

G. Surrounding Land Uses:
North: Low Density Residential (R-1) Zone, Single-Family Residential

South: Low Density Residential (R-1) Zone, Church
East: Low Density Residential (R-1) Zone, Thomas Downey High School
West: Low Density Residential (R-1) Zone, Single-Family Residential and Planned Development Zone P-D(348), Single-Story 15-Unit Residential Apartments

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposal to rezone 0.46 acres within the Baseline Developed Area of the City from Low Density Residential (R-1) Zone to Medium Density Residential (R-2) Zone. Rezone would allow for the continued use of a 1951-built three-unit residential building on the site and allow for the conversion of an existing 1952-built legal but non-conforming commercial building to a residential use. Site has existing curb-cuts on Coffee Road frontage leading to rear of property, and additional parking access is possible from alley at the rear. City water and sewer services are available to the site. Any future development of additional residential units on the site to adhere to relevant City Codes and Standards.



I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3. ____ **Focused EIR Required-** On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	Associate Planner	_____
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐

(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1) The project would rezone one 0.46 acre residential property from Low Density Residential (R-1) Zone to Medium-Density Residential (R-2) Zone, to allow the continued use of the site for medium-density residential purposes and permit the conversion of an existing legal but non conforming commercial building on the site to a new residential unit. The site is within the Baseline Developed Area of the General Plan, and is within an area designated as Mixed Use (MU) in the General Plan. The project would not exceed traffic generation assumptions in the General Plan MEIR by 100 trips or more, and the City's Traffic Division indicated no concerns with traffic generated by the project.

(2) The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

(3) The project would not cause an increase in level of service for the adjacent streets or conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled. The segment of Coffee Road at the location is currently operating at an LOS of between A and C, is projected to serve at LOS D by 2025, and the City's Traffic Division indicated no concerns that the project would cause the level of service to exceed that level.

(4) The project would not cause emergency response times to exceed acceptable standards.

(5) The project would provide parking as required for residential uses.

(6) The project would not conflict with adopted alternative transportation plans or programs.

(7) The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 and AQ-44 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1) The project involves the rehabilitation of one existing residential building and conversion of an existing commercial building to a residential unit. The project would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3) The project would comply with the air quality policies in the Urban Area General Plan with implementation of the mitigation measures cited above.

(4) With mitigation measures cited above, the project would not expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

(5) Construction activities could potentially generate odors with processes such as application of architectural coatings and asphalt paving materials; however, activities will be mitigated as called for by the MEIR with the mitigation measures listed above.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.				

Discussion:

(1-3) The project is consistent with the noise policies of the General Plan. The proposed rezone and subsequent building rehab and conversion are not anticipated to generate noise levels that exceed the noise thresholds of the MEIR.

(4) The project will not result in a substantial increase in ambient noise above levels described in the MEIR. There will be temporary construction-related noise, but implementation of the mitigation measures outlined above would reduce the impacts to a less than significant amount.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the General Plan's policies relating to agricultural land. The site is located within the Baseline Developed Area, and is designated as Mixed Use (MU) in the General Plan's Land Use Diagram.

(2) The project will not result in the development of land outside of the 2008 General Plan boundary. The site is within the Baseline Developed Area and is surrounded by urbanized area within the jurisdiction of the City.

(3) The site is not zoned for agricultural uses, is currently zoned for Low Density Residential (R-1) uses and is proposed to be rezoned to Medium-Density Residential (R-2) uses. There is no Williamson Act contracts on the property.

(4) The project will not convert existing farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the water supply policies in the General Plan.

(2) Water demand for the site will not exceed estimates for similar projects. Water service is available to the site.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The site is already developed with residential uses and would convert an existing legal but non-confirming commercial building to a residential use, and therefore would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan.

(2-3) The rezone would not generate sewage flows greater than those anticipated in the General Plan. The rezone would allow for use of existing buildings at the site for residential uses, and would not impact capacity. Sewer service is available to the site via existing lines under Coffee Road and alleys adjacent to the property. Current connections are provided from a six-inch line adjacent to the site.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

(2) The project site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The project would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☒	☐
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the archeological and historical resource policies in the General Plan.

(2-4) The project proposes the rezone of a 0.46 acre residential lot from Low Density Residential (R-1) to Medium Density Residential (R-2) Zone, to allow for the conversion of an existing commercial building into a residential unit in addition to the continued use of an existing residential building as a three-unit apartment. While the structures were built in 1951 and 1952, respectively, and therefore are older than 50-years in age, the buildings are not designated as landmarks in the City's General Plan. Additionally, they are not listed on the National Register of Historic Places, nor are listed as eligible for inclusion (as of July 2015), and are not listed on the California Register of Historical Resources.

(5) The project would not conflict with a local policy or ordinance protecting biological resources. The City of Modesto does not have a tree preservation policy or ordinance.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
storm drainage policies in the Urban Area General Plan.				
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	☒
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan.

(2-3) The project would not substantially increase the rate or amount of runoff. The rezone site is already developed with one residential building and one commercial building, and the rezone would allow for the conversion of the commercial building to a residential use. Any additional development would adhere to City Codes and Standards with regards to storm water handling and treatment.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project would not substantially increase the rate or amount of runoff. The rezone site is already developed with one residential building and one commercial building, and the rezone would allow for the conversion of the commercial building to a residential use. Any additional development would adhere to City Codes and Standards with regards to storm water handling and treatment.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project involves rezoning property from Low Density Residential (R-1) uses to Medium Density Residential (R-2) uses, which would not impact parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project involves rezoning property from Low Density Residential (R-1) uses to Medium Density Residential (R-2) uses, which would not conflict with policies related to schools in the General Plan.

(2) The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The proposed rezone is consistent with the fire service policies in the General Plan.

(2) The rezone would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The rezone would not cause the erosion or elimination of fire protection services. Development of professional office buildings as a result of the rezone will meet City Standards for emergency services access.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project site is not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the Redevelopment Planning District (RPD) land use designation in the General Plan.

(2) The project would not divide an established community. The proposal is to rezone two existing residential properties on an arterial street to Professional Office uses, in an area that is transitioning from residential uses to office uses.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

There are no applicable mitigation measures from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project would not affect automobile trip lengths or CO_2 emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

Generation of Noise:

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard

equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

N/A

Flooding and Water Quality:

N/A

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-161

Print

RESOLUTION APPROVING THE ISSUANCE OF A PERMIT TO US MEDICAL TRANSPORTATION, INC. FOR NON-EMERGENCY MEDICAL TRANSPORTATION IN THE CITY OF MODESTO

WHEREAS, US Medical Transportation, Inc. has submitted an application to provide non-emergency medical transport within the City of Modesto, and

WHEREAS, US Medical Transportation, Inc. has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03, and

WHEREAS, the Modesto Police Department has completed a background investigation regarding US Medical Transportation, Inc., per Modesto Municipal Code Section 3-9.03, and recommends a permit be granted, and

WHEREAS, on February 13, 2017, the Great Safe Neighborhoods Committee reviewed this item and recommended scheduling a public hearing for Council consideration.

WHEREAS, Modesto City Council approval is required for US Medical Transportation, Inc. to function as a non-emergency medical transport service within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on April 25, 2017, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to US Medical Transportation, Inc. for a non-emergency medical transport within the City of Modesto, and

WHEREAS, Modesto City Council finds that US Medical Transportation, Inc. will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the issuance of a permit to US Medical Transportation, Inc. for non-emergency medical transport within the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of April, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-162

RESOLUTION APPROVING THE REAPPOINTMENT OF MICAH RAPIER, CITIZEN-AT-LARGE, TO CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE WITH A TERM EXPIRATION DATE OF DECEMBER 31, 2020

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commission, and

WHEREAS, on January 14, 2013, by Resolution No. 2013-39, MICAH RAPIER was appointed to the Housing Rehabilitation Loan Committee with an initial term of January 1, 2013 through January 1, 2015, and

WHEREAS, on October 25, 2016, through the adoption of the new bylaws, Resolution No. 2016-424, MICAH RAPIER's term was extended to January 1, 2017, and

WHEREAS, MICAH RAPIER has expressed interest in and is eligible to serve an additional four year term, and

WHEREAS, on April 13, 2017, the City of Modesto Appointments Committee recommended that MICAH RAPIER be reappointed to the HRLC, and

WHEREAS, MICAH RAPIER will serve in the seat designation of Citizen-At-Large for the time period January 1, 2017 to December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that MICAH RAPIER is hereby reappointed to the Housing Rehabilitation and Loan Committee and will serve in the seat designation of Citizen-At-Large for the time period January 1, 2017 through December 31, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-163

Print

RESOLUTION APPROVING THE REAPPOINTMENT OF FRANK PLOOF AND RHODA YARE AND THE APPOINTMENT OF KRISTIE NELSON AND RICHARD DANIELS, CITIZENS-AT-LARGE, TO THE CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE WITH TERM EXPIRATION DATES OF DECEMBER 31, 2020

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commission, and

WHEREAS, on December 4, 2012, by Resolution No. 2012-481, RHODA YARE was appointed to the Citizens' Housing and Community Development Committee (CH&CDC) with an initial term from January 1, 2013 through January 1, 2015, and

WHERAS, on January 22, 2013, by Resolution No. 2013-38, FRANK PLOOF was appointed to CH&CDC with an initial term from January 22, 2013 through January 1, 2015, and

WHERAS, on November 24, 2015, through the adoption of the new bylaws, Resolution No. 2015-456, both RHODA YARE and FRANK PLOOF's terms were extended to January 1, 2017, and

WHERAS, both RHODA YARE and FRANK PLOOF have expressed interest in and are eligible to serve additional four-year terms, and

WHEREAS, both KRISTIE NELSON and RICHARD DANIELS have expressed an interested in serving on the Citizen's Housing and Community Development Committee (CH&CDC), and

WHEREAS, on April 13, 2017, the City of Modesto Appointments Committee recommended that RHODA YARE be reappointed to the CH&CDC, and

WHERAS, RHODA YARE will serve in the seat designation of Citizen-At-Large for

the time period January 1, 2017 to December 31, 2020, and

WHEREAS, on April 13, 2017, the City of Modesto Appointments Committee recommended that FRANK PLOOF be reappointed to the CH&CDC, and

WHERAS, FRANK PLOOF will serve in the seat designation of Citizen-At-Large for the time period January 1, 2017 to December 31, 2020, and

WHEREAS, on April 13, 2017, the City of Modesto Appointments Committee reviewed applications and recommended that KRISTIE NELSON be appointed to the CH&CDC, and

WHEREAS, KRISTIE NELSON will serve in the seat designation of Citizen-at-Large for the time period May 2, 2017 to December 31, 2020, and

WHEREAS, on April 13, 2017, the City of Modesto Appointments Committee reviewed applications and recommended that RICHARD DANIELS be appointed to the CH&CDC, and

WHEREAS, RICHARD DANIELS will serve in the seat designation of Citizen-at-Large for the time period May 2, 2017 to December 31, 2020.

NOW, THEREFORE, BE ITRESOLVED, by the Council of the City of Modesto that RHODA YARE is hereby reappointed to the Citizens' Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period January 1, 2017 through December 31, 2020.

BE IT FURTHER RESOLVED, by the Council of the City of Modesto that FRANK PLOOF is hereby reappointed to the Citizens' Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period January 1, 2017 through December 31, 2020.

BE IT FURTHER RESOLVED that KRISTIE NELSON is hereby appointed to the Citizens' Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period May 2, 2017 through December 31, 2020.

BE IT FURTHER RESOLVED that RICHARD DANIELA is hereby appointed to the Citizens' Housing and Community Development Committee and will serve in the seat designation of Citizen-at-Large for the time period May 2, 2017 through December 31, 2020.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-164

Print

RESOLUTION APPROVING THE SALARY AND BENEFITS FOR ACTING CITY MANAGER JOSEPH P. LOPEZ EFFECTIVE APRIL 1, 2017

WHEREAS, Joseph P. "Joe" Lopez started his employment with the City of Modesto on January 31, 2012 as Human Resources Director; and

WHEREAS, Joe Lopez has received numerous promotions and assumed additional, progressively responsible duties. He was appointed Interim Information Technology Director on January 28, 2014, Director of Administrative Services on July 1, 2014, Acting Deputy City Manager on February 24, 2015 and Deputy City Manager on February 9, 2016; and

WHEREAS, when City Manager Holgersson resigned on March 31, 2017, the City Council named Joe Lopez Acting City Manager; and

WHEREAS, the City has adopted benefits for unrepresented management executives and Charter officers; and

WHEREAS, the City Council now desires, for the period that Joe Lopez serves as Acting City Manager: (i) to approve an increase in his total salary, plus education incentive pay, of approximately 12.5% to a total of $198,000/ year, (ii) to authorize him to receive the benefits approved for Charter officers, and (iii) to allow him to resume his service as Deputy City Manager at such time as the City appoints a permanent City Manager or at the discretion of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Joe Lopez's assignment as Acting City Manager is subject to the complete discretion of the City Council, and such assignment may be terminated by the City Council at any time for any or no reason. At such time that the City Council terminates such assignment, Joe Lopez shall return to his Deputy City Manager position at the salary and benefits previously set.

2. During such time as he is serving as Acting City Manager, Joe Lopez shall receive a salary plus 1.5% education incentive pay in the total annual amount of $198,000, and the maximum benefits of a Charter officer as set forth in the **attached** "Summary of Benefits Unrepresented Management Executives and Charter Officers (Non-Sworn)".

3. Effective June 27, 2017, the above salary and incentive pay shall be increased by the same 2% cost of living increase that was approved for all non-sworn unrepresented management and confidential employees, including charter officers and executives on July 12, 2016 by City Council Resolution 2016-310, rescinded and updated by Resolutions 2016-377 and 2017-06.

4. The salary and benefits approved in this Resolution shall be effective and payable commencing April 1, 2017.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being was duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
SUMMARY OF BENEFITS
UNREPRESENTED MANAGEMENT, EXECUTIVES and CHARTER OFFICERS
(Non-Sworn)

Retirement benefits are provided by contract with the Public Employees' Retirement System (CalPERS). Formula is determined by hire date and member status with CalPERS. The City does not participate in Social Security except for the required 1.45% Medicare contribution by both the City and the employee (applies to employees hired after 4-1-86).

Holidays observed are10 paid holidays per year plus 8 hours of holiday credit. Holiday credit may be accrued up to a maximum of 40 hours. Accrual in excess of 40 hours shall be cashed out on a quarterly basis.

Vacation accrual begins at a rate of two weeks per year, with incremental increases to five weeks at 21 years of service. Employees may accumulate up to two times their annual accrual.

Sick leave with pay is accumulated at 8 hours per month, 96 hours per year. Employees may accumulate up to 2,200 hours.

Health, dental and vision coverage is provided. The City's monthly contribution to health, dental and vision benefits are based on a three-tier system as follows:

- $1,214 Employee + Family (2 or more dependents)
- $ 858 Employee + 1 Dependent
- $ 621 Employee Only
- $ 450 Opt Out of Medical

The employee pays the balance. An employee who opts out of health coverage receives the opt out amount above minus dental and vision premium as an in-lieu contribution into deferred compensation account.

Life Insurance in the amount of $120,000 is provided by the City. Supplemental coverage is available at employee cost.

Long term disability insurance coverage is provided by the City at City cost. This benefit pays 66 2/3% of the first $12,000 per month in salary.

An annual physical exam is provided at City expense.

Deferred Compensation (457 Plan) is a voluntary program by the City. The City will contribute 1.5% of salary, (increasing to 2.5% following completion of 9 years of service) with a matching contribution by the employee.
For Unrepresented Management employees, the City also contributes 2% to a mandatory 401(a) Money Purchase Plan requiring a 2% employee contribution; for Executives, the City contributes 3% to a mandatory 401(a) Money Purchase Plan with a mandatory 3% employee contribution; for Charter Officers, the City contributes 5% to a mandatory 401(a) Money Purchase Plan with a mandatory 5% employee contribution.

Management Leave is provided annually for employees in exempt regular positions. The City shall advanced 80 hours of Management Leave January of each year.

Section 125 Plan providing for pre-tax deductions for employee-paid health premiums, unreimbursed medical expenses and for dependent care costs.

Employee Assistance Program is available to employees and dependents. Plan provides up to three counseling visits per incident at City expense.

Educational Incentive Pay in the amount of 1.5% of salary is available to employees with one year of service who possess a Master's Degree or Juris Doctor from an accredited institution.

City car or vehicle allowance of $400 per month is provided for Executives (up to $500 per month for Charter Officers).

Employee Benefits are subject to change and are not guaranteed. For a detailed explanation of benefits currently in effect please see Human Resources.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-165

RESOLUTION AMENDING SECTION 3 (COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, an amendment to Section 3 (Community Development Block Grant Program) of the HUD Policies & Procedures Manual is proposed to reflect updated policies, and

WHEREAS, on April 13, 2017, the City of Modesto's Citizen's Housing and Community Development Committee reviewed, approved and forwarded an amended Section 3 (Community Development Block Grant Program) of the HUD Policies & Procedures Manual, to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby amends Section 3 (Community Development Block Grant Program) of the Housing and Urban Development Policies & Procedures Manual, as set forth in **Exhibit A**, which is **attached** hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Section 3

City of Modesto Community Development Block Grant (CDBG)

For HUD Programs

CITY OF
MODESTO
CALIFORNIA

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.cityofmodesto.com
housing@modestogov.com

Committee:	Citizens Housing and Community Development Committee	Approved:
City Council:	Resolution No.	Approved:

These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto's Citizens Housing and Community Development

1. Introduction

1.1. The City of Modesto has been a participating jurisdiction in the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development (HUD) since the program was established by Congress in 1974.

1.1.1. HUD distributes federal CDBG funds to states, counties and urban cities to fulfill the goals of the program to:

1.1.1.1. Provide decent, safe, and sanitary housing

1.1.1.2. Provide a suitable living environment, and to

1.1.1.3. Expand economic opportunities principally for low and moderate-income persons.

1.2. Minimum requirements applicable to any CDBG funded activity are set forth in CDBG Program Regulations 24 CFR 570. CDBG regulations allow for local discretion as to the use and management of the CDBG program. Local community needs, resources, priorities and procedures for managing the CDBG program are approved by the City Council as part of the City's five-year Consolidated Plan (CP) process. In addition, each year the Modesto City Council reviews and considers approval of an Annual Action Plan (AAP) which includes objectives and outcomes, an evaluation of past performance, and activities to be undertaken in the next program year.

1.3. This document is intended to satisfy the requirement for a concise policy and procedures administrative manual in the administration and implementation of CDBG funded activities.

2. Background

2.1. **U.S. Department of Housing and Urban Development and Office of Community Planning and Development**

2.1.1. The mission of the U.S. Department of Housing and Urban Development (HUD) is "to create strong, sustainable, inclusive communities and quality, affordable homes for all."

2.1.2. The HUD Office of Community Planning and Development (CPD) seeks to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded economic opportunities for low- and moderate-income persons. These goals come out of the mission of HUD to "create strong, sustainable, inclusive communities and quality, affordable homes for all." The primary means towards this end is the development of partnerships between all levels of government and the private sector, including for-profit and non-profit organizations.

2.2. City of Modesto Entitlement Programs

2.2.1. The City of Modesto is a participating jurisdiction in three (3) Community Planning and Development (CPD) entitlement programs:

2.2.1.1. The Community Development Block Grant (CDBG) program supports public services and improvements that benefit low- and moderate-income individuals, families and neighborhoods. Federal regulations governing the CDBG program are in Title 24 of the Code of Federal Regulations Part 570 (24 CFR 570).

2.2.1.2. The Emergency Solutions Grants Program provides funding to (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly re-house homeless individuals and families, and (6) prevent families/individuals from becoming homeless.

2.2.1.3. The HOME Investment Partnership (HOME) program supports affordable access to homeownership and development of affordable rental housing for low- and moderate-income families. Federal regulations governing the HOME program are in Title 24 of the Code of Federal Regulations Part 92 (24 CFR 92).

2.3. Federal Regulations (24 CRF Parte 570)

2.3.1. The City of Modesto will follow the regulations governing the CDBG program which are found in Title 24 of the Code of Federal Regulations (CFR) Part 570, Community Development Block Grants.

2.4. Subpart C – Basic Eligible Activities (24 CFR 570.201)

2.4.1. **24 CFR 570 Subpart C**

2.4.1.1. The City of Modesto may assist an activity in whole or in part with CDBG funds for activities which include, but are not limited to the following (all CDBG funded activities shall comply with 24 CFR Subpart C Eligible Activities requirements):

2.4.1.1.1. Acquisition of real property;

2.4.1.1.2. Disposition of real property acquired with CDBG funds

2.4.1.1.3. Construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes

2.4.1.1.4. Clearance and remediation of buildings and improvements;

2.4.1.1.5. Public Services within certain limits

- 2.4.1.1.5.1. Housing Services: Privately owned utilities
- 2.4.1.1.5.2. Construction of affordable housing
- 2.4.1.1.5.3. Homeownership assistance within certain limits
- 2.4.1.1.5.4. Technical Assistance
- 2.4.1.1.5.5. Rehabilitation of residential and non-residential structures
- 2.4.1.1.5.6. Special economic development activities

2.5. Ineligible Activities (24 CFR 570.207)

2.5.1. The general rule is that the City of Modesto's CDBG funds shall not be used for any activity that is not authorized under the provisions of 24 CFR Parts 570.201–570.206.

2.5.2. Generally, the following types of activities are ineligible:

- 2.5.2.1. acquisition, construction, or reconstruction of buildings for the general conduct of government
- 2.5.2.2. General government expenses
- 2.5.2.3. Political activities
- 2.5.2.4. Purchase of equipment
- 2.5.2.5. Construction equipment
- 2.5.2.6. Furnishings and personal property
- 2.5.2.7. Operating and maintenance expenses associated with public facilities
- 2.5.2.8. New housing construction
- 2.5.2.9. Subsistence payments made directly to an individual or family

2.6. Criteria for National Objectives – CDBG

2.6.1. In compliance with CDBG regulations, the City of Modesto strives to utilize the majority of funding in a manner that serves low- and moderate-income persons during each program year, but not less than fifty-one percent (51%) of CDBG funds shall be used for activities that benefit low- and moderate-income persons. When considering funding activities, the City of Modesto will ensure that each activity must meet one of the following National Objectives for the CDBG program.

- 2.6.1.1. Benefit low and moderate income individuals, families, or neighborhoods;
- 2.6.1.2. Prevention or elimination of slums or blight; or

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2.6.1.3. Address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community for which other funding is not available.

2.7. Selecting Activities that Comply

2.7.1. While there are many aspects that must be considered in selecting activities to assist under the CDBG program, there are six (6) key steps that City of Modesto Community Development Division (CDD) staff will take into consideration during the early stages of the process of determining if CDBG funds may be used to assist a proposed activity:

2.7.1.1. Determine if the activity falls within a category of explicitly authorized activities in the CDBG statute. Generally, if an activity does not fall within a category of explicitly authorized activities in the statute, the activity is considered ineligible. *HUD's Guide to National Objectives and Eligible Activities* describes all categories of basic eligibility that were authorized at the time of publication:

https://www.hudexchange.info/resource/89/community-development-block-grant-program-cdbg-guide-to-national-objectives-and-eligible-activities-for-entitlement-communities/

2.7.1.2. Determine if a proposed activity does not appear to be included in the statute's list of eligible activities, but there is precedent indicating it has been interpreted as eligible under the statute by the CDBG Eligible Activity regulations.

2.7.1.3. Most importantly, determine if the proposed activity can meet one of the national objectives of the program as outlined in 24 CFR 570.208. If an activity cannot meet one of the national objectives, the activity shall be found to be ineligible.

2.7.1.4. Ensure that carrying out the activity with CDBG funds will not result in the City violating its certification that at least 51 percent of CDBG expenditures will be for activities that are considered to benefit Low/Moderate income persons over the one, two, or three consecutive program years specified by the City of Modesto.

2.7.1.5. Review proposed costs of the activity to determine if they appear to be necessary and reasonable and will otherwise conform with the requirements of the following:

2.7.1.5.1. OMB Circulars A-87, "Cost Principles for State, Local, and Indian Tribal Governments,"

2.7.1.5.2. A-122, "Cost Principles for Non-Profit Organizations,"

2.7.1.5.3. A-21, "Cost Principles for Educational Institutions,"

2.7.1.5.4. 24 CFR Part 84, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations;" or

2.7.1.5.5. 24 CFR Part 85, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," as applicable.

2.7.1.6. Complete the environmental review and clearance procedures for the project of which the activity is a part as required by 24 CFR Part 58. Federal law prohibits HUD from releasing funds for a CDBG activity until certification is made with respect to environmental review completion.

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3. Subpart J – Grant Administration (24 CFR Part 570.501)

3.1. 24 CFR 570 Subpart J

3.2. Responsibility for Grant Administration

3.2.1. The City of Modesto Community and Economic Development Department (CEDD) has been designated to administer the activities assisted under the CDBG program. The City of Modesto CEDD is responsible for ensuring that CDBG funds are used in accordance with all program requirements. The City of Modesto will adhere to all administrative requirements covered by Subpart J (24 CFR 570.500-570.513), which includes general responsibilities for grant administration, including uniform administrative requirements, provisions of subrecipient agreements, program income, use of real property, recordkeeping and reporting, and closeout procedures.

3.2.2. Applicability of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards §570.502

3.2.3. The City of Modesto and its subrecipients shall follow Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (also known as the Super Circular) codified at 2

CFR 200. The Super Circular guidance superseded and consolidated the requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, A-133, and A-50.

3.2.4. The City will ensure that all subrecipients (agencies and organizations that receive grant funds from the City) are in compliance with *OMB Super Circular requirements.*

3.3. Agreements with Sub-recipients § 570.503

3.3.1. Before disbursing any CDBG funds to a sub-recipient, the City of Modesto will sign a written agreement with the sub-recipient. The agreement will remain in effect during any period that the sub-recipient has control over CDBG funds, including program income.

3.3.2. At a minimum, the written agreement with the sub-recipient will include provisions concerning the following:

3.3.2.1. **Statement of Work**: The agreement will include a description of the work to be performed, a schedule for completing the work, and a budget. These items will be in sufficient detail to provide a sound basis for the City of Modesto to effectively monitor performance under the agreement.

3.3.2.2. **Records and Reports**: The City of Modesto will specify in the agreement the particular records the sub-recipient must maintain and the particular reports the sub-recipient must submit in order to assist the City of Modesto in meeting its recordkeeping and reporting requirements.

3.3.2.3. **Program Income (PI)**: The agreement will include the PI requirements set forth in §**570.504(c).** The agreement will also specify that, at the end of the calendar year, the City of Modesto may require remittance of all or part of any PI balances (including investments thereof) held by the sub-recipient (except those needed for immediate cash needs, cash balances of a revolving loan fund, cash balances from a lump sum drawdown, or cash or investments held for section 108 security needs).

3.3.2.4. **Uniform Administrative Requirements**: The agreement will require the sub-recipient to comply with applicable uniform administrative requirements, as described in §**570.502.**

3.3.2.5. **Other Program Requirements**: The agreement will require the sub-recipient to carry out each activity in compliance with all Federal laws and

regulations described in 24 CFR 570 Subpart K of the regulations, except that:

3.3.2.5.1. The sub-recipient does not assume the City of Modesto's environmental review (ER) responsibilities described at §**570.604**; and

3.3.2.5.2. The sub-recipient doesnot assume the City of Modesto's responsibility for initiating the review process under the provisions of 24 CFR part 52.

3.3.2.6. **Suspension and Termination**: The agreement will specify that, in accordance with 24 CFR 85.43, suspension or termination may occur if the sub-recipient materially fails to comply with any term of the award, and that the award may be terminated for convenience in accordance with 24 CFR 85.44.

3.3.2.7. **Reversion of Assets**: The agreement will specify that upon its expiration the sub-recipient shall transfer to the City of Modesto any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. It will also include provisions designed to ensure that any real property under the sub-recipient's control that was acquired or improved in whole or in part with CDBG funds (including CDBG funds provided to the sub-recipient in the form of a loan) in excess of $25,000 is either:

3.3.2.7.1. Used to meet one of the national objectives in §**570.208** (formerly §**570.901**) until five (5) years after expiration of the agreement, or for such longer period of time as determined to be appropriate by the City of Modesto; or

3.3.2.7.2. ot used in accordance with paragraph (b)(7)(i) of this section, in which event the subrecipient shall pay to the City of Modesto an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment is program income to the City of Modesto.

4. Program Income

4.1. Treatment of Program Income and Revolving Loan Funds (RLFs) Per the 24 CFR 570.500 definitions.

4.2. § 570.500 Definitions.

4.2.1. For the purposes of this subpart, the following terms shall apply:

4.2.1.1. **(a) *Program income*** means gross income received by the recipient or a subrecipient directly generated from the use of CDBG funds,

4.2.1.2. **(b) *Revolving fund*** means a separate fund (with a set of accounts that are independent of other program accounts) established for the purpose of carrying out specific activities which, in turn, generate payments to the fund for use in carrying out the same activities. Each revolving loan fund's cash balance must be held in an interest-bearing account, and any interest paid on CDBG funds held in this account shall be considered interest earned on grant advances and must be remitted to HUD for transmittal to the U.S. Treasury no less frequently than annually. [Interest paid by borrowers on eligible loans (e.g. – Homeowner Rehabilitation Loan interest portion payments made from the revolving loan fund) shall be program income and treated accordingly. Receipted as program income, not as RLF.]

4.2.2. Beginning with FY 2015 formula allocations, it has been determined that First-In-First-Out (FIFO) accounting does not comply with federal financial standards *(May 9 2014 – Memorandum – System and Regulatory Changes to Eliminate First-In-First-Out Accounting in the Integrated Disbursement and Information System (IDIS)).* Funding is now tied to a grant specific year, and the related activities described within the respective Annual Action Plan (AAP) (e.g. Year 1 – 7/1/2015 – 6/30/2016; Year 2 – 7/1/2016 – 6/30/2017; Year 3 – 7/1/2017 – 6/30/2018).

4.2.3. Under the provision of this rule the City of Modesto Community Development Division (CDD) will accumulate program income, including interest paid by borrowers on eligible loans made from the Revolving Loan Fund, repaid funds, and recaptured funds it receives during the program year, rather than expending them for the next eligible draw.

4.2.4. Moving forward, at the conclusion of each calendar year (e.g. – Program Income accumulated through 12/31/2016; will be reflected in the next Annual Action Plan (AAP)). The City of Modesto will calculate any accumulated uncommitted program income to include interest paid by borrowers on eligible loans made from the Revolving Loan Fund(s), repaid funds, and recaptured funds incorporating all into the upcoming AAP. This funding received during the previous program year(s) will be described as resources and assigned to eligible activities in the upcoming AAP (e.g. – AAP FY 2017-2018). Emergency Solutions Grants (ESG) is currently excluded from this requirement.

4.2.5. In prior years, this was not required, as the amounts in revolving loan funds (RLFs) were excluded from calculations related to the City of Modesto timeliness standards described in 24 CFR Part 570.902. On February, 22, 2017, HUD Headquarters clarified that with all formula grantees that this will no longer be allowable.

4.2.6. Program Income still needs to be remitted to the U.S. treasury, if the calculation at the end of each program year (June 30th) is in access of the guidelines as outlined in the CDBG Manual (Chapter 11: Financial Management – page 11-13).

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4.2.7. The receipt and expenditure of program income as defined in §**570**.500(a) will be recorded as part of the financial transactions of the City of Modesto CDBG grant program.

4.2.8. Program income (PI) received before grant closeout may be retained by the City of Modesto. PI will be treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds.

4.2.9. Program income retained by the City of Modesto will be disposed as follows:

4.2.10. Program income in the form of repayments to, or interest earned on, a revolving fund as defined in §570.500(b) tied to that specific grant year AAP shall be substantially disbursed from the fund before additional cash withdrawals are made from the U.S. Treasury for the same activity. (This rule does not prevent a lump sum disbursement to finance the rehabilitation of privately owned properties as provided for in §570.513.)

4.2.11. Substantially all other AAP program year program income shall be disbursed for eligible activities before additional cash withdrawals are made from the U.S. Treasury. If the calculation at the end of each program year (June 30th) is in access of the guidelines as outlined in the CDBG Manual (Chapter 11: Financial Management – page 11-13).

4.2.12. At the end of each program year, the aggregate amount of program income cash balances and any investment thereof (except those needed for immediate cash needs, cash balances of a revolving loan fund, cash balances from a lump-sum drawdown, or cash or investments held for section 108 loan guarantee security needs) that, as of the last day of the program year, exceeds one-twelfth of the most recent grant made pursuant to §570.304 shall be remitted to HUD as soon as practicable thereafter, to be placed in the City of Modesto's line of credit. This provision applies to program income cash balances and investments thereof held by the City of Modesto and its sub-recipients.

4.2.13. CDBG and HOME PI balance as of December 31 of each year will be budgeted for use in the following Fiscal Year Annual Action Plan. Program Income received after December 31, will be kept in account until the end of the following year to be budgeted for the following fiscal year; The City of Modesto may elect to use program income received after December 31 by conducting a substantial amendment to the respective year Annual Action Plan.

4.2.14. Under the provision of this rule the City of Modesto Community Development Division (CDD) will accumulate program income, including ***interest paid by borrowers on eligible loans made from the Revolving Loan Fund,*** repaid funds, and recaptured funds it receives during the program year, rather than expending them for the next eligible draw.

4.2.15. The City of Modesto will calculate any accumulated uncommitted program income to include interest paid by borrowers on eligible loans made from the Revolving Loan Fund(s), repaid funds, and recaptured funds incorporating all into the upcoming AAP. This funding received during the previous program year(s) will be described as resources and assigned to eligible activities in the upcoming AAP (e.g. – AAP FY 2017-2018). Emergency Solutions Grants (ESG) is currently excluded from this requirement.

4.2.16. In prior years, this was not required, as the amounts in revolving loan funds (RLFs) were excluded from calculations related to the City of Modesto timeliness standards described in 24 CFR Part 570.902. On February, 22, 2017, HUD Headquarters clarified that with all formula grantees that this will no longer be allowable.

5. Use of real property

5.1. Section 570.505

5.1.1. The City of Modesto will comply the standards described 24 CFR 570.505 with relation to the use of real property within the City of Modesto's control acquired or improved in whole or in part using CDBG funds in excess of $25,000.

6. Records to be maintained

6.1. Section 570.560

6.1.1. The City of Modesto will establish and maintain sufficient records to enable HUD to determine whether the City of Modesto has met the CDBG program requirements for activities administered by the City of Modesto under the CDBG program. At a minimum, the following records will be maintained:

6.1.2. Records providing a full description of each activity assisted (or being assisted) with CDBG funds, including its location (if the activity has a geographical locus), the amount of CDBG funds budgeted, obligated and expended for the activity, and the provision in subpart C under which it is eligible.

6.1.3. Records demonstrating that each activity undertaken meets one of the criteria set forth in §570.208 (Criteria for National Objectives).

6.1.4. Records that demonstrate that the City of Modesto has made the determinations required as a condition of eligibility of certain activities, as prescribed in §570.201(f)-interim assistance, 570.201(i)(2) - emergency, 570.201(p) - technical assistance, 570.201(q) - higher education institutions, 570.202(b)(3) - rehabilitation loans, 570.206(f) - Submission of applications for federal programs, 570.209 - economic development, 570.210 - prohibition employee relocation, and 570.309 - restriction on location.

6.1.5. Records which demonstrate compliance with §570.505 - regarding any change of use of real property acquired or improved with CDBG assistance.

6.1.6. Records that demonstrate compliance with the citizen participation requirements prescribed in 24 CFR part 91, subpart B, for entitlement recipients.

6.1.7. Records that demonstrate compliance with the requirements in §570.606 regarding acquisition, displacement, relocation, and replacement housing

6.1.8. Fair housing and equal opportunity records containing:

6.1.8.1. Documentation of the analysis of impediments and the actions the City of Modesto has carried out with its housing and community development and other resources to remedy or ameliorate any impediments to fair housing choice in the City of Modesto's community.

6.1.8.2. Data on the extent to which each racial and ethnic group and single headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with CDBG funds. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements. The City of Modesto is not required to attain or maintain any particular statistical measure by race, ethnicity, or gender in covered programs.

6.1.8.3. Data on employment in each of the City of Modesto's operating units funded in whole or in part with CDBG funds, with such data maintained in the categories prescribed on the Equal Employment Opportunity Commission's EEO-4 form; and documentation of any actions undertaken to assure equal employment opportunities to all persons regardless of race, color, national origin, sex or handicap in operating units funded in whole or in part under this part.

6.1.8.4. Data indicating the race and ethnicity of households (and gender of single heads of households) displaced as a result of CDBG funded activities, together with the address and census tract of the housing units to which each displaced household relocated. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements. The City of Modesto is not required to attain or maintain any particular statistical measure by race, ethnicity, or gender in covered programs.

6.1.8.5. Documentation of actions undertaken to meet the requirements of §570.607(b) which implements Section 3 of the Housing Development Act

of 1968, as amended (12 U.S.C. 1701U) relative to the hiring and training of low and moderate income persons and the use of local businesses.

6.1.8.6. Data indicating the racial/ethnic character of each business entity receiving a contract or subcontract of $25,000 or more paid, or to be paid, with CDBG funds, data indicating which of those entities are women's business enterprises as defined in Executive Order 12138, the amount of the contract or subcontract, and documentation of recipient's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services. Such affirmative steps may include, but are not limited to, technical assistance open to all businesses but designed to enhance opportunities for these enterprises and special outreach efforts to inform them of contract opportunities. Such steps shall not include preferring any business in the award of any contract or subcontract solely or in part on the basis of race or gender.

6.1.8.7. Documentation of the affirmative action measures the City of Modesto has taken to overcome prior discrimination, where the courts or HUD have found that the City of Modesto has previously discriminated against persons on the ground of race, color, national origin or sex in administering a program or activity funded in whole or in part with CDBG funds.

6.1.8.8. Financial records, in accordance with the applicable requirements listed in§**570**.502 - uniform administrative requirements - including source documentation for entities not subject to parts 84 and 85 of the regulation. The City of Modesto will maintain evidence to support how the CDBG funds provided to such entities are expended. Such documentation will include, to the extent applicable, invoices, schedules containing comparisons of budgeted amounts and actual expenditures, construction progress schedules signed by appropriate parties (e.g., general contractor and/or a project architect), and/or other documentation appropriate to the nature of the activity.

6.1.9. Records required to be maintained in accordance with other applicable laws and regulations set forth in subpart K of 24 CFR Part 570.

6.1.10. Subrecipient record retention requirements will be established within subrecipient agreements.

7. Required Annual Reports

7.1. § 570.507

7.2. Preparation of Annual Action Plan

7.2.1. CDBG regulations at 24 CFR 91.15(a)(1) requires entitlement jurisdictions (City of Modesto) to submit its Consolidated Plan or Action Plan at least 45 days before the start of its program year. The City of Modesto will begin to plan for the development of the Annual Action Plan (AAP) as early as October of the year prior to the beginning of its next fiscal year – July 1. For purposes of planning the Annual Action Plan, an Annual Action Plan schedule may be developed in the month of October outlining all pertinent deadlines related to the development and adoption of the Annual Action Plan.

7.2.2. The following will be general milestone targets of the City of Modesto's Annual Action Plan tentative schedule (efforts will be made to follow the outlined schedule as close as possible, however, variables outside the City's control may contribute to changes on the actual schedule):

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7.2.2.1. **Oct./Nov: Develop AAP schedule**

7.2.2.2. **December: Release CDBG/ESG Public Services Notice of Funding Availability (NOFA)**

- 7.2.2.2.1. Host Mandatory Technical Workshop and Open Public Service Application Period
- 7.2.2.2.2. Begin Draft AAP

7.2.2.3. **January: Continue Draft AAP**

- 7.2.2.3.1. CDBG/ESG Public Services Application Deadline
- 7.2.2.3.2. Application Technical Review Notifications (for ineligible applications)
- 7.2.2.3.3. Deadline for Appeals of Technical Review Determination

7.2.2.4. **February: RFP Presentations to CH&CDC and Application Evaluation**

7.2.2.5. **March/April: Finalize Draft AAP.**

7.2.2.5.1. If official entitlement amounts are not known, a Draft Annual Acton Plan using projected entitlement award amounts will be prepared.

7.2.2.5.2. Draft AAP with funding recommendations to CH&CDC

7.2.2.5.3. Draft AAP to CH&CDC; Open 30 day public comment period –

7.2.2.5.4. Conduct Citizen Participation outreach in compliance with Citizen Participation Plan

7.2.2.5.5. Update AAP with official HUD entitlement allocations for CDBG, ESG, and HOME programs.

7.2.2.5.6. Update Draft AAP during 30 day comment period as needed. Insert comments received during public comment period/citizen participation process.

7.2.2.6. Draft subrecipient agreements per activities identified in the Draft AAP. The City Attorney shall annually review the draft CDBG sub recipient and capital projects agreements to ensure compliance with federal, state and City codes and regulations, including non-discrimination clauses and City insurance requirements.

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7.2.2.7. **May/June: Final AAP to City Council.**

7.2.2.7.1. Following the Citizen Participation process, the City of Modesto will submit the Annual Action Plan to the San Francisco Field Office no later than May 15 of each year (45 days prior to the start of the program year) if HUD has announced official program allocations.

7.2.2.7.2. Per HUD CPD Notice CPD-16-18, HUD has directed entitlement communities to not submit the Annual Action Plan until after the fiscal year allocations have been announced. Entitlement communities may delay submission of its action plan to HUD until 60 days after the date allocations are announced, or until August 16 of the respective fiscal year, whichever comes first. This delay will give the entitlement communities time to revise its Annual Action Plan to incorporate actual allocation amounts, and to conduct any additional citizen participation, if necessary.

7.2.2.7.3. For example, if HUD were to announce the FY allocation amounts to grantees on April 28: For grantees with July 1 and August 1 program year start dates, their normal plan

submission date would be less than 60 days after HUD's announcement of allocation amounts. These grantees would also be able to postpone submission of their consolidated plan/action plan until June 26.

7.2.2.7.4. Once HUD informs grantees of their fiscal year funding allocation amounts, the City of Modesto, prior to submission, will ensure that the fiscal year funding allocation amounts are reflected in the form SF-424, in the description of resources and objectives, and in the description of activities to be undertaken.

7.2.2.7.5. Upon City Council adoption, contracts will be prepared and executed.

7.2.2.8. **July 1** **Beginning of Program Year**

7.2.2.9. In no case may a Consolidated Plan/Action Plan be submitted to HUD later than August 16 of the respective fiscal year.

7.2.2.10. Throughout the development of the Annual Action Plan, the City of Modesto will comply with all Citizen Participation plan requirements to ensure proper public noticing, citizen participation, and public hearings are conducted. The City of Modesto's Citizen Participation Plan may be found at https://www.modestogov.com/1848/Publications-Reports.

8. Preparation of the Consolidated Annual Performance Evaluation Report (CAPER)

8.1. CDBG regulations at 24 CFR 91.520 requires entitlement jurisdictions (City of Modesto) to submit an Annual Performance Report within 90 days of the close of the entitlement jurisdiction's program year. This is in accordance with the Consolidated Plan regulations at 24 CFR Part 91.

8.2. The City of Modesto will begin to plan for the development of the Consolidated Annual Performance Evaluation Report (CAPER) in June of the year after the end of its next fiscal year – June 30. For purposes of planning the CAPER, a CAPER schedule may be developed in the month of June outlining all pertinent deadlines related to the development and adoption of the CAPER.

8.3. The following will be general milestone targets of the City of Modesto's CAPER tentative schedule (efforts will be made to follow the outlined schedule as close as possible, however, variables outside the City's control may contribute to changes on the actual schedule):

8.3.1. June - Develop AAP schedule

8.3.2. July - Compile Data for Draft CAPER

8.3.2.1. Begin Draft CAPER

8.3.3. August - Present Draft CAPER to CH&CDC

8.3.3.1.1. Open 15 day Public Comment Period

8.3.3.1.2. Conduct Citizen Participation Process

8.3.4. September Present CAPER to City Council

8.3.4.1.1. Submit CAPER to HUD

8.4. Throughout the development of the CAPER, the City of Modesto will comply with all Citizens' Participation Plan requirements to ensure proper public noticing, citizen participation, and public hearings are conducted. The City of Modesto's Citizen Participation Plan may be found at https://www.modestogov.com/1848/Publications-Reports.

9. Program and Financial Reporting

9.1. Throughout the fiscal year, the City of Modesto will comply with all reporting requirements. All attempts will be made to submit each report by the respective deadline. The following is a list of reports that the City of Modesto is required to submit as a recipient of HUD funds:

9.1.1. SF 425 – Federal Financial Report and SF 425-A – Federal Financial Report Attachment

9.1.2. HUD-92010 Equal Employment Opportunity Certification – if applicable (HUD/EEO-4)

9.1.3. HUD-60002-Section 3 Summary Report – Due with CAPER

9.1.4. HUD-2516 Contract and Subcontract Activity (MBE Report) – Due to HUD by April 30 and October 31.

9.1.5. HUD-4710 Semi-Annual Labor Standards Enforcement Report – Due to HUD by April 15 and October 15

9.1.6. All other reports/information HUD determines necessary

9.2. The City of Modesto will work with all subrecipients to ensure that they understand reporting requirements, with the understanding that the City and subrecipients share joint responsibility for carrying out permitted activities in conformance with federal requirements.

9.3. Subrecipients shall provide documentation that demonstrates the achievement of program goals and the completion of activities on quarterly basis at a minimum. All requests for reimbursement shall have adequate documentation, as determined by the City of Modesto, of how federal funds were used and that funds were used only for eligible activities. Complete records, and accurate and timely reporting, are essential to successful CDBG programs for the City and all subrecipients.

9.4. The City of Modesto Housing and Urban Development subdivision will ensure that expenditures of CDBG funds shall be drawn down using the Integrated Disbursement and Information System (IDIS) on a regular basis and not less than monthly.

10. Sub-recipient Application & Award Process

10.1. Public Services Application Release and Schedule

10.1.1. HUD allows the City of Modesto to procure, select, and fund activities in accordance with local community development goals and objectives. With respect to CDBG and ESG Public Services, the City of Modesto will annually release a Notice of Funding Availability (NOFA) to solicit public service program proposals that align with Consolidated Plan needs and objectives. The CDBG/ESG Public Services NOFA schedule will align with the development of each year's Annual Action Plan (see Section 7.2 above for information about each year's NOFA schedule).

10.1.2. With respect to Public Service funding, the City of Modesto will make available up to fifteen percent (15%) of the total CDBG allocation for the program year for Public Services.

10.1.3. For ESG award purposes, the City of Modesto will competitively award 82.5% of the ESG allocation for the program year to Homeless Service Providers and 10% to HMIS eligible activities. The remaining 7.5% of the ESG allocation will be used for ESG City of Modesto administrative purposes in accordance with ESG regulations.

10.2. Solicitation of Applications for CDBG Funds

10.2.1. In order to ensure maximum participation, the City of Modesto will issue a Notice of Funding Availability (NOFA) and distribute via email to established email groups, mail, and/or the City of Modesto's website. Whenever necessary, the City of Modesto may publish notices in the local newspaper (The Modesto Bee/Vida en el Valle) and/or issue a press release to the local media.

10.2.2. Prospective applicants shall pay close attention to the NOFA Guidelines when preparing their project proposal/application. The NOFA Guidelines will include key information including but not limited to eligible activities, eligible applicants, organizational capacity, consistency with Consolidated Plan, and Evaluation Criteria.

Further, the NOFA Guidelines will provide a calendar of events that will include the following information: Application Period, Mandatory Technical Workshop, Application Deadline, Proposal Presentations, Public Comment Period Opening, Public Comment Period Closing, and Annual Action Plan Submittal to HUD.

10.3. Application Requirements

10.3.1. Applicants must apply for funds during the open application period using a web-based application program (e.g. - ZoomGrants™) as indicated by the City of Modesto. All applicants must submit a Master application detailing the proposed program, goals, measurable objectives and agency/program finances.

10.3.2. As part of the application packet, all applicants must submit sufficient documentation within the various required exhibits to substantiate the applicant's ability to comply with the stringent CDBG requirements if an award is granted.

10.3.3. All applicants must submit all requested documents within the web-based system including but not limited to the documents listed in this section. Any application lacking the following documentation and/or the criteria described for each will be considered incomplete and may be disqualified from the application process:

10.3.3.1. **Completed Web-Based Application**: All questions must be completed in their entirety.

10.3.3.2. **Executive Summary**: Executive summary of project proposal. Must include detailed information about the project purpose, target population, service area, proposed objectives, performance indicators, proposed outcomes. The executive summary must discuss the level of involvement and agency's role within the Focus on Prevention efforts as well as the level of coordination with other service providers to reduce duplication of services.

10.3.3.3. **Board of Directors Agenda and Minutes:** Board of Directors minutes must specifically authorize applicant to submit an application to the City of Modesto and specify application type (i.e. CDBG/ESG/HOME). In compliance with internal control requirements per 24 CFR 85.20(b)(3)to(b)(6) and 84.21(a)(3), Board of Directors must not include members acting as staff or in any other capacity that may be perceived as a conflict of interest.

10.3.3.4. **Articles of Incorporation:** Articles of Incorporation Stamped by the Secretary of State of the State of California.

10.3.3.5. **Organization By-Laws:** Organization By-Laws (with Secretary's Certificate/Signature).

10.3.3.6. **California Franchise Tax Board Tax Exempt Status Letter**

10.3.3.7. **Internal Revenue Service (IRS) Federal Tax-Exempt Status Letter**

10.3.3.8. **Certified Audit and/or Financial Statement (most recent):** Must be prepared by a Certified Public Accountant/Independent Auditor.

10.3.3.9. **IRS 990:** IRS 990 Tax Return for the most recently ended fiscal year. If the 990 Tax Return has not been completed by the time of the open Application Period, applicant can submit a copy of their extension form.

10.3.3.10. **City of Modesto Business License:** Business License must be current and its use must comply with City of Modesto Municipal Code of Ordinances.

10.3.3.11. **Organization Chart:** Most recent/updated organizational chart.

10.3.3.12. **Board of Directors Roster:** Most recent/updated Board of Directors roster.

10.3.3.13. **Certifications/Fingerprinting Clearance:** All CDBG/ESG funded staff working with children must be fingerprinted. Provide copies of applicable licenses, evidence of fingerprinting clearance, if applicable, and/or certifications pertaining to the project or component that will use CDBG/ESG funds.

10.3.3.14. **NEPA Environmental Review Form:** Completed NEPA environmental review form with original signature.

10.3.3.15. **Fee Schedule (if applicable):** Charging fees is generally discouraged when program is funded by CDBG/ESG. If fees are charged, provide a copy of fee schedule. Failure to submit the fee schedule for a fee-based project will render application as disqualified.

10.3.3.16. **Site Control Documentation:** Documentation/evidence of site control (i.e. lease, MOU, or other form of legal agreement). Evidence of site control must be current and meet the current City business permitting guidelines.

10.3.3.17. **Service Area Map:** If the project provides service on an area basis, attach a map showing the area to be served that includes the eligible Census Tracts and Block Groups being served.

10.3.3.18. **Staff Resumes:** Copies of resumes for program staff who will be involved in operating/implementing the CDBG/ESG program.

10.3.3.19. **Proof of Insurance:** Copy of evidence of insurance as required by the City of Modesto. If awarded, insurance requirements must be met as outlined on the templates provided.

10.3.3.20. **Disclosure of City Relationships:** List any employees or board members of the applicant agency who are elected official, appointed members of a City of Modesto Commission/Committee, or a City employee if applicable. If not applicable, upload a note on company letterhead indicating "Not Applicable".

10.3.3.21. **Professional References:** Provide contact information of three (3) partner agencies, non-profits, service providers, or public/private agencies. Any letters of support must be dated within the last 30 days.

10.3.3.22. **Budget Detail and Support:** If needed, provide additional budget detail and supporting documentation for costs and sources of funds. This may be used to further support/explain the proposed program budget. If not applicable, upload a note on company letterhead indicating "Not Applicable".

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10.4. Technical Assistance to Applicants

10.4.1. A mandatory Application Orientation/Technical Assistance workshop is held for all prospective applicants each year. The purpose of the workshop is to explain the NOFA Guidelines, any program changes, the application process, and answer any questions relating to funding requirements, criteria, and priorities.

10.4.2. Community Development Programs staff will present and answer questions on program guidelines, applicant and activity eligibility requirements, the National Objectives for the programs, local objectives and priority activities in the City's five-year Consolidated Plan, and application requirements.

10.4.3. Staff will be available for technical assistance from the beginning of the application period until 4:00 p.m. on the deadline date for submission.

10.5. Technical Review of Applications by City Staff

10.5.1. City of Modesto staff will conduct a technical review of all applications upon submission to ensure that:

10.5.1.1. Applications are complete;

10.5.1.2. Program proposal meets one of the CDBG National Objectives; and

10.5.1.3. Consistency with City of Modesto Consolidated Plan

10.5.2. The technical review will include a review of the applicant organization to ensure that the applicant is an eligible nonprofit organization. This will generally be determined by

10.5.2.1. Reviewing the documentation within the various required exhibits to substantiate the applicant's ability to comply with the stringent CDBG requirements if an award is granted.

10.5.2.2. Ensuring that the applicant is not excluded from conducting business with any federal agency by conducting a search on the federal System for Award Management website at www.sam.gov.

10.5.3. Upon technical review completion, City of Modesto staff will notify the applicant and provide an opportunity correct any errors or omissions on their application. Applicants will be given a specific timeframe to make corrections and finalize application. After the final deadline, further access to the application by the applicant will be blocked.

10.5.4. City staff will provide a technical review summary to the Application Review Committee that will reflect applicant responsiveness to application requirements.

10.6. Application Review Committee: Citizens Housing and Community Development Sub-Committee (CHCDC)

10.6.1. A subcommittee composed of five (5) members of the Citizens Housing and Community Development Committee (CHCDC) will act as the Application Review Committee. The Application Review Committee will review and score all application submissions.

10.6.2. CHCDC members may volunteer or be appointed by the Chairperson of the CHCDC to the Application Review Committee.

10.6.3. The Application Review Committee shall review applications thoroughly and shall evaluate the proposals on the basis of:

10.6.4. Past Performance, if funded in previous years. City Staff will provide past performance reports to the Application Review Committee which will include but will not be limited to:

10.6.4.1. The amount of CDBG/ESG funds received by an applicant organization from the City in the past three (3) years, if any;

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10.6.4.2. The extent to which previously-funded organizations have met program objectives, satisfied contract obligations, and expended allocated funds in an efficient, appropriate and timely manner;

10.6.4.3. Information provided in the application;

10.6.4.4. Information provided in the applicant presentation/interview;

10.6.4.5. Rating Criteria;

10.6.5. Application Review Committee members judge applications solely on the merits of the application and the objective criteria. Members should not be influenced by their personal convictions or viewpoints. If a member feels that she/he cannot judge an application fairly and impartially, conflict of interest provisions as discussed in this manual shall apply.

10.7. Conflict of Interest Declarations

10.7.1. Before discussion of applicant organizations and agencies, Application Review Committee members shall declare relationships, if any, with applicant organizations or persons associated with the applicants.

10.7.2. This may include:

10.7.2.1. Serving as a Board member of or volunteer in an applicant agency or organization;

10.7.2.2. Membership or participant in activities of an applicant agency or organization;

10.7.2.3. Direct contributor to an applicant agency or program;

10.7.2.4. Beneficiary of the activities or services of an application agency or program; and

10.7.2.5. Any connection with the applicant that would constitute or that could be perceived to constitute a conflict of interest.

10.7.3. When a member has a perceived or real conflict of interest with an applicant organization, the member shall refrain from ranking the application and shall withdraw from the interview with the applicant and any discussion of the merits of the application.

10.7.4. Members shall also declare any personal interest in an organization that is in direct competition with an applicant organization that may cause them to rank the application other than strictly on the merits of the application.

10.7.5. Committee members who have been involved with the preparation of an application shall withdraw from consideration of that application.

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10.8. Applicant Presentation/Interviews

10.8.1. Applicants will have the opportunity to provide a 10-minute presentation before the Application Review Committee to explain their proposed program and funding request.

10.8.2. Following the applicant presentation, there will be a five (5) minute question and answer period. While questions will be primarily driven by the Application Review Committee, City program staff may also ask clarifying questions relevant to the application proposal to further assist the Application Review Committee in the proposal evaluation.

10.8.3. Following the five (5) minute question and answer period, the Application Review Committee will have 5 minutest to score the proposal and prepare for the following presentation.

10.8.4. Time will be strictly enforced as feasibly possible to be fair to all participants and to stay on schedule.

10.9. Rating Criteria

10.9.1. Upon reviewing and conducting application presentation and interview, the Application Review Committee will use an application scoring sheet prepared by CEDD staff that include the following rating factors to objectively evaluate and score each application proposal

10.9.1.1. URGENCY/PERSISTENCE OF NEED
10.9.1.2. DESIGN
10.9.1.3. BUDGET/FINANCIAL MANAGEMENT CAPACITY
10.9.1.4. FUND DEVELOPMENT
10.9.1.5. COLLABORATION

10.9.2. Specific criteria definitions will be provided within the Notice of Funding Availability Guidelines released annually.

10.9.3. From time to time, there may be a need to incorporate additional application scoring criteria corresponding to local initiatives or special programs (i.e. bonus points for applicant willingness to carry out special program components). In every case, the NOFA Guidelines will specify if additional criteria applies and will be disclosed during the Mandatory Technical Workshop.

10.10. Application Review Committee Funding Recommendations

10.10.1. At the conclusion of Application Review Committee's rating of all applications, City staff will compile scoring results and will share scoring results with the Application Review Committee on the same day.

10.10.2. All applications with a score of 70 points or greater will be funded by multiplying the amount requested times the application score, as a percent [i.e. Amount requested = $30,000; Score = 92.2 ($30,000 x 92.2% = $27,660)]. This method will be applied beginning with the highest score down to the 70 point mark or until funds are exhausted.

10.10.3. Any remaining funds after the 70 point score threshold will be used to fund Community Based Public Service needs identified by community groups and relayed to City staff during community meetings/ Citizen Participation outreach process.

10.10.4. Draft scoring and funding results will be presented to the CHCDC at the monthly meeting following the Applicant Presentations/Interviews.

10.10.5. The CHCDC will deliberate on the Subcommittee's recommendations. Final recommendations will be approved by majority vote. City staff will present these CHCDC recommendations to Modesto City Council, which will ultimately determine funding awards.

10.10.6. In years when CDBG entitlement amount is not known, an estimated amount will be used. The amount of funds awarded may be adjusted per City Council-approved contingency plan. This plan will be utilized when the CDBG entitlement differs from the estimate. The plan ensures the City does not exceed the fifteen percent (15%) public services cap.

10.11. CDBG/ESG Public Service Award and Denial Notification and Appeal Process

10.11.1. CDBG/ESG applicants will be notified in writing of the Application Review Committee funding recommendations upon release of the Draft Annual Action Plan. The written notification will provide each applicant application rank and score information and whether or not application will be recommended for funding.

10.11.2. Appeal Process

10.11.2.1. Any applicant that maintains its proposal has been wrongly determined to be ineligible may submit a written response to the Community Development

Manager within seven (7) business days of notification. The written response must include specific details that address/cure the ineligibility determination(s) issued.

10.11.2.2. City Staff will schedule an in person meeting (Technical Assistance) with applicant representatives to discuss the factors/compliance issues that have deemed the application in the view of the Application Review Committee. City Staff will use this opportunity to provide technical assistance to be considered by the applicant in future funding cycles. After meeting with the applicant, staff will confirm the discussion in writing by sending a follow up letter outlining the Technical Assistance points of discussion.

10.11.2.3. This appeal process does not provide an opportunity to revise proposals, nor does it guarantee that determinations will be overturned.

10.12. Public Participation and City Council Action

10.12.1. Responsibility for the appropriation of all CDBG/ESG funds resides with the City Council, which considers the advisory input of the CHCDC, however HUD regulations require a certain level of public participation. Public participation will be accomplished through a series of public meetings and an opportunity for public comment on the annual Action Plan prior to the submission of the plan to HUD. The City will follow its Citizen Participation Plan to comply with HUD Citizen Participation requirements.

11. Subpart K – Other Program Requirements

11.1. Subpart K sets forth certain additional program requirements which are determined to be applicable to CDBG grants provided as a matter of administrative discretion. The Community Development Programs Staff shall incorporate the following additional program requirements as per § 570.600 through § 570.614 as applicable.

11.2. Affirmatively Furthering Fair Housing/Non-discrimination

11.2.1. § 570.601

11.2.2. The City as a recipient of CDBG funds shall ensure that subrecipients comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in

education and training programs), the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services), and a variety of program-specific statutes with nondiscrimination requirements.

11.2.3. Programs may target particular groups for services without violating guidelines regarding equal access to services, so long as any member of the particular group - e.g., any senior for a senior services program, any school-age child for a neighborhood-based afterschool program - is able to participate in the program.

11.2.4. The City shall ensure that provisions of Executive Order No. 11246 of September 24, 1965, as amended, regarding Equal Employment Opportunity are carried out on all CDBG funded projects or activities, and that subrecipients agree to and abide by federal (FHEO) and state (CA DFEH) fair housing and equal opportunity requirements for non-discrimination with regard to access to services or housing provided by a subrecipient.

11.2.5. The City will further ensure that provisions of Executive Order 13166, "Improving Access to Services by Persons with Limited English Proficiency," are carried out by subrecipients to improve access to CPD programs and activities by eligible persons with limited English proficiency (LEP).

11.3. Section 109 - Prohibitions against Discrimination

11.3.1. § 570.602

11.3.2. The City and all subrecipients shall adhere to Section 109 of the Act which requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs.

11.4. Labor Standards

11.4.1. § 570.603

11.4.2. Whenever CDBG funds in excess of $2,000 are allocated for construction projects (excluding homeowner occupied residential rehabilitation and first-time homebuyer activities), the City, subrecipient and any contractor(s) shall abide by requirements of Davis Bacon and Related Acts (DBRA) for prevailing wages and of Section 3 economic opportunities for low and very low-income persons. The City shall provide appropriate guidance to both subrecipient and contractor regarding DBRA

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requirements, including wage determinations, and Section 3 requirements as applicable to all CDBG-funded projects.

11.4.3. Labor Standards Enforcement

11.4.3.1. The City of Modesto Community Development Division has developed Federal Labor Standards Enforcement Guidelines. These guidelines will be provided to the respective City Department, subrecipient, or contractor responsible for contract oversight. The Federal Labor Standards Enforcement Guidelines will be enforced throughout the implementation of any applicable HUD funded activities by City of Modesto Community Development Division staff.

11.5. Environmental Review

11.5.1. 24 CFR part 58 § 570.605 § 570.604

11.5.1.1. The environmental review procedures set forth at 24 CFR part 58 must be completed for each activity (or project as defined in 24 CFR part 58), as applicable. Contracts will not be executed with subrecipients and expenditures for City-managed projects will not be approved until environmental review is complete. State (CEQA) environmental regulations requirements will also be considered. Environmental review forms and documents must be signed by the appropriate staff preparing the environmental review and the Certifying Officer.

11.5.1.2. The City will ensure that all *Finding of No Significant Impact* (FONSI) and *Request for Release of Funds* (RROF) requirements are completed for capital improvement projects and housing rehabilitation projects prior to initiation of project activities.

11.6. Citizen Participation

11.6.1. Throughout the implementation of HUD grant programs, the City of Modesto will comply with all Citizen Participation plan requirements to ensure proper public noticing, citizen participation, and public hearings are conducted. The City of Modesto's Citizen Participation Plan may be found at https://www.modestogov.com/1848/Publications-Reports.

11.7. Relocation

11.7.1. §570.606

11.7.1.1. In the event of any temporary or permanent relocation of residents or businesses as a result of CDBG-funded activity, the City will follow § 570.606 - Displacement, relocation, acquisition, and replacement of

housing as applicable and/or its Relocation Plan as set forth in the Citizen Participation Plan. The Plan shall be updated as needed to adhere to HUD Handbook 1378, *Real Estate Acquisition and Relocation Policy and Guidance.*

11.8. ADA Requirements

11.8.1. The City will abide by HUD regulations in Section 504, HUD's implementation of the American with Disabilities Act, to ensure that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving CDBG funds. The City will include monitoring for Section 504 compliance as part of the annual monitoring of HUD Entitlement funded programs/projects. Monitoring will include inspection of facilities in which CDBG-funded program are offered to ensure that the facilities are accessible to persons with disabilities.

11.9. Financial Management

11.9.1. Subrecipients will be paid on a reimbursement basis upon receipt of a Request for Funds reimbursement form with all supporting documentation.

11.9.2. Reimbursement of funds to contractors for capital projects will be paid directly to the contractor or vendor.

11.9.3. Reimbursement payments will be made only upon presentation of invoices from the contractor or vendor and approved for payment by the Community Development Program Staff responsible for Labor Standards review.

11.9.4. Final payments to subrecipients will be made only upon submission of final program reports that document the achievement of program goals and satisfactory completion of the CDBG-funded activity.

11.9.5. Each request for payment must have adequate documentation for the costs incurred such as payroll records, purchase orders, copies of canceled checks, timesheets reflecting time spent directly on CDBG activities, etc. Requests must be only for costs directly related to the approved activity and included in the approved budget attached to the contract.

11.9.6. Subrecipients may not use CDBG funds for general administrative costs or "overhead" costs, unless the subrecipient has established a cost allocation for such costs, applicable to all subrecipient activities regardless of funding source.

11.9.7. Subrecipients will be required to submit requests for reimbursement on a quarterly basis, unless otherwise approved by Community Development Division staff.

11.9.8. The City will not request CDBG funds in advance or as "float" funds from the U.S. Treasury.

11.10. HMIS Participation

11.10.1. CDBG/ESG-funded projects designed to assist persons experiencing homelessness or designed to prevent homelessness are required to participate in the Homeless Management Information System (HMIS) of the Stanislaus County Continuum of Care (CoC) and regularly attend CoC meetings and participate in CoC related matters. Furthermore, subrecipients are required to execute an HMIS Data Sharing Agreement to share HMIS Universal Data Elements to more effectively utilize and enhance HMIS data quality.

11.11. CDBG Sponsored Identification Requirement

11.11.1. Sub-recipients and subcontractors receiving CDBG funds from the City of Modesto, shall ensure that all CDBG-funded programs and activities are clearly identified to participants and the public as those of the CDBG program, and that these programs and activities do not appear to be an extension of the programs and activities of any private organization or public institution. To comply with this requirement, a notification to be worded as follows shall be clearly posted or otherwise displayed: "This project is funded in whole or in part with Community Development Block Grant (CDBG) Program funds provided by the U.S. Department of Housing and Urban Development (HUD).

11.12. Section 3 Compliance

11.12.1. The requirements for Section 3 of the Housing and Urban Development Act of 1968, as amended (Section 3) applies to capital projects and housing development projects that exceed $200,000 in HUD funding. Subcontractors receiving an excess of $100,000 from projects required to comply with Section 3 shall also be required to comply with Section 3 requirements. These requirements are listed in the CDBG Agreement.

12. Monitoring of Subrecipients

12.1. The City of Modesto (the recipient) and its subrecipients must have written policies and procedures to ensure that CDBG, HOME, and ESG funds are used in accordance with HUD requirements and sufficient records to enable HUD, and the recipient to determine whether

ESG requirements are being met. [24 CFR 576.500(a)]

12.2. As the lead agency for HUD Entitlement funds, the City of Modesto will monitor all subrecipients on a regular basis through written contacts, phone conversations, electronic information transfers, face-to-face monitoring visits (at least once annually), and project file review, pursuant to applicable regulation.

12.3. Monitoring will be conducted to ensure statutory and regulatory requirements are being met and that information submitted to City of Modesto is accurate and complete.

12.4. Monitoring will normally be conducted utilizing a three (3) tiered approach, depending upon the risk involved:

12.4.1. Limited Review

12.4.1.1. A limited review will be conducted of all subrecipients and projects on an annual basis. The timing of this monitoring will be in alignment with an organization's submittal of a Quarterly Performance Report and an Invoice for Payment for expenses incurred against their City grant over the previous 90 days.

12.4.1.2. At least one quarter review will focus on the year-end financial statement or audit, and where applicable, the Single Audit. If the Single Audit contains audit findings or contains a management letter, the subrecipient will be selected for an in depth review. The goal of a Limited Review is to provide clarification to a specific unknown submission that cannot be determined from the subrecipient reports, and to identify areas of technical assistance needed by each subrecipient.

12.4.2. On-Site Monitoring Review

12.4.2.1. An on-site monitoring review will be a site visit to a subrecipient program assisted with HUD funds and will achieve a balance between programmatic and fiscal reviews, and much documentation review can be done prior to the on-site visit. The on-site monitoring includes a tour of the program facilities as appropriate, an explanation of the services provided, discussions with program and administrative staff, and introduction to one or more actual beneficiaries, if possible. As a result of this visit, staff will determine whether an in-depth review is needed for further clarification of one or more issues identified during the on-site visit.

12.4.2.2. ***A Program review*** will focus on the specific subrecipient program activities. Program staff may be asked to define the strategic plans for the related programs and, as applicable, how those plans are used to help clients in those programs.

12.4.2.3. ***A Financial review*** will make the connections between the program budget, expenditures and actual beneficiaries assisted, including evidence of case managers time in client files, reviewing payroll documents for the period clients are reported, determining eligibility of clients based on income documentation in client files, the general relationship between the contents of client files (excluding Attorney Client or HIPAA confidential data) and benefit data reported by the subrecipient on the same clients.

12.4.2.4. ***The number of case files*** to be reviewed will reflect approximately 10% of the total clients served in the program, or more if there appear to be any systemic issues that need to be addressed.

12.4.2.5. ***Invoices*** may be randomly selected for review and traced back from City reimbursement to the original organization's advance expenditure and client assisted (if appropriate). For example, exact dollars billed for housing accessibility modifications can be traced directly to one client. Conversely, a different review model is required when dollars billed provided case management for multiple homeless individuals. It is expected that staff will review original invoices, cancelled checks, and other such documentation evidencing the expenditure, the relationship to the CDBG program objective, the appropriate proportion of CDBG expenditure in comparison to other funding, and accounting receipt of the federal grant funds.

12.4.3. <u>In-Depth Review</u>

12.4.4. An in-depth review will be a concentrated and focused review around a particular activity or program area. This will typically be a concentrated review of a known high-risk area or critical function, such as but not limited to:

12.4.4.1.1. Financial review for expenditures for ineligible activities,

12.4.4.1.2. Financial review for expenditures that cannot be traced through supporting documentation,

12.4.4.1.3. A program which requires donations as a condition of receiving service,

12.4.4.1.4. Management practices in affordable housing,

12.4.4.1.5. Section 504 and ADA compliance reviews upon receipt of a complaint from a person with disabilities,

12.4.4.1.6. A fair housing complaint from a home seeker treated differently while trying to obtain housing from the subrecipient,

12.4.4.1.7. Denial of services for no valid reason, or

12.4.4.1.8. Failure to meet prevailing wage requirements in construction activities subject to Davis Bacon, etc.

12.5. Administrative Process for Monitoring

12.5.1. Monitoring will be conducted in two phases. File review will generally confirm compliance with reporting requirements, financial submittals, and contract provisions and much of it will be completed prior to the onsite visit. On-site reviews will focus more on the beneficiary documentation and services provided, including quantitative performance outcomes to local and federal objectives, and financial processes and documentation only available at the program site.

12.5.2. Staff will use the risk analysis criteria identified in Section 12.4 to determine the type of monitoring approach for each subrecipient. Upon the arrangement of mutual date and time with the subrecipient, staff will send letters at least two (2) weeks in advance of the date the monitoring is to be held. The monitoring policies and checklist may be provided to the subrecipient and the letter may emphasize any specific areas of compliance to be reviewed and how files will be selected for review, as applicable.

12.5.3. At the conclusion of the monitoring visit, staff will send each subrecipient written documentation of the site visit, summarizing what was reviewed, and indicating any findings of regulatory non-compliance or concerns of program weaknesses. Additionally, staff will provide technical assistance to correct any deficiencies noted, and will acknowledge the performance level of the program, and whether they will either meet or fall short of contract goals.

12.6. Findings, Concerns & Noncompliance

12.6.1. Findings

12.6.1.1. Where an identified deficiency results in a finding of non-compliance with CDBG/ESG rules, the finding will be communicated to the subrecipient citing the finding/violation, regulatory or statutory requirement not met, and the corrective action with a deadline.

12.6.1.2. The monitoring letter should also provide timelines for response and corrections, as well as actions the City may take if the subrecipient fails to make corrections in a timely manner.

12.6.2. Concerns

12.6.2.1. Monitoring concerns will be brought to the subrecipient's attention. City staff will suggest or recommend actions that the subrecipient may take to address a concern, based on sound management principles or other guidelines. Corrective actions are not ***required*** for concerns; however City staff may offer specific recommendations and/or requests for improvement. Non-responsiveness to these concerns may impact current and future funding recommendations.

12.6.3. Actions for Non-Compliance

12.6.3.1. Subrecipients who are found to be in non-compliance and receive a finding as a result of their monitoring will be provided with technical assistance towards resolution, and actions taken by the City to achieve compliance may include, but not be limited to, withholding further disbursements of CDBG funds until satisfactory compliance with applicable regulations are achieved.

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12.6.3.2. City staff will offer technical assistance to subrecipients when monitoring indicates less than complete compliance with CDBG regulations or contract requirements. Such assistance may include, but is not limited to, providing applicable copies of Office of Management and Budget (OMB) circulars, in particular OMB Circular No. A-122 *Cost Principles for Nonprofit Organizations.* In addition, the latest edition of *Playing by the Rules* guidance for CDBG subrecipients may be provided.

13. CDBG Timeliness

13.1. Entitlement jurisdictions that receive CDBG funds, such as the City of Modesto, are required to use CDBG funds in a timely manner. Per 24 CFR 570.902, the HUD standard requires that entitlement jurisdictions not have more than 1.5 of its annual grant in its line of credit 60 days prior to the close of the program year. That date is April 30th for the City of Modesto.

13.2. The penalty for noncompliance may include sanctions, such as the loss of future CDBG funding. As such, CDBG funds are subject to reprogramming by the City if a City Project or

sub-recipient activity is no longer feasible and/or there is lack of activity and expenses within the first six months of the date of the allocation.

14. Playing by the Rules Handbook

14.1. Sub-recipients receiving CDBG funds shall adhere to all other requirements set forth in the Playing by Rules Handbook, as provided through the City of Modesto's CDBG Program: https://www.hudexchange.info/resource/687/playing-by-the-rules-a-handbook-for-cdbg-subrecipients-on-administrative-systems/

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-166

RESOLUTION APPROVING THE RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT (MSEA) FOR THE MICROSOFT ENTERPRISE PRODUCTS THROUGH THE COUNTY OF RIVERSIDE COOPERATIVE AGREEMENT NO. RIVCO-20800-009-12/19 WITH INSIGHT PUBLIC SECTOR FOR AN ESTIMATED COST OF $80,000 ANNUALLY OR $240,000 OVER THREE YEARS, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE TO SIGN THE AGREEMENT

WHEREAS, the City of Modesto has standardized on Microsoft products for its desktop, email, server operating systems and office applications, and

WHEREAS, the Microsoft Enterprise Agreement is a comprehensive volume licensing program that offers substantial cost savings over standard license pricing and,

WHEREAS, the Microsoft Enterprise Agreement requires renewal and,

WHEREAS, the County of Riverside has completed a recent formal Request for Quotation process for Microsoft Enterprise Agreement licensing and selected Insight Public Sector as the company with the most responsive and responsible bid and,

WHEREAS, the County of Riverside Cooperative Agreement (No. RIVCO-20800-009-12/19) is intended to be available and leveraged by government agencies throughout the State of California as a cooperative agreement and,

WHEREAS, based on the availability of the cooperative agreement , staff finds that the justification meets the City's purchase criteria as identified under the Modesto Municipal Code 8-3.202(h) and

WHEREAS, on February 28, 2017, the Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. As allowed by this resolution, the City Manager's Office approved an exception to this

freeze for this procurement. Justification for this exception is based upon the City's use of Microsoft products to conduct business. n

WHEREAS, funds are budgeted in Fiscal Year 2016-17, in Appropriation Unit: 5230-17810-53100 (Information Technology Fund).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the renewal of the Microsoft Enterprise Agreement by accessing the terms of the Riverside County cooperative agreement with Insight Public Sector, Inc. Tempe, AZ, for an estimated cost of $240,000;

BE IT FURTHER RESOLVED that the Acting City Manager or his designee is authorized to sign the agreement.

BE IT FURTHER RESOLVED that the Finance Director or her designee is authorized to issue a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-167

RESOLUTION APPROVING THE PURCHASE OF AN UPGRADE TO THE RECORDS MANAGEMENT SYSTEM AT THE MODESTO POLICE DEPARTMENT FROM TRITECH SOFTWARE SOLUTIONS, SAN DIEGO, CA, AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT FOR A ONE-YEAR TERM, FOR A TOTAL OF $582,202

WHEREAS, the Modesto Police Department's current Records Management System, called IQ/RMS, has limited in-house functionality, has no viable in-field functionality for patrol personnel, and creates redundant steps for personnel to create and process police reports, and

WHEREAS, the current system is not Windows 10 compatible, and

WHEREAS, a multi-disciplinary team consisting of sworn and non-sworn Modesto Police Department and Information Technology staff was formed to research and provide a recommendation for a replacement RMS product, and

WHEREAS, staff researched various RMS products and vendors, and determined the viability of 3rd party solutions in relation to their price and integration complexity was not a cost effective solution for the Department, and

WHEREAS, the team found the direct replacement of the current IQ/RMS system, Inform RMS, a system upgrade to the existing product, would immediately improve operational efficiency and lend ample opportunities for further enhancements to the Departments processes and how it distributes information, and

WHEREAS, Modesto Municipal Code section 8-3.204(c) is available where the Purchasing Manager, in his/her discretion, determines that calling for bids on a competitive basis is undesirable due to pressing (exigent) circumstances or that a process

other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with desired quality, and

WHEREAS, in this case, the Purchasing Manager has approved the purchase pursuant to Modesto Municipal Code section 8-3.204(c) because Inform RMS is the direct replacement to the IQ/RMS system, and is a system upgrade to an existing product used at the Police Department, and

WHEREAS, the current vendor, TriTech Software Solutions, in an effort to retain the Modesto Police Department as a customer, offered an upgrade credit of nearly $366,000, and

WHEREAS, the Chief Information Officer was involved in the overall selection process and approved of staff's recommendation to purchase the Inform RMS product.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the purchase of an upgrade to the Records Management System at the Modesto Police Department from TriTech Software Solutions, San Diego, CA.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the one-year agreement, in a form approved by the City Attorney, in the amount of $582,202.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-168

RESOLUTION AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2016/2017 OPERATING AND CAPITAL IMPROVEMENT BUDGETS TO APPROPRIATE EXPENDITURES OF APPROXIMATELY $582,202 FOR THE MODESTO POLICE DEPARTMENT'S PURCHASE OF AN UPGRADE TO THE RECORDS MANAGEMENT SYSTEM

WHEREAS, the Modesto Police Department's current Records Management System, called IQ/RMS, has limited in-house functionality, has no viable in-field functionality for patrol personnel, and creates redundant steps for personnel to create and process police reports, as well as not being Windows 10 compatible, and

WHEREAS, a multi-disciplinary team consisting of sworn and non-sworn Modesto Police Department and Information Technology staff was formed to research and provide a recommendation for a replacement RMS product, and

WHEREAS, the team found the direct replacement of the current IQ/RMS system, Inform RMS, a system upgrade to the existing product, would immediately improve operational efficiency and lend ample opportunities for further enhancements to the Department's processes and how it distributes information, and

WHEREAS, the current vendor, TriTech Software Solutions, in an effort to retain the Modesto Police Department as a customer, offered an upgrade credit of nearly $366,000, and

WHEREAS, the expenses for the initial purchase of the Inform RMS upgrade ($582,202) will come from 2015-16 State Law Enforcement Supplemental Funding ($210,038); MPD Asset Forfeiture Funds ($180,000); and existing appropriations in the Police Department's Operating Budget for FY2016-17 in cost center 19210 – 53505 –

Intergovernmental Services – Other ($82,763) and cost center 19320-57005 – Information Technology Equipment >$5k ($109,401) for a total of $192,164 funded from the General Fund, and

WHEREAS, included in the agreement is an annual maintenance fee for one year for costs of approximately $72,371, and each additional year will be incorporated into the Police Department's annual budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets to appropriate expenditures for the first year of approximately $582,202 for the Modesto Police Department's purchase of an upgrade to the Records Management System.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to amend the Fiscal Year 2016/2017 Operating and Capital Improvement Budgets in conformance with this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-169

Print

RESOLUTION APPROVING AN AGREEMENT WITH PROVOST & PRITCHARD CONSULTING GROUP, INC., MODESTO, CA, FOR DESIGN SERVICES FOR THE STRENGTHEN AND REPLACE LA LOMA NEIGHBORHOOD – EL VISTA AVENUE TO RIVERSIDE DRIVE PHASE 1 PROJECT, IN AN AMOUNT NOT TO EXCEED $97,918 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $9,792 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $107,710, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, this project will replace and upgrade deficient water mains, associated valves, and fire hydrants to improve system reliability, flows and pressure, and

WHEREAS, the project area is bounded by Encina Avenue on the north, Trask Lane on the east, El Vista Avenue to the west and Yosemite Boulevard to the south, and

WHEREAS, existing water mains in the project area are aged, undersized steel mains, which are prone to leaking and low pressure, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was sent to four pre-qualified local consultants for Civil Engineering Services for Capital Improvement Program Projects, and

WHEREAS, on March 8, 2017, staff received and distributed three proposals to a selection committee consisting of Utilities engineering staff, and

WHEREAS, the selection committee evaluated the proposals and determined Provost & Pritchard Consulting Group, Inc. (P&P), to be the most qualified and responsive, and

WHEREAS, P&P's sealed cost proposal was opened after the selection ranking had been finalized, and

WHEREAS, P&P's proposal cost and scope were reviewed and determined to be reasonable to provide design services, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Project Management; 2) Meetings with City & Caltrans staff; 3) Topographic Survey; and 4) Preparation of Plans, Specifications and Preliminary Cost Estimates, and

WHEREAS, the design services for Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project falls within the scope of services of P&P's proposal, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the project is already approved and adopted as part of the current FY2016-17 Capital Improvement Program, and is needed to provide safe and reliable water distribution., and

WHEREAS, there are sufficient funds available in Water Fund Reserves for the necessary budget amendment, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, however, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with Provost & Pritchard Consulting Group, Inc. for design services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Provost & Pritchard Consulting Group, Inc., Modesto, CA, for design services for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project, in an amount not to exceed $97,918 for the identified scope of services, plus $9,792 for additional services (if needed), for a maximum total amount of $107,710.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-170

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $115,000 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE DESIGN SERVICES INCLUDING STAFF TIME FOR THE STRENGTHEN AND REPLACE LA LOMA NEIGHBORHOOD – EL VISTA AVENUE TO RIVERSIDE DRIVE PHASE 1 PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$115,000**, in order to fund the consultant agreement plus City staff support for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to consultant agreement costs plus staff time being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100953 "La Loma-El Vista to Riverside", and the total project costs need to be increased by $115,000. This would be done by adjusting Eng/Design/Admin by $115,000.

To fund the above account, $115,000 will be transferred from Water Fund Reserves into CIP Project 100953 for the Strengthen and Replace La Loma Neighborhood – El Vista Avenue to Riverside Drive Phase 1 Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-171

Print

RESOLUTION APPROVING AMENDMENT NO. 6 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO FURTHER DEFINE ALLOWABLE AND CONDITIONAL USES IN THE BUSINESS PARK LAND USE DESIGNATION OF THE SPECIFIC PLAN, PARTICULARLY REGARDING ANCILLARY RETAIL USES

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159 adopted the Kiernan Business Park Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and

WHEREAS, on November 4, 1997, the City Council by Resolution No. 97-631 adopted Amendment No. 1 to the Kiernan Business Park Specific Plan to add language to allow for changes in utility service providers, and

WHEREAS, on April 7, 1998, the City Council by Resolution No. 98-170 adopted Amendment No. 2 to the Kiernan Business Park Specific Plan to add language to permit indoor theaters in the Regional Commercial Designation within a Planned Development Zone, and

WHEREAS, on August 10, 2004, the City Council by Resolution No. 2004-424 adopted Amendment No. 3 to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street

system in the future business park, and to incorporate design standards into the Specific Plan, and

WHEREAS, on September 1, 2009, the City Council by Resolution No. 2009-420 adopted Amendment No. 4 to re-designate 39 acres located on the east side of Dale Road between Kiernan Avenue and Bangs Avenue from Business Park to Mixed Use and Medium-High Density Residential, to modify the circulation plan, incorporate Mixed Use and Medium-High Density Residential design standards and guidelines, and establish facilities plans for the area bounded by Kiernan Avenue, Dale Road, Bangs Avenue, and American Avenue, and

WHEREAS, on December 15, 2015, the City Council by Resolution No. 2015-499 adopted Amendment No. 5 to amend storm drain provisions and to clarify and simplify land use and development standard regulations, and

WHEREAS, on April 3, 2017, at 6:00 p.m. the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered concerning the proposed specific plan amendment, and

WHEREAS, after said public hearing, the Modesto City Planning Commission by Resolution No. 2017-08, recommended to the City Council approval of the proposed Amendment No. 6 to the Kiernan Business Park Specific Plan to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 2. 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all recitals above are true and correct and incorporated as part of this Resolution.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby finds and determines as follows:

1. The proposed amendment to the Kiernan Business Park Specific Plan is consistent with the General Plan, because the project site is located within the Business Park (BP) land use designation of the City of Modesto Urban Area General Plan, with land uses as prescribed by the Kiernan Business Park Specific Plan. The Specific Plan amendment clarifies some ambiguity regarding land uses in the BP designation. The clarification will help meet the goal of high quality business and industrial center for the BP designation in conformance to the General Plan.

2. The proposed amendment is consistent with the Kiernan Business Park Specific Plan policies and standards because the clarification to the land uses will define the limits for retail and personal service uses and will preserve predominantly office and light industrial uses in the BP designation. The Specific Plan amendment also allows a gas station with convenience store as a new allowable use along Dale Road because it is an appropriate use serving the employees of the business park.

3. The proposed amendment is compatible with surrounding and existing planned uses because the proposed land use changes provide clarification of uses and not intensification of uses. The Addendum, **attached** to Resolution No. 2017- , prepared for this amendment analyzed the potential noise and traffic impacts of the amendment and concluded that there would be no additional impacts beyond those identified in the Kiernan Business Park Amendment No. 4 EIR.

4. The proposed amendment to will not have a visual impact because the design guidelines that will apply Kiernan Business Park Specific Plan are not being changed.

5. The proposed amendment will not have a significant traffic impact because gas stations with convenience stores being an allowable use will not result in increased trips that would require a traffic study, and would not change the Kiernan Business Park Amendment No. 4 EIR's

conclusions regarding the intensity and location of significant traffic impacts.

6. The proposed amendment will not impact infrastructure or financing plan because no changes are proposed affecting either plan.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Kiernan Business Park Specific Plan is hereby amended to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses, as shown on **Exhibit "A" attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Kiernan Business Park Specific Plan Amendment No. 6

"OFFICIAL" FILE COPY

City of Modesto

Determination:
Project within the Scope of the
Kiernan Business Park Specific Plan Amendment #4
Environmental Impact Report (SCH# 2007062071)
for:

Kiernan Business Park Specific Plan Amendment #6

Prepared by:

City of Modesto
Community & Economic Development Department
Planning Division

March 2, 2017

WRITTEN CHECKLIST

EA/C&ED No. 2017-08

I. Purpose

This written checklist is prepared pursuant to CEQA Guidelines Section 15164, which provides for a lead agency or responsible agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.

II. EIR Information

Program Name: Kiernan Business Park Specific Plan Amendment #4

Program Boundaries: The 153-acre area is bounded on the north by Kiernan Avenue, on the west by Dale Road, on the south by Bangs Avenue, and on the east by a line extending south from American Avenue and parallel to Dale Road

Program Description: This program includes the following components, as listed on page II.2 of the EIR:

> Adoption of Kiernan Business Park Specific Plan amendments. Proposed amendments would amend the Land Use Plan Diagram to show the change in land use designation from BP to MU and MHDR; would amend the Circulation Plan Diagram to reflect changes to the planned roads and to show new roads; would amend the Bike Paths Figure to reflect changes to the planned bicycle facilities and to show new bicycle facilities; would amend the Illustrative Public Facilities Diagram to reflect changes to the planned water, storm, and sanitary sewer pipeline alignments and to show new water, storm, and sanitary sewer pipelines; would introduce a Street Cross Section Diagram for Healthcare Way, The Plaza Way, and Chopra Parkway; would amend the text of the Land Use chapter of the Specific Plan to include project-specific Development Standards and Design Guidelines; and would amend the text of the Circulation and Access and Public Facilities chapters of the Specific Plan to reflect the proposed changes.
>
> Adoption of an amendment to the Urban Area General Plan. The proposed amendment would redesignate the 39-acre area proposed to be modified in the Specific Plan of the Kiernan/Carver Comprehensive Planning District (CPD) of the General Plan from BP to MU.
>
> Approval of a Development Agreement, if applicable.
>
> Approval of a Tentative Subdivision Map and/or tentative parcel map, if applicable.
>
> Adoption of a resolution initiating annexation of a 67-acre portion of the project site.
>
> Adoption of a resolution to approve rezoning.
>
> Adoption of a Facilities Master Plan and an Infrastructure Financing Plan.
>
> Formation of a Community Facilities District.
>
> Approval by the Local Agency Formation Commission (LAFCO). LAFCO will review reorganization of the amended Kiernan Business Park Specific Plan, including the

annexation of the 67-acre portion of the 153-acre project site to the City of Modesto and the Modesto Municipal Sanitary Sewer District No. 1, and simultaneously detach this portion of the project site from the Salida Fire Protection District.

Approval by MID. MID must review the proposed storm water drainage system, which proposes discharge to MID Lateral No. 6. Upon acceptance of the proposed storm water drainage system, MID would enter into a Drainage Agreement with the City.

Program Certification Date: September 1, 2009

State Clearinghouse Number: 2007062071

III. Project Information

Project Name: Kiernan Business Park Specific Plan Amendment #6

Project Location: South of Kiernan Avenue, east of Stoddard Road, and west of American Avenue extension.

Project Description: This specific plan amendment further defines the allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly as regards to ancillary retail uses.

General Plan Designation: Business Park (BP)

Zoning: Specific Plan (SP) as part of the Kiernan Business Park Specific Plan.

Lead Agency: City of Modesto, 1010 Tenth St., Modesto, CA. 95354

Contact Person: Paul Liu, Senior Planner, 209-577-5267

Project Applicant: Jivtesh Gill, 8657 Ranch Road, Tracy, CA 95304

Other Public Agencies whose Approval is Required: None

IV. Determination:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Sections 15162 the following is true for the proposed project:

1. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment #4 EIR are required.

2. No substantial changes have occurred with respect to the circumstances under which the proposed project are undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment #4 EIR are required.

3. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Kiernan Business Park Specific Plan Amendment #4 EIR was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Kiernan Business Park Specific Plan Amendment #4 EIR, or

   b. significant effects which were previously examined will be substantially more severe than previously shown, or

   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or

   d. mitigation measures or alternatives which are considerably different from those analyzed in the Kiernan Business Park Specific Plan Amendment #4 EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

4. The Written Checklist, Environmental Assessment No. EA/C&ED No. 2017-08, provides the substantial evidence to support findings 1-3, above, and the City hereby determines that no further environmental documentation is required for the proposed project.

Paul Lan — 3-13-17

Project Manager — Date

V. Project Evaluation:

The following written Checklist serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15164 to determine whether the environmental effects of the operation were covered in the Kiernan Business Park Specific Plan Amendment #4 Program EIR.

I.	**AESTHETICS.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?				X
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?				X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?				X

Aesthetic and visual impacts are analyzed on pages 21 through 25 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that there are no identified scenic vistas or scenic resources on or within the vicinity of the project site.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area.

d. Future development within the project area would create new sources of nighttime light. The Design Guidelines of the Kiernan Business Park Specific Plan would require measures such as shielding and landscaping to reduce the impact to a less-than-significant level.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Aesthetic impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

II.	**AGRICULTURAL RESOURCES.** In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b.	Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				X
c.	Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Impacts on agricultural resources are analyzed on pages IV.B.6 through IV.B.10 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR found that land designated as Prime Farmland would be lost as a result of development in the project area. This impact was determined to be significant and unavoidable. The City of Modesto adopted a statement of overriding consideration for this impact. A mitigation measure was provided but would not mitigate the loss of Prime Farmland to less-than-significant level. The mitigation measure states that prior to development, the City Council would consider a farmland mitigation program for the loss of prime farmland. On April 9, 2013, the City Council, adopted Resolution 2013-129, to consider preparing an agricultural policy that would not apply to land in City limits and exempted Kiernan Business Park from any agricultural mitigation requirements.

b. The project area is zoned SP as part of the Kiernan Business Park Specific Plan. No land in the project areas is zoned for agricultural use.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified the conversion of Prime Farmland to new business park, residential, and commercial uses. The Program EIR identified the project would not hinder the continued use of the agricultural lands to the north and east of the Specific Plan area. Therefore, the project's impacts on surrounding ongoing agricultural operations would be considered less-than-significant.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Agricultural Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

III.	**AIR QUALITY.** When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d.	Expose sensitive receptors to substantial pollutant concentrations?				X
e.	Create objectionable odors affecting a substantial number of people?				X
f.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
g.	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Impacts on air quality are analyzed on pages IV.D.26 through IV.D.43 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that air pollution from project-related construction and during project operation would contribute to existing violations of ambient air quality standards. The impacts were determined to be significant and unavoidable. Partial mitigation for these impacts is included in the Program EIR, and the City of Modesto adopted a statement of overriding consideration for each impact.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the project would cause a cumulatively considerable net increase of pollutants in the San Joaquin Valley is designated as nonattainment. Project related emissions would cumulatively increase mobile source activity and associated regional emissions of ROG, NOx and PM 10. The impacts were determined to be significant and unavoidable. Partial mitigation for these emissions is included in the Program EIR, and the City of Modesto made a statement of overriding consideration for each impact.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the proposed land uses would not generate substantial Toxic Air Contaminants (TAC) emissions that would affect sensitive receptors. No stationary source of TACs within a one mile radius of the project center has been found to emit TACs at a level that represents an unacceptable increased health risk to the general public.

e. The Kiernan Business Park Specific Plan Amendment #4 EIR considered the BP (Business Park) designation which allows for ancillary small-scale retail uses intended to provide services to employees of the business park. Commercial uses such as gas stations and restaurants could create odors in the vicinity but would not be significant.

f. The Kiernan Business Park Specific Plan Amendment #4 EIR determined the cumulative greenhouse gas emissions may contribute to global warming. With implementation of mitigation measures, the significant impact would be reduced to a less-than-significant level.

g. The Kiernan Business Park Specific Plan Amendment #4 EIR did not identify any conflict with any plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases. The Kiernan Business Park Specific Plan Amendment #4 EIR discusses the federal, state, and local greenhouse gas policies in effect that apply to the proposed project. These include the Air Quality Policies of the Urban Area General Plan analyzed in the Master Environmental Impact Report (MEIR, 2008) that apply to the project. The MEIR identifies policies in effect that have been determined to reduce, avoid or mitigate air quality and climate change environmental impacts within the existing City limits and within the Planned Urbanizing Areas.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Air Quality impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

IV.	**BIOLOGICAL RESOURCES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?				X

Impacts on biological resources are analyzed on pages IV.G.9 through IV.G.14 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the project would result in the loss of occupied Burrowing Owl habitat. Upon development of the project site, mitigation measures are required that would reduce the impacts on this species to less-than-significant levels.

b. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find that any riparian habitat or other designated sensitive natural community present in the project area, and so found that the project would have a less-than-significant impact.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find any protected wetlands on the project site.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR identified migratory birds, including raptors, as nesting in the vicinity. Mitigation measures are provided to reduce the impact to less-than-significant.

e.-f. The Kiernan Business Park Specific Plan Amendment #4 EIR found no local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans that apply to the project area.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Biological Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

V.	**CULTURAL RESOURCES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Cultural resources impacts are analyzed on pages 36 through 41 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- d. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that there are no known historic, archaeological, or paleontological resources in the areas of the proposed Project. However, the presence of these cultural resources cannot be conclusively ruled

out. Upon development, implementation of General Plan policies would ensure that potential cultural impacts would be less-than-significant.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Cultural Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new mitigation measures or alternatives are required.

VI.	**GEOLOGY AND SOILS.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
	Strong seismic groundshaking?				X
	Seismic-related ground failure, including liquefaction?				X
	Landslides?				X
b.	Result in substantial soil erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?				X

Impacts associated with geology and soils are analyzed on pages 41 through 44 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the areas of the project site are not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures are required.

c.- d. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that the underlying soil in the project site is not susceptible to liquefaction, landslides, or shrink/swell or expansion potential. No significant impacts were identified, and no mitigation measures are required.

e. The project site would be served by public sewers. Septic tanks or alternative wastewater disposal systems would not be introduced on the project site and existing septic tanks would have to be removed at time of development.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Geology and Soils impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

VII.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.	Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?				X
f.	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Impacts associated with hazards and hazardous materials are analyzed on pages IV.F.6 through IV.F.9 of the EIR certified on September 1, 2009

Responses to Checklist Questions

a.– c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified that the project area would not involve the routine transport, use, or disposal of hazardous materials. Construction activities could result in drainage of hazardous materials. These would be mitigated to less-than-significant levels through implementation of the adopted Guidance Manual for New Development Stormwater Quality Control Measures.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded there is the potential of exposing construction workers to hazardous substance if contaminated soil or ground water is discovered during construction activities. In the event of future

development, mitigation measures are required that would reduce this impact to a less-than-significant level.

e. The project area is located over 7.5 miles from the nearest public airport. There would be no impact. No mitigation is required.

f. The project area is located over 5 miles from the nearest private airport. There would be no impact. No mitigation is required.

g. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that development of the project area would not interfere with an adopted emergency response plan or emergency evacuation plan. No mitigation is required.

h. The Kiernan Business Park Specific Plan Amendment #4 EIR identified that the surrounding area is largely agricultural or developed. There is no expectation that new development in the project area would expose people or structures to wildland fires. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Hazards and Hazardous Materials impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

VIII.	**HYDROLOGY AND WATER QUALITY.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements?				X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?				X
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?				X
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f.	Otherwise substantially degrade water quality?				X
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

h.	Place within a 100-year flood hazard area structures that would impede or redirect floodflows?				X
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Contribute to inundation by seiche, tsunami, or mudflow?				X

Impacts associated with hydrology are analyzed on pages IV.H10 through IV.H.17 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR identified the potential for pollutants from construction sites or from future land uses that could be transported to surface waters and groundwater potentially reducing the water quality. Upon future development, mitigation measures are required that would reduce the impacts to a less-than-significant level.

b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the construction and operation of the required detention basin system is expected to offset the minor losses of groundwater recharge associated with the increased impervious coverage proposed by the project. Amendment #5 of the Specific Plan, adopted by the Modesto City Council on December 15, 2015 by Resolution No. 2015-499, replaced the detention basin system originally required in the Specific Plan with on-site treatment for individual properties and a combination of vegetative swales and underground storage/percolation facilities within the streets. On-site storm water treatment in accordance to the new system, which is required by the State and would increase groundwater recharge, is to be implemented at the project site.

c.– e. The Kiernan Business Park Specific Plan Amendment #4 EIR found that development could substantially alter the existing drainage pattern of the area; however, because there are mitigation measures requiring the project to incorporate an urban storm drain system, the erosion or flooding impacts will be less-than-significant.

f. The Kiernan Business Park Specific Plan Amendment #4 EIR found that existing water supply wells, if not properly managed or decommissioned, could be damaged during construction and cause water quality degradation. For any future development, a mitigation measure is required that would reduce the impact to a less-than-significant level.

g.– i. The project site is not located within any 100-year flood hazard area. The nearest river is the Stanislaus River, approximately 2 miles to the north. There would be no additional impact, and no mitigation is required.

j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Hydrology and Water Quality impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

IX.	**LAND USE AND PLANNING.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Impacts associated with land use and planning are analyzed on pages IV.A.9 through IV.A.11 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The proposed project would not result in any physical changes to the environment beyond those identified in the Kiernan Business Park Specific Plan Amendment #4 EIR. The City has not adopted plans and policies as thresholds for significant impacts. There would be no impact and no mitigation is required. The current BP designation allows ancillary small-scale retail and service uses intended to serve the employees in the business park but lacks specifics on the amount. The proposed project quantifies ancillary retail and service uses, allows gas station with convenience store on a property located along Dale Road, and clarifies business services and wholesale and distribution uses. These changes mostly provide clarification instead of intensification of land uses in the BP designation.

c. There are no known habitat conservation plans or natural community conservation plans associated with this project. There would be no impact. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Land Use and Planning impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new mitigation measures or alternatives are required.

X.	**MINERAL RESOURCES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

Impacts associated with mineral resources are analyzed on pages 52 through 53 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. No known mineral resources or important recovery sites are located in the project area.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Mineral Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XI.	**NOISE.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?				X
b.	Expose persons to or generate excessive groundborne vibration or groundborne noise levels?				X
c.	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d.	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e.	Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?				X
f.	Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?				X

Impacts associated with noise are analyzed on pages IV.E.12 through IV.E.23 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified that project related traffic would not cause substantial noise levels for sensitive receptors in the project vicinity. However, project related traffic could cause substantial noise levels for sensitive receptors within the project area. New stationary and non-stationary sources could generate noise levels incompatible with ordinances or goals for the surroundings. Any future development would be required to implement mitigation measures that would reduce the noise impacts to a less-than-significant level.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR found that construction of the project site could result in a substantial temporary increase in ambient noise levels. Mitigation measures are required for future development that would reduce the noise impacts to a less-than-significant level

e.- f. The Kiernan Business Park Specific Plan Amendment #4 EIR found that project area is not located in an airport land use plan area or within 2 miles of a public airport. The nearest private airport is about 5 miles away.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Noise impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XII.	**POPULATION AND HOUSING.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				X
b.	Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?				X
c.	Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?				X

Impacts associated with population and housing are analyzed on pages 56 through 58 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that the development of the project site would induce population growth but at a less-than-significant level.

b.- c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified 13 home sites that would be demolished throughout the amendment area. The amount of persons displaced overall was determined to be less-than-significant by the Program EIR, and therefore no mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Population and Housing impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new mitigation measures or alternatives are required.

XIII.	**PUBLIC SERVICES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public				

services:				
1. Fire protection?				X
2. Police protection?				X
3. Schools?				X
4. Parks?				X
5. Other public facilities?				X

Impacts on public services are analyzed on pages IV.I.5 through IV.I.20 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a-1. The nearest City of Modesto Fire Station to the project site is Station No. 11, located approximately two miles away at Carver Road and Pelandale Avenue. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the existing personnel and apparatus at Station No. 11 would be adequate to meet the need of increased demand for future commercial and medium-high density residential development. Therefore, the physical impact would be at a less-than-significant level. No mitigation is required.

a-2. The Kiernan Business Park Specific Plan Amendment #4 Program EIR found that development of the area would result in an increase of MPD officer hours; however, long-range financing strategies are in place that would allow the City to allocate the necessary funds to extend those police services to the project site. Therefore, the physical impact would be at a less-than-significant level. No mitigation is required.

a-3-5. The Kiernan Business Park Specific Plan Amendment #4 EIR found that development of the project site that would include residential uses would result in increased use and demand on school and park facilities but not at a significant level. There would be no impact. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Public Services impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XIV. RECREATION. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

Impacts associated with recreation are analyzed on pages 61 through 62 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. No significant impacts on recreation facilities were identified in the Program EIR.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Recreation impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XV.	**TRANSPORTATION/TRAFFIC.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?			X	
b.	Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?			X	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?				X
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Impacts on transportation and traffic are analyzed on pages IV.C.37 through IV.C.85 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that development of the project site would result in significant impacts at study intersections and roadway segments. There would also be significant cumulative impacts on road way segments. Mitigation measures were identified in the Program EIR to reduce some of the traffic impacts to a less-than-significant level. Other traffic impacts were determined to be significant and unavoidable because the mitigation measures were found infeasible. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the EIR.

The proposed amendment would allow gas stations with convenience stores on Business Park-designated parcels fronting on Dale Road. Given the limited number of parcels affected by this amendment (six parcels, some of which have access limitations making it unlikely for a service station to locate on them), it is reasonable to assume the amendment would potentially result in no more than two service stations. If two service stations were to develop as a result of this amendment, this change would result in combined potential maximum net-increase of approximately 80 peak-hour vehicle trips as compared to other uses that could be developed on those parcels (net-increase of 40 peak hour trips per parcel). This net-increase is lower than the threshold of a project that generates 100 or more peak hour trips that may require a traffic study.

Additionally, based on a review of the analysis results presented in the Kiernan Business Park Specific Plan Amendment #4 EIR, this change in potential peak hour trips would not change the overall EIR conclusions regarding the location of significant impacts.

The current specific plan allows ancillary retail and service uses but does not provide any specifics. The proposed amendment would define ancillary retail and service uses as being a maximum of 20% or 2,000 square feet per building, whichever is less. This provides needed clarification of what ancillary use means. More retail and service uses may be permitted for properties located along Dale Road with a maximum of 50% or 5,000 square feet per building, whichever is less, but requires a conditional use permit approval. Any necessary traffic review would occur at time of project submittal.

c. Kiernan Business Park Specific Plan Amendment #4 EIR concluded there would not be any change to air traffic patterns or air traffic related safety. There would be no impact. No mitigation is required.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR determined there would not be a substantial increase in hazards due to a design feature. No mitigation is required.

e. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find that development of the project area would result in inadequate emergency access in the Specific Plan area. Therefore, there would be no impact on emergency service access. No mitigation is required.

f. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find that development of the project area would result in inadequate parking capacity. There would be no impact. No mitigation is required.

g. The Kiernan Business Park Specific Plan Amendment #4 includes bicycle paths and lanes. The proposed retail development does not include any changes related to alternative transportation policies, and would have no impact. No mitigation is required.

The proposed project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Transportation and Traffic impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

	XVI. UTILITIES AND SERVICE SYSTEMS. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?				X
e.	Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X

Impacts on utilities and service systems are analyzed on pages IV.H.10 through IV.H.17, pages IV.J.16 through IV.J.11, and pages IV.K.10 through IV.K.17 of the EIR certified September 1, 2009.

Responses to Checklist Questions

a., e. The Kiernan Business Park Specific Plan Amendment #4 EIR identifies that development of the project area would result in an increased demand for wastewater collection, treatment, and disposal but not at a significant level.

b. The Kiernan Business Park Specific Plan Amendment #4 EIR discusses that new project specific water facility would be needed to maintain adequate water pressure, but would not require new wastewater facilities beyond those facilities already anticipated by the Wastewater Master Plan Update. The impact to water and wastewater facilities are found to be less-than-significant.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR discusses the new storm drainage facilities that will be needed in order to accommodate build out of the project area. The EIR found that, with mitigation, there would be no significant impact on storm drainage facilities.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR found that, based on a Water Supply Assessment, there will be sufficient water supply to serve the project area and the impact on water demand would be less-than-significant. No mitigation is required.

f., g. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the Modesto and Stanislaus County Waste-to-Energy Plant has sufficient capacity to accommodate the project's solid waste disposal needs.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Utility and Services System impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XVII.	MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b.	Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
c.	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X

Responses to Checklist Questions

a. The proposed Project would not result in significant impacts on the environment over and above those associated with implementation of the Kiernan Business Park Specific Plan Amendment #4, as analyzed in the Program EIR. The proposed Project was contemplated by and is consistent with the Program EIR.

b. The proposed Project would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Kiernan Business Park Specific Plan Amendment #4 and as analyzed in the Program EIR.

c. The proposed Project would not result in any significant impacts affecting humans over and above those associated with implementation of the Kiernan Business Park Specific Plan Amendment #4 and as analyzed in the Program EIR.

V. Mitigation Applied to Project

All development will be subject to the mitigation measures identified in the Program EIR applied where applicable as listed below. No new project-specific mitigation measures are necessary .

Aesthetics Measures: None.

Agricultural Resources Measures: None.

Air Quality Measures: Mitigation Measure D.1 (Page 4 of the Mitigation Monitoring and Reporting Program): The construction plans for each group of buildings shall

incorporate the following recommendations from the District to minimize emissions during construction phases:

1. The project developers shall review Regulation VIII of the SJVAPCD regulations and submit a compliance plan to the City of Modesto prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation VIII will be implemented.

2. Prior to the issuance of construction contracts, the project developers shall perform a review of new technology, as it relates to heavy-duty equipment, to determine what, if any, advances in emissions reduction are available for use. (Information is available at CARB's website http://www.arb.ca.gov/msprog/aftermkt/aftermkt.htm.) Recently, CARB initiated a number of incentive programs to offer funds for retrofitting existing heavy-duty engines in public and private fleets to reduce PM and NOx emissions. CARB has evaluated and certified retrofit systems to be used in PM or NOx incentive programs. (Applicants who plan to participate in any of the CARB's retrofit programs may obtain additional information by viewing the CARB's Diesel Mobile Programs website at http://www.arb.ca.gov/diesel/mobile.htm.) The SJVAPCD should be consulted during this process.

3. Dust suppression shall be implemented on all disturbed areas, including inactive outdoor storage piles, by application of water, chemical stabilizer/suppressant, or covering with a tarp, vegetative ground cover, or other suitable cover.

4. Dust suppression shall be implemented following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles using water or chemical stabilizer/suppressant.

5. Dust suppression shall be implemented on all on-site unpaved roads, and off-site unpaved access roads used during the construction phase, using water or chemical stabilizer/suppressant.

6. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions by application of water during the activity or by presoaking.

7. When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

8. The project developers shall limit traffic speed on unpaved roads to 15 miles per hour.

9. The project developers shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

10. The project developers shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.

11. The project developers shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust.

12. The project developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.

13. The project developers shall limit the area subject to excavation, grading, and other construction activity at any one time.

14. The project developers shall ensure that the accumulation of mud or dirt (track-out) is expeditiously removed from adjacent public streets if it extends more than 50 feet from the construction site or at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions).

15. The project developers shall use alternative-fuel construction equipment, where feasible.

16. The project developers shall minimize idling time (e.g., to a 10-minute maximum).

17. The project developers shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use to the minimum practical.

18. The project developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.

19. The project developers shall take steps to curtail construction activity during periods of high ambient pollutant concentrations; this may include reducing construction activity during the peak hour of vehicular traffic on adjacent roadways or ceasing construction activity during days declared as Spare the Air days by the SJVAPCD.

20. The project developers shall manage activity tasks to reduce cumulative short-term impacts.

Biological Resources Measures: Mitigation Measure G.1a (Page 21 of the Mitigation Monitoring and Reporting Program): Implementation of formal CDFG guidelines (Staff Report on Burrowing Owl Mitigation) to avoid and minimize impacts to Burrowing Owls. In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFG guidelines for Burrowing Owls should be completed prior to the start of construction. Burrowing Owl habitat on the project site and within a 500-foot (150 m) buffer zone should be assessed. If the habitat assessment concludes that the site and immediate vicinity lack suitable Burrowing Owl habitat, no additional action would be warranted.

However, if suitable habitat is located on, or immediately adjacent to, the site, all Burrowing Owl habitat should be mapped at an appropriate scale, and the following mitigation measures should be implemented:

21. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for Burrowing Owls, in conformance with CDFG guidelines, should be completed no more than 30 days prior to the start of construction within suitable habitat. Three additional surveys should also be completed per CDFG guidelines prior to construction.
22. No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.
23. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting Burrowing Owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.
24. If accidental take (disturbance, injury, or death of owls) occurs, the CDFG will be notified immediately.

Cultural Resources Measures: Mitigation Measure AH-12 from the City of Modesto Urban Area General Plan MEIR should be applied to the project, as referenced by the Initial Study Environmental Checklist for the Kiernan Business Park FEIR prepared by Turnstone Consulting on June 15, 2007:

25. If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes.

Geology and Soils Measures: None.

Hazard and Hazardous Materials Measures: Mitigation Measure F.2 (Page 20 of the Mitigation Monitoring and Reporting Program):

26. Conduct Phase 1 Environmental Site Assessments, conduct site investigations, and implement remediation as necessary.

Hydrology and Water Quality Measures: Mitigation Measure H.1 (Page24 of the Mitigation Monitoring and Reporting Program):

27. The project proponent shall prepare an SWPPP for each development project under the Specific Plan (or one master SWPPP for all development) designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than 1 acre).The project SWPPP shall include and adequately address all elements in the State General Construction Permit (Waste Discharge Requirements for Discharges of Stormwater Runoff

Associated with Construction Activity, State Water Resources Control Board Order Number 99-08-DWQ).

Land Use and Planning Measures: None.

Mineral Resources Measures: None.

Noise Measures: None.

Population and Housing Measures: None

Public Services Measures: None.

Recreation: None.

Transportation/Traffic Measures: None.

Utility and Service System Measures: None.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-172

RESOLUTION APPROVING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED KIERNAN BUSINESS PARK SPECIFIC PLAN AMENDMENT NO. 4 PROGRAM EIR (SCH NO. 2007062071) FOR KIERNAN BUSINESS PARK SPECIFIC PLAN AMENDMENT NO. 6 TO FURTHER DEFINE ALLOWABLE AND CONDITIONAL USES IN THE BUSINESS PARK LAND USE DESIGNATION OF THE SPECIFIC PLAN, PARTICULARLY REGARDING ANCILLARY RETAIL USES

WHEREAS, on September 1, 2009, the City Council of the City of Modesto certified the Kiernan Business Park Specific Plan Amendment No. 4 Environmental Impact Report (SCH No. 2007062071) for Amendment No. 4 to the Kiernan Business Park Specific Plan, and

WHEREAS, City of Modesto has proposed Kiernan Business Park Specific Plan Amendment No. 6 to further define allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses, and

WHEREAS, the City of Modesto's Community & Economic Development Department prepared the Addendum to the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR based on Environmental Assessment No. EA/C&ED 2017-08, which concludes that no major revisions to the previously-certified Kiernan Business Park Specific Plan Amendment No. 4 Program EIR (SCH No. 2007062071) are needed as a result of the project, and that, pursuant to Section 15162 and 15164 of the CEQA Guidelines, no new environmental review is required, and

WHEREAS, the Addendum need not be circulated for public review pursuant to Section 15164, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 2, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Addendum with Initial Study prepared for the proposed Kiernan Business Park Specific Plan Amendment No. 6, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment No. 4 EIR are required.

2. No substantial changes have occurred with respect to the circumstances under which the proposed project are undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment No. 4 EIR are required.

3. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Kiernan Business Park Specific Plan Amendment No. 4 EIR was adopted which shows any of the following:

    a. One or more significant effects which is not discussed in the Kiernan Business Park Specific Plan Amendment No. 4 EIR, or

    b. Significant effects which were previously examined will be substantially more severe than previously shown, or

    c. Previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or

    d. Mitigation measures or alternatives which are considerably different from those analyzed in the Kiernan Business Park Specific Plan Amendment No. 4 EIR would substantially reduce one or more

significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

4. The Written Checklist, Environmental Assessment No. EA/C&ED No. 2017-08, provides the substantial evidence to support findings 1-3, above, and the City hereby determines that no further environmental documentation is required for the proposed project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Addendum and Initial Study

EA/C&ED 2017-08

"OFFICIAL" FILE COPY

City of Modesto

Determination:
Project within the Scope of the
Kiernan Business Park Specific Plan Amendment #4
Environmental Impact Report (SCH# 2007062071)
for:

Kiernan Business Park Specific Plan Amendment #6

Prepared by:

City of Modesto
Community & Economic Development Department
Planning Division

March 2, 2017

WRITTEN CHECKLIST

EA/C&ED No. 2017-08

I. Purpose

This written checklist is prepared pursuant to CEQA Guidelines Section 15164, which provides for a lead agency or responsible agency to prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.

II. EIR Information

Program Name: Kiernan Business Park Specific Plan Amendment #4

Program Boundaries: The 153-acre area is bounded on the north by Kiernan Avenue, on the west by Dale Road, on the south by Bangs Avenue, and on the east by a line extending south from American Avenue and parallel to Dale Road

Program Description: This program includes the following components, as listed on page II.2 of the EIR:

> Adoption of Kiernan Business Park Specific Plan amendments. Proposed amendments would amend the Land Use Plan Diagram to show the change in land use designation from BP to MU and MHDR; would amend the Circulation Plan Diagram to reflect changes to the planned roads and to show new roads; would amend the Bike Paths Figure to reflect changes to the planned bicycle facilities and to show new bicycle facilities; would amend the Illustrative Public Facilities Diagram to reflect changes to the planned water, storm, and sanitary sewer pipeline alignments and to show new water, storm, and sanitary sewer pipelines; would introduce a Street Cross Section Diagram for Healthcare Way, The Plaza Way, and Chopra Parkway; would amend the text of the Land Use chapter of the Specific Plan to include project-specific Development Standards and Design Guidelines; and would amend the text of the Circulation and Access and Public Facilities chapters of the Specific Plan to reflect the proposed changes.
>
> Adoption of an amendment to the Urban Area General Plan. The proposed amendment would redesignate the 39-acre area proposed to be modified in the Specific Plan of the Kiernan/Carver Comprehensive Planning District (CPD) of the General Plan from BP to MU.
>
> Approval of a Development Agreement, if applicable.
>
> Approval of a Tentative Subdivision Map and/or tentative parcel map, if applicable.
>
> Adoption of a resolution initiating annexation of a 67-acre portion of the project site.
>
> Adoption of a resolution to approve rezoning.
>
> Adoption of a Facilities Master Plan and an Infrastructure Financing Plan.
>
> Formation of a Community Facilities District.
>
> Approval by the Local Agency Formation Commission (LAFCO). LAFCO will review reorganization of the amended Kiernan Business Park Specific Plan, including the

annexation of the 67-acre portion of the 153-acre project site to the City of Modesto and the Modesto Municipal Sanitary Sewer District No. 1, and simultaneously detach this portion of the project site from the Salida Fire Protection District.

Approval by MID. MID must review the proposed storm water drainage system, which proposes discharge to MID Lateral No. 6. Upon acceptance of the proposed storm water drainage system, MID would enter into a Drainage Agreement with the City.

Program Certification Date: September 1, 2009

State Clearinghouse Number: 2007062071

III. Project Information

Project Name: Kiernan Business Park Specific Plan Amendment #6

Project Location: South of Kiernan Avenue, east of Stoddard Road, and west of American Avenue extension.

Project Description: This specific plan amendment further defines the allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly as regards to ancillary retail uses.

General Plan Designation: Business Park (BP)

Zoning: Specific Plan (SP) as part of the Kiernan Business Park Specific Plan.

Lead Agency: City of Modesto, 1010 Tenth St., Modesto, CA. 95354

Contact Person: Paul Liu, Senior Planner, 209-577-5267

Project Applicant: Jivtesh Gill, 8657 Ranch Road, Tracy, CA 95304

Other Public Agencies whose Approval is Required: None

IV. Determination:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Sections 15162 the following is true for the proposed project:

1. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment #4 EIR are required.

2. No substantial changes have occurred with respect to the circumstances under which the proposed project are undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment #4 EIR are required.

3. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Kiernan Business Park Specific Plan Amendment #4 EIR was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Kiernan Business Park Specific Plan Amendment #4 EIR, or

   b. significant effects which were previously examined will be substantially more severe than previously shown, or

   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or

   d. mitigation measures or alternatives which are considerably different from those analyzed in the Kiernan Business Park Specific Plan Amendment #4 EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

4. The Written Checklist, Environmental Assessment No. EA/C&ED No. 2017-08, provides the substantial evidence to support findings 1-3, above, and the City hereby determines that no further environmental documentation is required for the proposed project.

Paul Lan — Project Manager

3-13-17 — Date

V. Project Evaluation:

The following written Checklist serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15164 to determine whether the environmental effects of the operation were covered in the Kiernan Business Park Specific Plan Amendment #4 Program EIR.

I.	**AESTHETICS.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Have a substantial adverse effect on a scenic vista?				X
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?				X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?				X

Aesthetic and visual impacts are analyzed on pages 21 through 25 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that there are no identified scenic vistas or scenic resources on or within the vicinity of the project site.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area.

d. Future development within the project area would create new sources of nighttime light. The Design Guidelines of the Kiernan Business Park Specific Plan would require measures such as shielding and landscaping to reduce the impact to a less-than-significant level.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Aesthetic impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

II.	**AGRICULTURAL RESOURCES.** In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b.	Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				X
c.	Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

Impacts on agricultural resources are analyzed on pages IV.B.6 through IV.B.10 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR found that land designated as Prime Farmland would be lost as a result of development in the project area. This impact was determined to be significant and unavoidable. The City of Modesto adopted a statement of overriding consideration for this impact. A mitigation measure was provided but would not mitigate the loss of Prime Farmland to less-than-significant level. The mitigation measure states that prior to development, the City Council would consider a farmland mitigation program for the loss of prime farmland. On April 9, 2013, the City Council, adopted Resolution 2013-129, to consider preparing an agricultural policy that would not apply to land in City limits and exempted Kiernan Business Park from any agricultural mitigation requirements.

b. The project area is zoned SP as part of the Kiernan Business Park Specific Plan. No land in the project areas is zoned for agricultural use.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified the conversion of Prime Farmland to new business park, residential, and commercial uses. The Program EIR identified the project would not hinder the continued use of the agricultural lands to the north and east of the Specific Plan area. Therefore, the project's impacts on surrounding ongoing agricultural operations would be considered less-than-significant.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Agricultural Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

III.	**AIR QUALITY.** When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Conflict with or obstruct implementation of the applicable air quality plan?				X
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d.	Expose sensitive receptors to substantial pollutant concentrations?				X
e.	Create objectionable odors affecting a substantial number of people?				X
f.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
g.	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Impacts on air quality are analyzed on pages IV.D.26 through IV.D.43 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that air pollution from project-related construction and during project operation would contribute to existing violations of ambient air quality standards. The impacts were determined to be significant and unavoidable. Partial mitigation for these impacts is included in the Program EIR, and the City of Modesto adopted a statement of overriding consideration for each impact.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the project would cause a cumulatively considerable net increase of pollutants in the San Joaquin Valley is designated as nonattainment. Project related emissions would cumulatively increase mobile source activity and associated regional emissions of ROG, NOx and PM 10. The impacts were determined to be significant and unavoidable. Partial mitigation for these emissions is included in the Program EIR, and the City of Modesto made a statement of overriding consideration for each impact.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the proposed land uses would not generate substantial Toxic Air Contaminants (TAC) emissions that would affect sensitive receptors. No stationary source of TACs within a one mile radius of the project center has been found to emit TACs at a level that represents an unacceptable increased health risk to the general public.

e. The Kiernan Business Park Specific Plan Amendment #4 EIR considered the BP (Business Park) designation which allows for ancillary small-scale retail uses intended to provide services to employees of the business park. Commercial uses such as gas stations and restaurants could create odors in the vicinity but would not be significant.

f. The Kiernan Business Park Specific Plan Amendment #4 EIR determined the cumulative greenhouse gas emissions may contribute to global warming. With implementation of mitigation measures, the significant impact would be reduced to a less-than-significant level.

g. The Kiernan Business Park Specific Plan Amendment #4 EIR did not identify any conflict with any plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases. The Kiernan Business Park Specific Plan Amendment #4 EIR discusses the federal, state, and local greenhouse gas policies in effect that apply to the proposed project. These include the Air Quality Policies of the Urban Area General Plan analyzed in the Master Environmental Impact Report (MEIR, 2008) that apply to the project. The MEIR identifies policies in effect that have been determined to reduce, avoid or mitigate air quality and climate change environmental impacts within the existing City limits and within the Planned Urbanizing Areas.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Air Quality impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

IV.	**BIOLOGICAL RESOURCES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f.	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?				X

Impacts on biological resources are analyzed on pages IV.G.9 through IV.G.14 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the project would result in the loss of occupied Burrowing Owl habitat. Upon development of the project site, mitigation measures are required that would reduce the impacts on this species to less-than-significant levels.

b. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find that any riparian habitat or other designated sensitive natural community present in the project area, and so found that the project would have a less-than-significant impact.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find any protected wetlands on the project site.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR identified migratory birds, including raptors, as nesting in the vicinity. Mitigation measures are provided to reduce the impact to less-than-significant.

e.-f. The Kiernan Business Park Specific Plan Amendment #4 EIR found no local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans that apply to the project area.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Biological Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

V.	**CULTURAL RESOURCES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				X
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d.	Disturb any human remains, including those interred outside of formal cemeteries?				X

Cultural resources impacts are analyzed on pages 36 through 41 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- d. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that there are no known historic, archaeological, or paleontological resources in the areas of the proposed Project. However, the presence of these cultural resources cannot be conclusively ruled

out. Upon development, implementation of General Plan policies would ensure that potential cultural impacts would be less-than-significant.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Cultural Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new mitigation measures or alternatives are required.

VI.	**GEOLOGY AND SOILS.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
	Strong seismic groundshaking?				X
	Seismic-related ground failure, including liquefaction?				X
	Landslides?				X
b.	Result in substantial soil erosion or the loss of topsoil?				X
c.	Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?				X
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?				X

Impacts associated with geology and soils are analyzed on pages 41 through 44 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the areas of the project site are not subject to geologic or soil-related hazards that cannot be adequately mitigated through the implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures are required.

c.- d. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that the underlying soil in the project site is not susceptible to liquefaction, landslides, or shrink/swell or expansion potential. No significant impacts were identified, and no mitigation measures are required.

e. The project site would be served by public sewers. Septic tanks or alternative wastewater disposal systems would not be introduced on the project site and existing septic tanks would have to be removed at time of development.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Geology and Soils impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

VII.	**HAZARDS AND HAZARDOUS MATERIALS.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e.	Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?				X
f.	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?				X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Impacts associated with hazards and hazardous materials are analyzed on pages IV.F.6 through IV.F.9 of the EIR certified on September 1, 2009

Responses to Checklist Questions

a.– c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified that the project area would not involve the routine transport, use, or disposal of hazardous materials. Construction activities could result in drainage of hazardous materials. These would be mitigated to less-than-significant levels through implementation of the adopted Guidance Manual for New Development Stormwater Quality Control Measures.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded there is the potential of exposing construction workers to hazardous substance if contaminated soil or ground water is discovered during construction activities. In the event of future

development, mitigation measures are required that would reduce this impact to a less-than-significant level.

e. The project area is located over 7.5 miles from the nearest public airport. There would be no impact. No mitigation is required.

f. The project area is located over 5 miles from the nearest private airport. There would be no impact. No mitigation is required.

g. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that development of the project area would not interfere with an adopted emergency response plan or emergency evacuation plan. No mitigation is required.

h. The Kiernan Business Park Specific Plan Amendment #4 EIR identified that the surrounding area is largely agricultural or developed. There is no expectation that new development in the project area would expose people or structures to wildland fires. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Hazards and Hazardous Materials impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

VIII.	**HYDROLOGY AND WATER QUALITY.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Violate any water quality standards or waste discharge requirements?				X
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?				X
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?				X
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X
f.	Otherwise substantially degrade water quality?				X
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

h.	Place within a 100-year flood hazard area structures that would impede or redirect floodflows?				X
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j.	Contribute to inundation by seiche, tsunami, or mudflow?				X

Impacts associated with hydrology are analyzed on pages IV.H10 through IV.H.17 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR identified the potential for pollutants from construction sites or from future land uses that could be transported to surface waters and groundwater potentially reducing the water quality. Upon future development, mitigation measures are required that would reduce the impacts to a less-than-significant level.

b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the construction and operation of the required detention basin system is expected to offset the minor losses of groundwater recharge associated with the increased impervious coverage proposed by the project. Amendment #5 of the Specific Plan, adopted by the Modesto City Council on December 15, 2015 by Resolution No. 2015-499, replaced the detention basin system originally required in the Specific Plan with on-site treatment for individual properties and a combination of vegetative swales and underground storage/percolation facilities within the streets. On-site storm water treatment in accordance to the new system, which is required by the State and would increase groundwater recharge, is to be implemented at the project site.

c.– e. The Kiernan Business Park Specific Plan Amendment #4 EIR found that development could substantially alter the existing drainage pattern of the area; however, because there are mitigation measures requiring the project to incorporate an urban storm drain system, the erosion or flooding impacts will be less-than-significant.

f. The Kiernan Business Park Specific Plan Amendment #4 EIR found that existing water supply wells, if not properly managed or decommissioned, could be damaged during construction and cause water quality degradation. For any future development, a mitigation measure is required that would reduce the impact to a less-than-significant level.

g.– i. The project site is not located within any 100-year flood hazard area. The nearest river is the Stanislaus River, approximately 2 miles to the north. There would be no additional impact, and no mitigation is required.

j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Hydrology and Water Quality impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

IX.	**LAND USE AND PLANNING.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Physically divide an established community?				X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Impacts associated with land use and planning are analyzed on pages IV.A.9 through IV.A.11 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The proposed project would not result in any physical changes to the environment beyond those identified in the Kiernan Business Park Specific Plan Amendment #4 EIR. The City has not adopted plans and policies as thresholds for significant impacts. There would be no impact and no mitigation is required. The current BP designation allows ancillary small-scale retail and service uses intended to serve the employees in the business park but lacks specifics on the amount. The proposed project quantifies ancillary retail and service uses, allows gas station with convenience store on a property located along Dale Road, and clarifies business services and wholesale and distribution uses. These changes mostly provide clarification instead of intensification of land uses in the BP designation.

c. There are no known habitat conservation plans or natural community conservation plans associated with this project. There would be no impact. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Land Use and Planning impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new mitigation measures or alternatives are required.

X.	**MINERAL RESOURCES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

Impacts associated with mineral resources are analyzed on pages 52 through 53 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. No known mineral resources or important recovery sites are located in the project area.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Mineral Resources impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XI.	**NOISE.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?				X
b.	Expose persons to or generate excessive groundborne vibration or groundborne noise levels?				X
c.	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d.	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e.	Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?				X
f.	Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?				X

Impacts associated with noise are analyzed on pages IV.E.12 through IV.E.23 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified that project related traffic would not cause substantial noise levels for sensitive receptors in the project vicinity. However, project related traffic could cause substantial noise levels for sensitive receptors within the project area. New stationary and non-stationary sources could generate noise levels incompatible with ordinances or goals for the surroundings. Any future development would be required to implement mitigation measures that would reduce the noise impacts to a less-than-significant level.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR found that construction of the project site could result in a substantial temporary increase in ambient noise levels. Mitigation measures are required for future development that would reduce the noise impacts to a less-than-significant level

e.- f. The Kiernan Business Park Specific Plan Amendment #4 EIR found that project area is not located in an airport land use plan area or within 2 miles of a public airport. The nearest private airport is about 5 miles away.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Noise impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XII.	**POPULATION AND HOUSING.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				X
b.	Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?				X
c.	Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?				X

Impacts associated with population and housing are analyzed on pages 56 through 58 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a. The Kiernan Business Park Specific Plan Amendment #4 EIR concluded that the development of the project site would induce population growth but at a less-than-significant level.

b.- c. The Kiernan Business Park Specific Plan Amendment #4 EIR identified 13 home sites that would be demolished throughout the amendment area. The amount of persons displaced overall was determined to be less-than-significant by the Program EIR, and therefore no mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Population and Housing impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new mitigation measures or alternatives are required.

XIII.	**PUBLIC SERVICES.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public				

services:				
1. Fire protection?				X
2. Police protection?				X
3. Schools?				X
4. Parks?				X
5. Other public facilities?				X

Impacts on public services are analyzed on pages IV.I.5 through IV.I.20 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a-1. The nearest City of Modesto Fire Station to the project site is Station No. 11, located approximately two miles away at Carver Road and Pelandale Avenue. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the existing personnel and apparatus at Station No. 11 would be adequate to meet the need of increased demand for future commercial and medium-high density residential development. Therefore, the physical impact would be at a less-than-significant level. No mitigation is required.

a-2. The Kiernan Business Park Specific Plan Amendment #4 Program EIR found that development of the area would result in an increase of MPD officer hours; however, long-range financing strategies are in place that would allow the City to allocate the necessary funds to extend those police services to the project site. Therefore, the physical impact would be at a less-than-significant level. No mitigation is required.

a-3-5. The Kiernan Business Park Specific Plan Amendment #4 EIR found that development of the project site that would include residential uses would result in increased use and demand on school and park facilities but not at a significant level. There would be no impact. No mitigation is required.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Public Services impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XIV. RECREATION. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

Impacts associated with recreation are analyzed on pages 61 through 62 of Appendix A, Notice of Preparation and Initial Study of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. No significant impacts on recreation facilities were identified in the Program EIR.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Recreation impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

	XV. TRANSPORTATION/TRAFFIC. Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?			X	
b.	Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?			X	
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d.	Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e.	Result in inadequate emergency access?				X
f.	Result in inadequate parking capacity?				X
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Impacts on transportation and traffic are analyzed on pages IV.C.37 through IV.C.85 of the EIR certified on September 1, 2009.

Responses to Checklist Questions

a.- b. The Kiernan Business Park Specific Plan Amendment #4 EIR found that development of the project site would result in significant impacts at study intersections and roadway segments. There would also be significant cumulative impacts on road way segments. Mitigation measures were identified in the Program EIR to reduce some of the traffic impacts to a less-than-significant level. Other traffic impacts were determined to be significant and unavoidable because the mitigation measures were found infeasible. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the EIR.

The proposed amendment would allow gas stations with convenience stores on Business Park-designated parcels fronting on Dale Road. Given the limited number of parcels affected by this amendment (six parcels, some of which have access limitations making it unlikely for a service station to locate on them), it is reasonable to assume the amendment would potentially result in no more than two service stations. If two service stations were to develop as a result of this amendment, this change would result in combined potential maximum net-increase of approximately 80 peak-hour vehicle trips as compared to other uses that could be developed on those parcels (net-increase of 40 peak hour trips per parcel). This net-increase is lower than the threshold of a project that generates 100 or more peak hour trips that may require a traffic study.

Additionally, based on a review of the analysis results presented in the Kiernan Business Park Specific Plan Amendment #4 EIR, this change in potential peak hour trips would not change the overall EIR conclusions regarding the location of significant impacts.

The current specific plan allows ancillary retail and service uses but does not provide any specifics. The proposed amendment would define ancillary retail and service uses as being a maximum of 20% or 2,000 square feet per building, whichever is less. This provides needed clarification of what ancillary use means. More retail and service uses may be permitted for properties located along Dale Road with a maximum of 50% or 5,000 square feet per building, whichever is less, but requires a conditional use permit approval. Any necessary traffic review would occur at time of project submittal.

c. Kiernan Business Park Specific Plan Amendment #4 EIR concluded there would not be any change to air traffic patterns or air traffic related safety. There would be no impact. No mitigation is required.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR determined there would not be a substantial increase in hazards due to a design feature. No mitigation is required.

e. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find that development of the project area would result in inadequate emergency access in the Specific Plan area. Therefore, there would be no impact on emergency service access. No mitigation is required.

f. The Kiernan Business Park Specific Plan Amendment #4 EIR did not find that development of the project area would result in inadequate parking capacity. There would be no impact. No mitigation is required.

g. The Kiernan Business Park Specific Plan Amendment #4 includes bicycle paths and lanes. The proposed retail development does not include any changes related to alternative transportation policies, and would have no impact. No mitigation is required.

The proposed project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Transportation and Traffic impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XVI. **UTILITIES AND SERVICE SYSTEMS.** Would the project when compared to the impacts identified in the Program EIR, create new impacts or increase the level of existing impacts that would:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X

d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?				X
e.	Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X

Impacts on utilities and service systems are analyzed on pages IV.H.10 through IV.H.17, pages IV.J.16 through IV.J.11, and pages IV.K.10 through IV.K.17 of the EIR certified September 1, 2009.

Responses to Checklist Questions

a., e. The Kiernan Business Park Specific Plan Amendment #4 EIR identifies that development of the project area would result in an increased demand for wastewater collection, treatment, and disposal but not at a significant level.

b. The Kiernan Business Park Specific Plan Amendment #4 EIR discusses that new project specific water facility would be needed to maintain adequate water pressure, but would not require new wastewater facilities beyond those facilities already anticipated by the Wastewater Master Plan Update. The impact to water and wastewater facilities are found to be less-than-significant.

c. The Kiernan Business Park Specific Plan Amendment #4 EIR discusses the new storm drainage facilities that will be needed in order to accommodate build out of the project area. The EIR found that, with mitigation, there would be no significant impact on storm drainage facilities.

d. The Kiernan Business Park Specific Plan Amendment #4 EIR found that, based on a Water Supply Assessment, there will be sufficient water supply to serve the project area and the impact on water demand would be less-than-significant. No mitigation is required.

f., g. The Kiernan Business Park Specific Plan Amendment #4 EIR found that the Modesto and Stanislaus County Waste-to-Energy Plant has sufficient capacity to accommodate the project's solid waste disposal needs.

The proposed Project is contemplated by and consistent with the Program EIR. The analysis and conclusion regarding Utility and Services System impacts would remain the same as identified in the Program EIR. There are no new significant impacts or increase in severity of previously identified impacts. No new or additional mitigation measures or alternatives are required.

XVII.	MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than-Significant Impact	No Impact
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				X
b.	Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				X
c.	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X

Responses to Checklist Questions

a. The proposed Project would not result in significant impacts on the environment over and above those associated with implementation of the Kiernan Business Park Specific Plan Amendment #4, as analyzed in the Program EIR. The proposed Project was contemplated by and is consistent with the Program EIR.

b. The proposed Project would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Kiernan Business Park Specific Plan Amendment #4 and as analyzed in the Program EIR.

c. The proposed Project would not result in any significant impacts affecting humans over and above those associated with implementation of the Kiernan Business Park Specific Plan Amendment #4 and as analyzed in the Program EIR.

V. Mitigation Applied to Project

All development will be subject to the mitigation measures identified in the Program EIR applied where applicable as listed below. No new project-specific mitigation measures are necessary .

Aesthetics Measures: None.

Agricultural Resources Measures: None.

Air Quality Measures: Mitigation Measure D.1 (Page 4 of the Mitigation Monitoring and Reporting Program): The construction plans for each group of buildings shall

incorporate the following recommendations from the District to minimize emissions during construction phases:

1. The project developers shall review Regulation VIII of the SJVAPCD regulations and submit a compliance plan to the City of Modesto prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation VIII will be implemented.

2. Prior to the issuance of construction contracts, the project developers shall perform a review of new technology, as it relates to heavy-duty equipment, to determine what, if any, advances in emissions reduction are available for use. (Information is available at CARB's website http://www.arb.ca.gov/msprog/aftermkt/aftermkt.htm.) Recently, CARB initiated a number of incentive programs to offer funds for retrofitting existing heavy-duty engines in public and private fleets to reduce PM and NOx emissions. CARB has evaluated and certified retrofit systems to be used in PM or NOx incentive programs. (Applicants who plan to participate in any of the CARB's retrofit programs may obtain additional information by viewing the CARB's Diesel Mobile Programs website at http://www.arb.ca.gov/diesel/mobile.htm.) The SJVAPCD should be consulted during this process.

3. Dust suppression shall be implemented on all disturbed areas, including inactive outdoor storage piles, by application of water, chemical stabilizer/suppressant, or covering with a tarp, vegetative ground cover, or other suitable cover.

4. Dust suppression shall be implemented following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles using water or chemical stabilizer/suppressant.

5. Dust suppression shall be implemented on all on-site unpaved roads, and off-site unpaved access roads used during the construction phase, using water or chemical stabilizer/suppressant.

6. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions by application of water during the activity or by presoaking.

7. When materials are transported off site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

8. The project developers shall limit traffic speed on unpaved roads to 15 miles per hour.

9. The project developers shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

10. The project developers shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.

11. The project developers shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust.

12. The project developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.

13. The project developers shall limit the area subject to excavation, grading, and other construction activity at any one time.

14. The project developers shall ensure that the accumulation of mud or dirt (track-out) is expeditiously removed from adjacent public streets if it extends more than 50 feet from the construction site or at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions).

15. The project developers shall use alternative-fuel construction equipment, where feasible.

16. The project developers shall minimize idling time (e.g., to a 10-minute maximum).

17. The project developers shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use to the minimum practical.

18. The project developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.

19. The project developers shall take steps to curtail construction activity during periods of high ambient pollutant concentrations; this may include reducing construction activity during the peak hour of vehicular traffic on adjacent roadways or ceasing construction activity during days declared as Spare the Air days by the SJVAPCD.

20. The project developers shall manage activity tasks to reduce cumulative short-term impacts.

Biological Resources Measures: Mitigation Measure G.1a (Page 21 of the Mitigation Monitoring and Reporting Program): Implementation of formal CDFG guidelines (Staff Report on Burrowing Owl Mitigation) to avoid and minimize impacts to Burrowing Owls. In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFG guidelines for Burrowing Owls should be completed prior to the start of construction. Burrowing Owl habitat on the project site and within a 500-foot (150 m) buffer zone should be assessed. If the habitat assessment concludes that the site and immediate vicinity lack suitable Burrowing Owl habitat, no additional action would be warranted.

However, if suitable habitat is located on, or immediately adjacent to, the site, all Burrowing Owl habitat should be mapped at an appropriate scale, and the following mitigation measures should be implemented:

21. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for Burrowing Owls, in conformance with CDFG guidelines, should be completed no more than 30 days prior to the start of construction within suitable habitat. Three additional surveys should also be completed per CDFG guidelines prior to construction.
22. No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.
23. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting Burrowing Owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.
24. If accidental take (disturbance, injury, or death of owls) occurs, the CDFG will be notified immediately.

Cultural Resources Measures: Mitigation Measure AH-12 from the City of Modesto Urban Area General Plan MEIR should be applied to the project, as referenced by the Initial Study Environmental Checklist for the Kiernan Business Park FEIR prepared by Turnstone Consulting on June 15, 2007:

25. If archaeological resources are discovered at any time during construction, all activity shall cease, until the site is surveyed by a qualified archeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes.

Geology and Soils Measures: None.

Hazard and Hazardous Materials Measures: Mitigation Measure F.2 (Page 20 of the Mitigation Monitoring and Reporting Program):

26. Conduct Phase 1 Environmental Site Assessments, conduct site investigations, and implement remediation as necessary.

Hydrology and Water Quality Measures: Mitigation Measure H.1 (Page24 of the Mitigation Monitoring and Reporting Program):

27. The project proponent shall prepare an SWPPP for each development project under the Specific Plan (or one master SWPPP for all development) designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than 1 acre).The project SWPPP shall include and adequately address all elements in the State General Construction Permit (Waste Discharge Requirements for Discharges of Stormwater Runoff

Associated with Construction Activity, State Water Resources Control Board Order Number 99-08-DWQ).

Land Use and Planning Measures: None.

Mineral Resources Measures: None.

Noise Measures: None.

Population and Housing Measures: None

Public Services Measures: None.

Recreation: None.

Transportation/Traffic Measures: None.

Utility and Service System Measures: None.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-173

Print

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $1,092,489 IN FTA SECTION 5339 FUNDS AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES, AND ALL OTHER NECESSARY DOCUMENTS WITH THE FTA

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C Section 5339, and

WHEREAS, the projects for the City of Modesto shown in the **attached** Program of Projects are eligible to receive federally reimbursable expenses from Section 5339 funds, and

WHEREAS, the projects shown in the **attached** Program of Projects are included in the 2017 Federal Transportation Improvement Program (FTIP) adopted by the Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, known as Toll Credits, in lieu of a local match, and

WHEREAS, these Section 5339 funds will be used to purchase replacement commuter buses that operate bus routes to the BART station in Pleasanton and the ACE station in Lathrop.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application to the FTA for $1,092,489 in Section 5339 funds.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

2016-2017 Federal Transit Administration

FTA Section 5339 Program of Projects

FTA Fund Availability

5339 Apportionment for 2013/14	$ 540,553
5339 Apportionment for 2014/15	$ 551,936
Total	$1,092,489

City of Modesto Projects

	Federal	Local	Total
Purchase Two Replacement Commuter Buses	$1,092,489	$0	$1,092,489
Total	$1,092,489	$0	$1,092,489

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-174

Print

RESOLUTION APPROVING AN AGREEMENT WITH DOKKEN ENGINEERING OF FOLSOM, CA FOR CONSULTANT SERVICES FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATES (PS&E) FOR THE SR-132 WEST FREEWAY/EXPRESSWAY – PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED $6,400,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $600,000 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT OF $7,000,000; AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE CONTRACT IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, Stanislaus Council of Governments (StanCOG), City of Modesto, Stanislaus County and the California Department of Transportation (Caltrans) are completing the formal studies for the Project Approval and Environmental Document (PA&ED) Phase for the State Route 132 West Freeway/Expressway Project (Ultimate Project), and

WHEREAS, The Ultimate Project is presently in the final stage of the environmental approval process, with approval expected in the Fall of 2017, and

WHEREAS, The SR132 West Freeway/Expressway – Phase 1 Project (Phase 1 Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, Delivery of the PA&ED phase of the Ultimate Project has been slowed due to problems with gaining environmental clearance of contaminated soils stockpiles, and Project construction must commence on or before June 30, 2019, and

WHEREAS, The combination of environmental clearance delay along with a shortened window for startup of construction has resulted in the need to accelerate the

final design (PS&E) phase of the Phase 1 Project to meet the construction startup deadline of June 2019, and

WHEREAS, This acceleration must be performed so that approximately $71.5M of programmed construction funds will not be lost, and

WHEREAS, it is anticipated that Caltrans will complete CEQA and NEPA review in late 2017 as part of the current PA&ED Phase and select a Project alternative at that time. It is anticipated that Caltrans will select one of the two build alternatives, but there is potential risk that Caltrans will select the no-build alternative, which would mean no Project would go forward, and

WHEREAS, The design phase must proceed "at risk" to progress the final design concurrently with the Final Environmental Document approval, and

WHEREAS, In accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, Staff proceeded through a RFP process pursuant to Administrative Directive 3.1 and the City solicited for proposals for final design of the Phase 1 Project on November 28, 2016 in compliance with Modesto Municipal Code section 8-3.401 – 8-3.404, and

WHEREAS, Proposals were received, evaluated and ranked, and

WHEREAS, City entered into negotiations with the top ranked firm, Dokken Engineering on January 27, 2017, and

WHEREAS, Dokken has agreed to a contract for professional services in the amount of $6,500,000 to provide the final PS&E design for the Phase 1 Project, and

WHEREAS, Staff recommends approval of the agreement with Dokken Engineering for the SR132 West Freeway/Expressway-Phase 1 Project, and

WHEREAS, City of Modesto previously committed $4M from its Capital Improvement Program (CIP) for the construction phase of the Phase 1 Project, and

WHEREAS, it is proposed to re-direct these funds to support the design PS&E phase of the Phase 1 Project, and

WHEREAS, City staff has worked diligently in coordination with Stanislaus County and StanCOG to agree to a financing strategy to support the remainder of funding required to support the PS&E design phase, and

WHEREAS, City will provide $4,000,000 of CFF money and StanCOG will provide $6,000,000 of Measure L Regional Account money to support the PS&E design phase.

WHEREAS, City, County, and StanCOG agree to expend all of the available Measure L Regional Account revenues necessary to fund the design phase commencing in July 2017 through completion in June 2019, and

WHEREAS, on April 19, 2017 StanCOG Policy Board approved Resolution 16-36 designating the State Route 132 West Freeway/Expressway Project as the top regional project to receive Measure L Regional funding up to $10,000,000 to be used to support the total PS&E project cost, and

WHEREAS, the Director of Community and Economic Development and the Acting City Manager have recommended that the bid of $6,400,000 received from Dokken Engineering be accepted as fair and reasonable and the contract be awarded to Dokken Engineering of Folsom, CA, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the fact that this project is the number one priority project in the region and this phase of the project is fully funded by CFF and Measure L funding and if the project is delayed, $71.5 Million of programmed construction funds could be lost.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Dokken Engineering of Folsom, CA for consultant services for the preparation of plans, specifications and estimates (PS&E) for the State Route 132 West Freeway/Expressway - Phase 1 Project in an amount not to exceed $6,400,000 for the identified scope of services, plus $600,000 for additional services (if needed) for a total amount of $7,000,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-175

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $10 MILLION AS SHOWN IN EXHIBIT A IN ORDER TO FULLY FUND THE AGREEMENT WITH DOKKEN ENGINEERING FOR THE PREPARATION OF PLANS, SPECIFICATIONS AND ESTIMATES AND FOR ASSOCIATED SUPPORT SERVICES FOR THE SR-132 WEST FREEWAY/EXPRESSWAY – PHASE 1 PROJECT

WHEREAS, certain budgetary transactions are necessary in the amounts shown in **Exhibit A**, in order to fund the agreement with Dokken Engineering for preparation of plans, specifications and estimates (PS&E) for the SR-132 West Freeway/Expressway – Phase 1 Project and for associated support costs, and

WHEREAS, $4,000,000 of Streets Capital Facility Fees will fund a portion of the PS&E phase of the project and the remainder will be funded with Regional Measure L funds, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, **attached** hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A** in order to transfer $4,000,000 from Capital Facility Fee Streets Fund and $6,000,000 from Regional Measure L funds to the SR132West Freeway/Expressway – Phase 1 Project, Capital Improvement Project #100614.

BE IT FURTHER RESOLVED that the Acting City Manager, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of May, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

100614 – CED – SR-132 Phase 1

EXPENSES	**Existing Budget**	**Increase / Decrease**	**Proposed Budget**
CA - Construction Administration	$0	0	$0
CON - Construction	$0	0	$0
CTGY - Contingency - CIP	$0	0	$0
EDA - Eng/Design/Admin	$300,000	$10,000,000	$10,300,000
ENV - Environmental	$115,000	0	$115,000
Total	**$415,000**	**$10,000,000**	**$10,415,000**

Move $4,000,000 from Streets CFF Reserves to CIP 100614.

Accept $6,000,000 in Regional Measure L funds from StanCOG.

StanCOG Policy Board Resolution 16-36 made SR-132 the number one regional project to be funded with Regional Measure L money. The sales tax measure went into effect on April 1, 2017. The City and StanCOG are drafting an MOU that will describe the details of the reimbursement. The current understanding with StanCOG is that the City will receive monthly invoices from Dokken. The City will review and pay the invoice and then send proof of payment to StanCOG for reimbursement. StanCOG will begin receiving Measure L funds in July, 2017. The City estimates that monthly bills from Dokken will not exceed $500,000. A conservative estimate for the monthly Regional Measure L revenue is $784,000.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-176

Print

RESOLUTION REJECTING ALL BIDS FOR TULLY ROAD & 9TH STREET PAVEMENT REHABILITATION PROJECT AND AUTHORIZING CITY STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, the bids received for the Tully Road & 9th Street Pavement Rehabilitation Project were opened at 11:00 a.m. on April 4, 2017 and later tabulated, and

WHEREAS, only one company chose to submit a bid and that bid was 55% above the engineer's estimate, and

WHEREAS, City staff has determined that it would be in the best interest of the City to reject the bid and make some modifications to the scope of work and re-bid the project in early 2017 with the intention of attracting a higher number of contractors and additional bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids for the Tully Road & 9th Street Pavement Rehabilitation Project.

BE IF FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date with an amended scope of work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-177

RESOLUTION APPROVING A PURCHASE AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY, FOR ACQUISITION OF A 33,968 SQUARE FEET (0.78 ACRES) PORTION OF REAL PROPERTY, LOCATED BETWEEN COLLEGE AVENUE AND CAMPUS WAY (STATE BOARD OF EQUALIZATION PARCEL NO. 843-50-3D), IN THE AMOUNT OF $217,395, FOR THE MODESTO JUNIOR COLLEGE BIKE PATH PHASE II PROJECT, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto desires to construct the Modesto Junior College Bike Path Phase II project (Project) between the Virginia Corridor and the Modesto Junior College bike paths, and

WHEREAS, the Project will provide the needed connection between College Avenue and Campus Way, and

WHEREAS the Project requires the acquisition of 33,968 square feet of real property currently owned by Union Pacific Railroad Company, and

WHEREAS, the real property in this acquisition will provide a permanent connection for the Project, and

WHEREAS the real property in this acquisition will provide the necessary link for the future MJC Bike Path Phase III Project, and

WHEREAS, the Project will increase safety and mobility of non-motorized users, and

WHEREAS, the Project is needed due to the lack of continuous bicycle and pedestrian facility between the College campuses and the area neighborhoods, and

WHEREAS, City staff is recommending acquisition of the real property, and

WHEREAS, an agreement is needed for the acquisition of the real property and City staff recommends approving the Purchase and Sale Agreement for acquisition of the property, and

WHEREAS, the City Manager's Office has approved this purchase as an exception to the spending freeze to maintain fiscal sustainability pursuant to Resolution No. 2017-86.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase Agreement with Union Pacific Railroad Company, for the acquisition of real property, consisting of 33,968 square feet (0.78 acres) located between College Avenue and Campus Way (State Board of Equalization parcel number 843-50-3D), in the amount of $217,395.20 for the Modesto Junior College Bike Phase II project.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-178

RESOLUTION ACCEPTING THE QUIT CLAIM DEED FROM UNION PACIFIC RAILROAD COMPANY AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE QUIT CLAIM DEED FOR THE MODESTO JUNIOR COLLEGE BIKE PATH PHASE II PROJECT LOCATED BETWEEN COLLEGE AVENUE AND CAMPUS WAY (STATE BOARD OF EQUALIZATION PARCEL NUMBER 843-50-3D) TO BE CONVEYED TO THE CITY OF MODESTO FOR THE MODESTO JUNIOR COLLEGE BIKE PATH PHASE II PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept real property totaling approximately 33,968 square feet (0.78 acres), located between College Avenue and Campus Way (State Board of Equalization parcel number 843-50-3D), to be conveyed to the City of Modesto, and

WHEREAS, a Caltrans NEPA Determination found that this project has no significant impacts on the environment and is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement for the Modesto Junior College Bike Path Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Acting City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Quit Claim Deed for the acquisition of real property located between College Avenue and Campus Way, (State Board of Equalization parcel number 843-50-3D) to be conveyed to the City of Modesto for the Modesto Junior College Bike Path Phase II Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-179

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT AS SHOWN IN EXHIBIT A IN ORDER TO FULLY FUND LAND ACQUISITION REQUIRED FOR THE MODESTO JUNIOR COLLEGE BIKE PATH PHASE II PROJECT

WHEREAS, certain budgetary transactions are necessary in the amounts shown in **Exhibit A**, in order to fund Land Acquisition for the Modesto Junior College (MJC) Bike Path Phase II Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, **attached** hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A** in order to transfer $120,000 from Capital Facility Fee Air Quality Fund and $80,000 from Capital Facility Fee Streets Fund to the Capital Improvement Project #100882.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

100882 – CED – MJC Bike Path Phase II

EXPENSES	**Existing Budget**	**Increase / Decrease**	**Proposed Budget**
CA - Construction Administration	$50,000	$0	$50,000
CON - Construction	$497,000	$0	$497,000
CTGY - Contingency - CIP	$50,000	$0	$50,000
EDA - Eng/Design/Admin	$92,000	$0	$92,000
LA - Land Acquisition	$41,000	$200,000	$241,000
Total	**$730,000**	**$200,000**	**$930,000**

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-180

Print

RESOLUTION APPROVING A LOAN OF $80,000 FROM THE CAPITAL FACILITIES FEES (CFF) STREETS FUND TO THE CAPITAL FACILITIES FEES AIR QUALITY FUND FOR THE PROJECT ENTITLED "MODESTO JUNIOR COLLEGE BIKE PATH PHASE II " AND ESTABLISHING A REPAYMENT SCHEDULE, AMORTIZED OVER FIVE YEARS, FROM FUTURE AIR QUALITY CAPITAL FACILITIES FEES

WHEREAS, the City Council approved a Purchase and Sale Agreement with Union Pacific Railroad Company, for acquisition of real property consisting of 33,968 square feet (0.78 acres) for the Modesto Junior College Bike Path Phase II Project (Project), and

WHEREAS, the City Council approved a budget adjustment for the Project to increase the amount available for land acquisition, and

WHEREAS, the City has received funds from the California Transportation Commission Active Transportation Program in the amount of $630,000, and

WHEREAS, the City is required to provide match funds, and

WHEREAS, the Capital Facilities Fees (CFF) Air Quality Fund will be the source for match funds, and

WHEREAS, a total of $200,000 will be needed to fully fund the required land acquisition, and

WHEREAS, the CFF Air Quality Fund has $120,384 available, and

WHEREAS, a loan of $80,000 from the CFF Streets Fund to the CFF Air Quality Fund is necessary to fully fund the project, and

WHEREAS, the $80,000 loan will be amortized over next five years, and

WHEREAS, the $80,000 loan will accrue interest at the City's average rate of return on its investment pool, and

WHEREAS, the amount of interest will be calculated based on the principal outstanding during the prior fiscal year, and

WHEREAS, all revenue received in the CFF Air Quality Fund will be used to reimburse the CFF Streets Fund until the loan is paid in full, and

WHEREAS, at least $16,000 of principal plus interest will be paid back each fiscal year through fiscal year 2021-2022, as outlined in **Exhibit A**,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a loan of $80,000 from the CFF Streets Fund to the CFF Air Quality Fund for the project entitled "Modesto Junior College Bike Path Phase II".

BE IT FURTHER RESOLVED that the $80,000 loan will be amortized over five years and all revenue received in the CFF Air Quality Fund will be used to reimburse the CFF Streets Fund until the loan is paid in full.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Amortization Schedule
For
Loan from CFF Streets to CFF Air Quality

Fiscal Year	Average Principal Payment
2017-2018	$16,000
2018-2019	$16,000
2019-2020	$16,000
2020-2021	$16,000
2021-2022	$16,000

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-181

Print

RESOLUTION ACCEPTING FISCAL YEAR 2017-2018 ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 THROUGH 6; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1 – 6 AND SETTING A PUBLIC HEARING ON JUNE 27, 2017 TO CONSIDER THE FISCAL YEAR 2017-18 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscape and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Community Development Manager, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby accepts the Fiscal Year 2017-2018 Engineer's Report for Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1 through 6, which is **attached** hereto and hereinafter incorporated by reference.

BE IT FURTHER RESOLVED that the City Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2017-18.

2. There are no proposed new improvements or any substantial changes in existing improvements in Landscape Maintenance Assessment District No. 1 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 27th day of June, 2017, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO
CALIFORNIA

City of Modesto

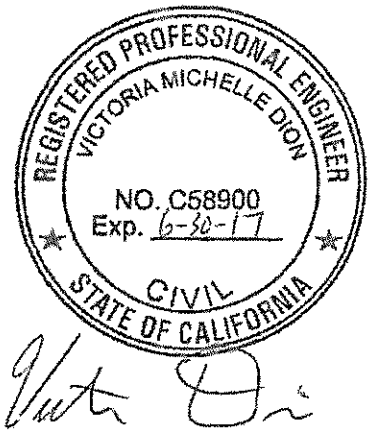
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1

♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6♦

A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2017 - JUNE 30, 2018



Prepared By:
Tina Rocha
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

TABLE OF CONTENTS

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I.	History
II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Expense Projections
IV.	Maintenance & Plan Specifications
V.	Annual Assessment District Diagram
VI.	Annual Assessments List by Parcel & Property Owner

SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimated costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and three (3) public agency owned parcels. An annual assessment of $26 per single-family residential parcel has remained the same since 1996. The total assessment to be levied for LMAD No. 1 for Fiscal Year 2017-2018 is $19,474.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

1. Single Family Residential Parcels:
   There are 749 single-family residential parcels located within LMAD No. 1.

2. Multi-Family Residential Parcels:
   There are no multi-family residential parcels located within LMAD No. 1.

3. Commercial/Industrial Parcels:
   There are no commercial or industrial parcels located within LMAD No. 1.

4. Public Agency Parcels:
   There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. 2017-2018 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of $26.00 per parcel. Each parcel receives equal benefits from the District. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
$	19,474.00	Total annual assessment

C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2017-2018 annual assessment is the same as the annual assessment for Fiscal Year 2016-2017 of $26.00 per single-family residential parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 5480		Estimated FY 2016-17[1]	Proposed FY 2017-18[2]
Beginning Fund Balance		$ 3,182	$ 3,104
Revenue (Cost Center 80010)			
Special Assessments		$ 10,384 [3]	$ 19,474 [4]
Interest		$ (12)	
Estimated - Special Assessments		*$ 9,102* [5]	
Total Revenue		$ 19,474	$ 19,474
Expenses (Cost Center 80010)	Account		
Operating Budget			
Postage Expenses	52025	$ -	$ -
Water Utility Expenses	53043	$ (2,654)	$ (2,000)
Repair and Maintenance Services - Landscape	53165	$ (1,654)	$ (10,000)
Professional Services	53300	$ -	$ (1,000)
Services City Forces - Interfund	54500	$ (3,167)	$ (4,654)
Estimated - Water Utility Expenses	*53043*	*$ (1,346)*	
Estimated - Repair and Maintenance Services	*53165*	*$ (8,146)*	
Estimated - Professional Services	*53300*	*$ (1,000)*	
Estimated - Services City Forces	*54500*	*$ (1,584)*	
Total Expenses		$ (19,552)	$ (17,654)
Ending Fund Balance		$ 3,104	$ 4,924

[1] The estimated amount shows what has been expended as of 02-28-2017. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*.

[2] The estimated expenditures for FY 2017-18 are based on the revenue that is currently able to be generated within LMAD No. 1.

[3] Actual revenue received for FY 2016-17 tax levy.

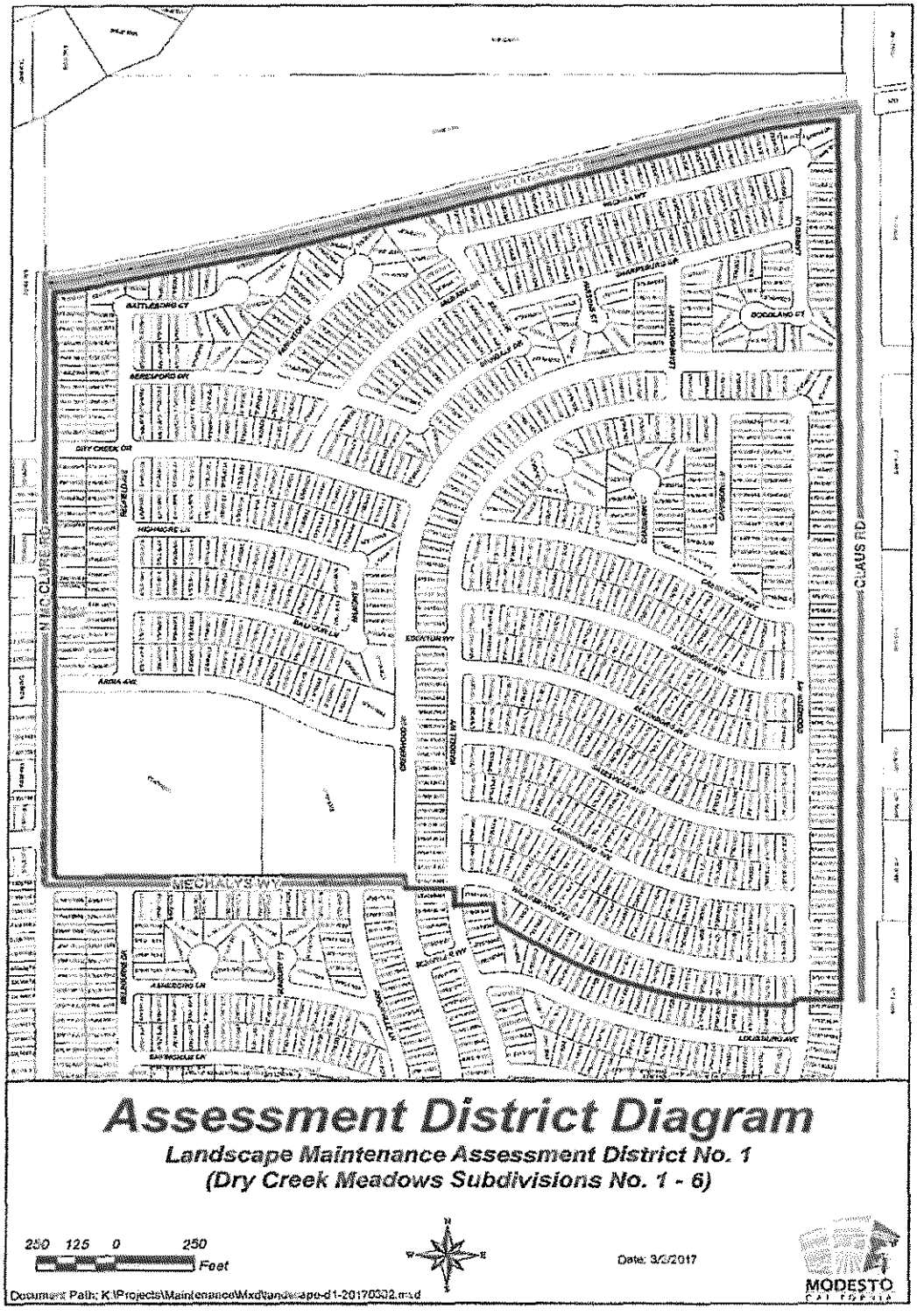
[4] Proposed levy.

[5] Estimated revenues for second installment of FY 2016-17 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

FeeParcel	Owner	Address	City/State/Zip	2017/18 Ass't
079-002-001	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-002	SOUMPHONPHAKDY YOUTHANA	732 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-003	SORDO BRYON S ET AL	728 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-004	PRASAD AJAY B & CHANDRA SAILESHNI D	724 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-005	YUSON BONIFACIO C & YUSON ZENAIDA P	720 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-006	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-007	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-008	GARCIA JOSE DE JESUS	708 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-009	ESPINOZA GABRIEL	704 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-010	LEON MARTHA	700 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-011	SAMRA AMARJIT S TR	701 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-012	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	Modesto CA 95357-	$26.00
079-002-013	YOUNGMAN AARON BRIAN & LAUREN ELIZABETH	709 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-014	BATTAGLIA COREY J	713 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-015	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-016	NGUYEN THANG & DANG LIEN	721 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-017	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-018	DEOL HARMINDER S & DEOL SUKHWINDER K	729 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-019	KGILL LLC	733 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-020	MIGUEL TARA	737 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-021	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-022	JOHNSON VERDELL TR	3517 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-023	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-024	PLUNK NATALIE & ROBERT	3525 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-025	HASKEL ALAN	3529 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-028	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-029	HASKEL ROBERT	3532 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-030	TREVINO SHONDA	3528 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-031	VILLALPANDO HERIBERTO & ROSA	3524 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-032	CARR PATRICK K & CHERYL J	3520 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-033	PRASHAD RAJENDRA & SONI L	3516 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-034	VO SANG	3512 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-035	ARROYO STEVEN I & ARROYO SANDRA	3513 BERESFORD DR	Modesto CA 95357-	$26.00
079-002-036	CARREON JOSE & CECILIA	3517 BERESFORD DR	Modesto CA 95357	$26.00
079-002-037	GOMEZ PATRICIA	3521 BERESFORD DR	Modesto CA 95357	$26.00
079-002-038	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	Modesto CA 95357	$26.00
079-002-039	HILL PAUL JAMES SR TRS & HILL DORTHA HELENE	3529 BERESFORD DR	Modesto CA 95357	$26.00
079-002-040	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	Modesto CA 95357	$26.00
079-002-041	MENDOZA SHAWN	717 PARKSTON CT	Modesto CA 95357	$26.00
079-002-042	WOLTER DENNIS & CAROL	721 PARKSTON CT	Modesto CA 95357	$26.00
079-002-043	SAMRA AMARJIT	725 PARKSTON CT	Modesto CA 95357	$26.00
079-002-044	MEFFERD JULIE A	729 PARKSTON CT	Modesto CA 95357	$26.00
079-002-048	SINGH JOTIKA ET AL	745 PARKSTON CT	Modesto CA 95357	$26.00
079-002-049	BISHOP ROSIE	749 PARKSTON CT	Modesto CA 95357	$26.00
079-002-050	YALDA JORGINA Y	753 PARKSTON CT	Modesto CA 95357	$26.00
079-002-051	TORRES JUAN LUIS	752 PARKSTON CT	Modesto CA 95357	$26.00
079-002-052	CASTILLO RANDY	748 PARKSTON CT	Modesto CA 95357	$26.00
079-002-053	LANZA MARION RAFFELLA TR	744 PARKSTON CT	Modesto CA 95357	$26.00
079-002-054	FISHER TIMOTHY S	740 PARKSTON CT	Modesto CA 95357	$26.00
079-002-055	PEREZ ISIDRO C	736 PARKSTON CT	Modesto CA 95357-	$26.00
079-002-056	GANJA SAM	732 PARKSTON CT	Modesto CA 95357	$26.00
079-002-057	SANCHEZ JASON MICHAEL	728 PARKSTON CT	Modesto CA 95357	$26.00
079-002-058	COLLS LUIS R TR	724 PARKSTON CT	Modesto CA 95357	$26.00
079-002-059	REYES ANTHONY P	720 PARKSTON CT	Modesto CA 95357-	$26.00
079-002-060	CLARKE THOMAS D II & BRENDA L	716 PARKSTON CT	Modesto CA 95355	$26.00
079-002-061	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	Modesto CA 95357	$26.00
079-002-062	LUBINSKY EDWARD & LUBINSKY CAROL E	717 MILBANK DR	Modesto CA 95354	$26.00
079-002-063	CASTILLO HECTOR	721 MILBANK DR	Modesto CA 95357	$26.00
079-002-064	PRASAD RAMA	725 MILBANK DR	Modesto CA 95357	$26.00
079-002-065	WINGO NAIDA J	729 MILBANK DR	Modesto CA 95357	$26.00
079-002-066	SMITH MARQUE R	733 MILBANK DR	Modesto CA 95357-	$26.00
079-002-067	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	Modesto CA 95357-	$26.00
079-002-068	JAMES BRENDAN R ET AL	741 MILBANK DR	Modesto CA 95357	$26.00

079-002-069	MORSE GERALD WAYNE & CONSUELO	745 MILBANK DR	Modesto CA 95357	$26.00
079-002-070	WILKERSON KENNETH	817 SALINA DR	Modesto CA 95357	$26.00
079-002-071	CONTRERAS JESUS E RAMOS & RAMOS ANGELICA N CARRASC	821 SALINA DR	Modesto CA 95357	$26.00
079-002-072	SALAZAR JENNIFER	825 SALINA DR	Modesto CA 95357	$26.00
079-002-073	MANANQUIL DEXTER & PRAK DEBBIE	3701 WICHITA WAY	Modesto CA 95357	$26.00
079-002-074	ROMAN TED ET AL	3705 WICHITA WAY	Modesto CA 95357	$26.00
079-002-076	BATES HAROLD & JANICE	3533 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-078	HESKEL MATTHEW ET AL	733 PARKSTON CT	Modesto CA 95357	$26.00
079-002-079	LEZA OSCAR	737 PARKSTON CT	Modesto CA 95357	$26.00
079-002-080	HASKEL ROBERT P	3537 BATTLEBORO CT	Modesto CA 95357-	$26.00
079-002-082	SIMAS LUIS & DAISY	741 PARKSTON CT	Modesto CA 95357	$26.00
079-003-001	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-002	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-003	LONG HERBERT JR & PATRICIA	3633 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-004	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-005	EM SEREY	3625 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-006	MAGCALAS JOEL & VIRGINIA	3621 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-007	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-008	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-009	PRASAD URMILLA	3605 DRY CREEK DR	Modesto CA 95357-	$26.00
079-003-010	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-011	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-012	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-013	CHERRY RANDY & ROSALBA	3529 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-014	LAIRD RODNEY G	3525 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-015	SANTOS CLAUDIO C JR & LUCY V	3521 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-016	DIXON THOMAS L TR	3517 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-017	MICHAEL SCOTT A	3512 BERESFORD DR	Modesto CA 95354	$26.00
079-003-018	ESTRADA ADRIANA G	3516 BERESFORD DR	Modesto CA 95357	$26.00
079-003-019	DELANEY KIMBERLY R	3520 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-020	LOVE BOBBY	3524 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-021	DHALIWAL AMRITPAL	3528 BERESFORD DR	Modesto CA 95357	$26.00
079-003-022	LUTTRELL ERIC ET AL	3532 BERESFORD DR	Modesto CA 95357	$26.00
079-003-023	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	Modesto CA 95357	$26.00
079-003-024	MANHOSO FRANK & MANHOSO MARIA	3540 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-025	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	Modesto CA 95357	$26.00
079-003-026	MARTINEZ MICHAEL & TERESA	3604 BERESFORD DR	Modesto CA 95357	$26.00
079-003-027	PRAKASH OM & SUSHIL	3608 BERESFORD DR	Modesto CA 95357	$26.00
079-003-028	REYES ERLINDA M TR	3616 BERESFORD DR	Modesto CA 95357	$26.00
079-003-029	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-030	STANLEY COYE & MACHELLE	3624 BERESFORD DR	Modesto CA 95357	$26.00
079-003-031	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	Modesto CA 95357	$26.00
079-003-032	SAKNGPHACHANH PHONESY ET AL	3632 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-033	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	Modesto CA 95350	$26.00
079-003-034	SOLIS MARIA	708 SPINDALE DR	Modesto CA 95357	$26.00
079-003-035	LANGI SOANE	712 SPINDALE DR	Modesto CA 95357	$26.00
079-003-036	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	Modesto CA 95357	$26.00
079-003-037	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	Modesto CA 95357	$26.00
079-003-038	MORALES DIANA R	724 SPINDALE DR	Modesto CA 95357	$26.00
079-003-039	MONTELONGO SANDRO	728 SPINDALE DR	Modesto CA 95357-	$26.00
079-003-041	GONZALES JUAN JR & GLORIA	729 SPINDALE DR	Modesto CA 95357	$26.00
079-003-042	DORRETT NEWTON & LYNELL D	725 SPINDALE DR	Modesto CA 95357	$26.00
079-003-043	ANAYA JAMIE LEE	721 SPINDALE DR	Modesto CA 95357-	$26.00
079-003-044	MARENTES YESENIA	717 SPINDALE DR	Modesto CA 95357	$26.00
079-003-045	CARSON CHRISTOPHER & MARGARET F	713 SPINDALE DR	Modesto CA 95357	$26.00
079-003-046	GARCIA ROBERTO AVILA & GARCILAZO LAURA	709 SPINDALE DR	Modesto CA 95357	$26.00
079-003-047	BIELEFELDT JAMES W & MONICA C	3617 BERESFORD DR	Modesto CA 95357	$26.00
079-003-048	IDTS LLC	720 MILBANK DR	Modesto CA 95357	$26.00
079-003-049	MOODY ROBERT P & MOODY DIANE K	724 MILBANK DR	Modesto CA 95357	$26.00
079-003-050	SWITZER LYNDELL	728 MILBANK DR	Modesto CA 95357	$26.00
079-003-051	KILGORE LINDA L	732 MILBANK DR	Modesto CA 95357	$26.00
079-003-052	MAXWELL VIRGINIA E	736 MILBANK DR	Modesto CA 95357-	$26.00
079-003-053	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	Modesto CA 95357	$26.00
079-003-054	SPIEKER DAVE M & SPIEKER JANE R	744 MILBANK DR	Modesto CA 95357	$26.00
079-003-055	ALVEAR FELICITAS	748 MILBANK DR	Modesto CA 95357	$26.00
079-003-056	PAHL KAREN M ET AL	733 SPINDALE DR	Modesto CA 95357	$26.00
079-004-001	ESPARZA WILLIAM & ELSA	3709 WICHITA WAY	Modesto CA 95357	$26.00
079-004-002	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	Modesto CA 95357	$26.00

079-004-003	HAWIL ALFRED	3717 WICHITA WAY	Modesto CA 95357	$26.00
079-004-004	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	Modesto CA 95357	$26.00
079-004-005	GILL HARMAIL	3725 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-006	MANLULU NOEL M & MANLULU MARIVIC F	3729 WICHITA WAY	Modesto CA 95357	$26.00
079-004-007	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	Modesto CA 95357	$26.00
079-004-008	VALDES RENE D & PUNSMA	3801 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-009	DE ALBA RIGOBERTO & DE ALBA SANDRA L	3805 WICHITA WAY	Modesto CA 95357	$26.00
079-004-010	DE ALBA RIGOBERTO SR & DEL ALBA SANDRA L	3809 WICHITA WAY	Modesto CA 95357	$26.00
079-004-011	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	Modesto CA 95357	$26.00
079-004-012	HECKLER LAWRENCE S TR	3817 WICHITA WAY	Modesto CA 95357	$26.00
079-004-013	GARCIA ARMANDO & MARISOL RESENDIZ	3821 WICHITA WAY	Modesto CA 95357	$26.00
079-004-014	CURTRIGHT BARBARA TR	3825 WICHITA WAY	Modesto CA 95357	$26.00
079-004-015	KENNEDY CHAD & SHINOBU	3829 WICHITA WAY	Modesto CA 95354	$26.00
079-004-016	GETREU DANIEL L & GETREU PATRICIA E	3901 WICHITA WAY	Modesto CA 95354-	$26.00
079-004-017	MILLER RAYMOND E & MILLER JERELYN	3905 WICHITA WAY	Modesto CA 95357	$26.00
079-004-018	CUIRIZ EDER JAVIER	3909 WICHITA WAY	Modesto CA 95357	$26.00
079-004-019	ALBERG DAVID A & PAMELA M TRS	3913 WICHITA WAY	Modesto CA 95354	$26.00
079-004-020	BOWMAN CLINTON & TERRI	3917 WICHITA WAY	Modesto CA 95357	$26.00
079-004-021	COX JULIE A	3921 WICHITA WAY	Modesto CA 95355	$26.00
079-004-022	TEJADA SERGIO L	3925 WICHITA WAY	Modesto CA 95357	$26.00
079-004-023	MEZA HECTOR MEDINA	3929 WICHITA WAY	Modesto CA 95357	$26.00
079-004-024	MARTINEZ ARTHUR J & ELISA R	3933 WICHITA WAY	Modesto CA 95357	$26.00
079-004-025	GARDNER GEORGE & GARDNER DAWN	844 LARNED LN	Modesto CA 95357	$26.00
079-004-026	SAMUEL BENJAMIN & JANET Y	840 LARNED LN	Modesto CA 95357	$26.00
079-004-027	RENDEROS MARIA E	836 LARNED LN	Modesto CA 95357	$26.00
079-004-028	SEN INDAR & SEN SURUJ M	832 LARNED LN	Modesto CA 95357	$26.00
079-004-029	VIGIL CELSO ET AL	828 LARNED LN	Modesto CA 95357	$26.00
079-004-030	MENDOZA MEREIDA	3925 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-031	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-032	MARTIN CHRISTOPHER & MONIQUE	3917 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-033	GLEN MAVIS J TR	3913 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-034	CHRISTIANSON ADAM E & CHRISTIANSON YVONNE M	3909 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-035	CHICKEN RANCH MEWUK INDIANS	3905 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-036	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-037	RETFORD HANK W & RETFORD KAREN J	3821 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-038	SORIA JULIAN ET AL	3817 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-004-039	MUNOZFERRER ISMAEL	3813 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-040	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-041	VASQUEZ RICHARD P	3805 SHARPSBURG DR	Modesto CA 95353	$26.00
079-004-042	SERNA MARLA ANN TR	3801 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-043	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-004-044	WOOD SHAWN & WOOD KRISTINA M	3717 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-045	HATTERSLEY SCOTT LEYTON & SANDRA LEE TRS	3713 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-046	CHIEN PETER C	3709 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-047	DIVIRD HEIDI N & JASON R	3705 SHARPSBURG DR	Modesto CA 95354	$26.00
079-004-048	PANG YIM PING & LI FELIX JING HUI	3701 SHARPSBURG DR	Modesto CA 09535	$26.00
079-004-049	EYRING MARION L TR	3712 WICHITA WAY	Modesto CA 95357	$26.00
079-004-050	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	Modesto CA 95357	$26.00
079-004-051	LEYVA RENE SR & CLAUDIA D	3720 WICHITA WAY	Modesto CA 95357	$26.00
079-004-052	DUMAS JAMES BRIAN SR & PAMELA LEE TRS	3724 WICHITA WAY	Modesto CA 95357	$26.00
079-004-053	MORENO LUIS F & MORENO ROSA M	3728 WICHITA WAY	Modesto CA 95354	$26.00
079-004-054	GONZALEZ JUAN R	3732 WICHITA WAY	Modesto CA 95357	$26.00
079-004-055	CASTILLO RAFAEL	3800 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-056	SALVATION ARMY	3804 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-057	CLINE DAVID L & DEBRA N TRS	3808 WICHITA WAY	Modesto CA 95357	$26.00
079-004-058	FUGATE BRANDON ET AL TRS	3812 WICHITA WAY	Modesto CA 95357	$26.00
079-004-059	COUCHMAN PAUL E & KATHRYN A	3816 WICHITA WAY	Modesto CA 95357	$26.00
079-004-060	CABEBE MARIA RIZALINA C TR	3820 WICHITA WAY	Modesto CA 95357	$26.00
079-004-061	MAYOL BIRGITT A TR ET AL	3824 WICHITA WAY	Modesto CA 95357	$26.00
079-004-062	HERNANDEZ CESAR E & MARGARITA C	3828 WICHITA WAY	Modesto CA 95357	$26.00
079-004-063	BEAUDETTE GARY & BEAUDETTE DEBORAH	3900 WICHITA WAY	Modesto CA 95357	$26.00
079-004-064	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	Modesto CA 95357	$26.00
079-004-065	MANCINI JUDITH	3908 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-066	ISRAEL SAMMY S & SHERLY ESGUERRA	3912 WICHITA WAY	Modesto CA 95357	$26.00
079-004-067	ROJAS ROGELIO A	3916 WICHITA WAY	Modesto CA 95354	$26.00
079-004-068	OVIEDO IRMA L	3920 WICHITA WAY	Modesto CA 95357	$26.00
079-004-069	OCKEY LEOTA L TR	3924 WICHITA WAY	Modesto CA 95357	$26.00
079-005-001	SIMPSON STEVEN	732 SPINDALE DR	Modesto CA 95357	$26.00

079-005-002	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	Modesto CA 95357	$26.00
079-005-003	BORDNER FATIMA	800 SALINA DR	Modesto CA 95357	$26.00
079-005-004	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	Modesto CA 95354	$26.00
079-005-005	SOUZA DONOVAN & SOUZA NICOLE	813 PARSONS CT	Modesto CA 95354	$26.00
079-005-006	CLEMENTS PANDORA A	809 PARSONS CT	Modesto CA 95357	$26.00
079-005-007	THOMPSON MELANIE	805 PARSONS CT	Modesto CA 95357	$26.00
079-005-008	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	Modesto CA 95357	$26.00
079-005-009	LEE EDMUND W TR	804 PARSONS CT	Modesto CA 95357	$26.00
079-005-010	GARCIA EDUARDO C & GARCIA ELIZABETH A	808 PARSONS CT	Modesto CA 95351	$26.00
079-005-011	KHAMOO BABA & HILDA TRS	812 PARSONS CT	Modesto CA 95357	$26.00
079-005-012	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-013	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-014	FAGUNDES ANTONIO & HAIR JACQUELINE K	809 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-015	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-016	SANDHU MANJINDER SINGH & SUKHJIT KAUR	801 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-017	OWENS LARRY G & MARY Z	800 LEAVENWORTH WAY	Modesto CA 95351	$26.00
079-005-018	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-019	BISHOFF PHYLLIS	808 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-020	GROSS THOMAS T	812 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-021	EWING JOHN R & MARGARET K TRS	816 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-022	MCDONALD SHARICE	3908 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-023	DAVISON WAYNE & JO	3912 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-024	HAWIL ALFRED	3916 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-025	DURHAM SANDY M	817 LARNED LN	Modesto CA 95357	$26.00
079-005-026	MCCARTHY JAMES & TAMRA	813 LARNED LN	Modesto CA 95357	$26.00
079-005-027	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	Modesto CA 95357	$26.00
079-005-028	VAN DIEMEN MICHAEL B & VAN DIEMEN LAURI L	805 LARNED LN	Modesto CA 95357	$26.00
079-005-029	LIGHT MARK T	3909 GOODLAND CT	Modesto CA 95357	$26.00
079-005-030	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	Modesto CA 95357	$26.00
079-005-031	BARKLEY JOSEPH E TR	3900 GOODLAND CT	Modesto CA 95357	$26.00
079-005-032	BROOKS CHARLES A & SUSAN D TRS	3904 GOODLAND CT	Modesto CA 95357	$26.00
079-005-033	GAMBOA BENITO	3908 GOODLAND CT	Modesto CA 95357	$26.00
079-005-034	MORALES SHARON & LUIS	3912 GOODLAND CT	Modesto CA 95357	$26.00
079-005-035	YOUNGER ROGER & LAURA	3916 GOODLAND CT	Modesto CA 95357	$26.00
079-005-036	COLE TINA M	3920 GOODLAND CT	Modesto CA 95357	$26.00
079-005-037	ALVARADO MARIA D	800 LARNED LN	Modesto CA 95357	$26.00
079-005-038	PALMERIN JOSE DE JESUS	804 LARNED LN	Modesto CA 95357	$26.00
079-005-039	PADILLA DIANA M ET AL	808 LARNED LN	Modesto CA 95357	$26.00
079-005-040	PARKS STEVEN M & BECKY	812 LARNED LN	Modesto CA 95357	$26.00
079-005-041	LEIVA LEONEL ALFREDO & LILI MARLENE	816 LARNED LN	Modesto CA 95357	$26.00
079-005-042	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	Modesto CA 95357	$26.00
079-005-043	BROWN DANNY ARTHUR & CHRISTINA	824 LARNED LN	Modesto CA 95357	$26.00
079-006-001	LAMBEL LARRY G & CYNTHIA A	737 WADDELL WAY	Modesto CA 95357	$26.00
079-006-002	NASSER MOHAMED	741 WADDELL WAY	Modesto CA 95357	$26.00
079-006-003	HILL PAMELA ET AL	745 WADDELL WAY	Modesto CA 95357	$26.00
079-006-004	CHHIM LIM	749 WADDELL WAY	Modesto CA 95357	$26.00
079-006-005	LIVINGSTON TREVOR	753 WADDELL WAY	Modesto CA 95357	$26.00
079-006-006	SAMOW HALA	757 WADDELL WAY	Modesto CA 95357	$26.00
079-006-007	MICHAEL RAPHAEL ET AL	761 WADDELL WAY	Modesto CA 95357	$26.00
079-006-008	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	Modesto CA 95357	$26.00
079-006-010	JOHNSON GERALD L ET AL	752 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-011	REEVES JERAMIAH & SAUNDRA	748 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-012	BUDA DANIEL & CHRISTINA	744 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-013	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-014	MC CRARY LLOYD U & MC CRARY MARY J	736 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-015	PARKINS SANDRA BELINDA TR	732 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-016	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-017	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-018	SANTOS LUZ MARIA	720 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-019	SANTOS LUZ	716 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-020	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-021	MAUCH EVA & LOREN	708 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-022	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	Modesto CA 95355	$26.00
079-006-023	LOTKO ANN E	700 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-024	PEREZ JUAN MANUEL & SILVIA PULIDO	640 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-025	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-026	BANUELOS MARTHA E	705 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-027	ARROYO RAFAEL ARROYO & CHAVEZ GUADALUPE RAMIREZ	709 CODINGTON WAY	Modesto CA 95357	$26.00

079-006-028	CONDER DEBORAH	713 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-029	AGUIRRE ALICIA R	717 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-030	GOMEZ FRANCISCO J & PATRICIA	721 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-031	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-032	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-033	CARROLL EDWIN JOSEPH & CONNIE	733 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-034	AMBROSICH STEPHEN F TR	737 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-035	MARKER GEORGE H TR	741 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-036	GALE MARK D II & DEBRA L TRS	745 CODINGTON WAY	Modesto CA 95354	$26.00
079-006-037	SILLEMON ANTHONY	749 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-038	GUZMAN JESUS A	744 CARRBORO LN	Modesto CA 95357	$26.00
079-006-039	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	Modesto CA 95357	$26.00
079-006-040	PATRICK ANTONIO	736 CARRBORO LN	Modesto CA 95357	$26.00
079-006-041	SCHRUMPF JOHN D & MUNSON-SCHRUMPF CLAUDIA	732 CARRBORO LN	Modesto CA 95357	$26.00
079-006-042	WILLIAMS MARLON & NENA	728 CARRBORO LN	Modesto CA 95357-	$26.00
079-006-043	DEBERRY GARY L & ALICE	724 CARRBORO LN	Modesto CA 95357	$26.00
079-006-044	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	Modesto CA 95357	$26.00
079-006-045	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	Modesto CA 95357	$26.00
079-006-046	ODISHO DAVID & ODISHO JULIET	712 CARRBORO LN	Modesto CA 95357	$26.00
079-006-047	WAY DONALD E & TERESA M TRS	708 CARRBORO LN	Modesto CA 95357	$26.00
079-006-048	DAVID VIRGEEN	704 CARRBORO LN	Modesto CA 95357	$26.00
079-006-049	CONN HILARY A & GARY	700 CARRBORO LN	Modesto CA 95357	$26.00
079-007-001	CHOW MINH LU ET AL	729 WADDELL WAY	Modesto CA 95354	$26.00
079-007-002	JORGENSEN FRANK E & MIRIAM M	725 WADDELL WAY	Modesto CA 95357	$26.00
079-007-003	SANTOBA ANTHONY & LAUREN	721 WADDELL WAY	Modesto CA 95357	$26.00
079-007-004	CORRAL MH LLC	717 WADDELL WAY	Modesto CA 95357	$26.00
079-007-005	L & D RENTALS LLC	713 WADDELL WAY	Modesto CA 95357	$26.00
079-007-006	GUTIERREZ DIEGO	709 WADDELL WAY	Modesto CA 95357	$26.00
079-007-007	SANCHEZ ENRIQUE	705 WADDELL WAY	Modesto CA 95357	$26.00
079-007-008	PENIRIAN JODI	701 WADDELL WAY	Modesto CA 95357	$26.00
079-007-009	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	Modesto CA 95357	$26.00
079-007-010	ZAMORA GUILLERMO	665 WADDELL WAY	Modesto CA 95357	$26.00
079-007-011	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	Modesto CA 95354	$26.00
079-007-012	L & D RENTALS LLC	657 WADDELL WAY	Modesto CA 95357	$26.00
079-007-013	KESSLER STACI ET AL	653 WADDELL WAY	Modesto CA 95357	$26.00
079-007-014	BAKER OUTIN MARLENE	649 WADDELL WAY	Modesto CA 95357	$26.00
079-007-015	MARSELLA BARBARA A	645 WADDELL WAY	Modesto CA 95357	$26.00
079-007-016	ROQUE DARWIN	641 WADDELL WAY	Modesto CA 95357	$26.00
079-007-017	ORR MILDRED M ET AL	648 WADDELL WAY	Modesto CA 95357	$26.00
079-007-018	MEYER LISA M	652 WADDELL WAY	Modesto CA 95357	$26.00
079-007-019	MENDEZ HILARIO	656 WADDELL WAY	Modesto CA 95350	$26.00
079-007-020	AMERICAN RESIDENTIAL PROPERTIES OP LP	721 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-021	GOOTGELD MARLA	717 RIEDSVILLE CT	Modesto CA 95354	$26.00
079-007-022	ZAVALA JOHN & YVONNE	713 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-023	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-024	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-025	SCALA PAOLO & MEDINA MIRIAM	712 WADDELL WAY	Modesto CA 95357	$26.00
079-007-026	JIMENEZ GREGORIO	716 WADDELL WAY	Modesto CA 95357-	$26.00
079-007-027	MOLES EDWARD A & DIAMOND SUSAN H TRS	720 WADDELL WAY	Modesto CA 95357	$26.00
079-007-028	SOTO ANABEL	724 WADDELL WAY	Modesto CA 95357	$26.00
079-007-029	TRIMBLE BRENDA E	728 WADDELL WAY	Modesto CA 95354	$26.00
079-007-030	POZZOULI JOHN L	732 WADDELL WAY	Modesto CA 95357	$26.00
079-007-031	SINGH SURUJ B & SINGH LACHMI BAI	736 WADDELL WAY	Modesto CA 95357	$26.00
079-007-032	DE LA TORRE CONRADO & ROSEMARY TRS	740 WADDELL WAY	Modesto CA 95357	$26.00
079-007-033	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	Modesto CA 95357-	$26.00
079-007-034	PLACE GREGORY & SHERI L	733 CARRBORO LN	Modesto CA 95357	$26.00
079-007-035	SALYER JEFF & SARAH	729 CARRBORO LN	Modesto CA 95357	$26.00
079-007-036	P T BRAND PROPERTIES LLC	725 CARRBORO LN	Modesto CA 95357-	$26.00
079-007-037	CEJA BEATRICE	721 CARRBORO LN	Modesto CA 95357	$26.00
079-007-038	NAVARRO RAFAEL	717 CARRBORO LN	Modesto CA 95357	$26.00
079-007-039	HARRISON KAREN S	713 CARRBORO LN	Modesto CA 95357	$26.00
079-007-040	VILLALOVOS YOLANDA & ART R	709 CARRBORO LN	Modesto CA 95357	$26.00
079-007-041	GALLOWAY JACK	700 CHADBURN CT	Modesto CA 95357	$26.00
079-007-042	JACKSON JONATHAN & ADONA	704 CHADBURN CT	Modesto CA 95357	$26.00
079-007-043	DIAS JEREMIAH A ET AL	708 CHADBURN CT	Modesto CA 95357	$26.00
079-007-044	SAMRA GURDIP & PREET	712 CHADBURN CT	Modesto CA 95357	$26.00
079-007-045	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	Modesto CA 95357	$26.00
079-007-046	MEZA JACQUELINE M	720 CHADBURN CT	Modesto CA 95354	$26.00

079-007-047	TRUESDAIL SHELBY J	724 CHADBURN CT	Modesto CA 95357	$26.00
079-007-048	BAHI EILEEN	721 CHADBURN CT	Modesto CA 95354	$26.00
079-007-049	IBARRA JUANA	717 CHADBURN CT	Modesto CA 95357	$26.00
079-007-050	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	Modesto CA 95357	$26.00
079-007-051	BROOKS HARVEY EARL TR	709 CHADBURN CT	Modesto CA 95357	$26.00
079-007-052	ESTRADA-GAMBOA RAMON	705 CHADBURN CT	Modesto CA 95355	$26.00
079-007-053	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-054	BERTRAM ELLEN TR	3721 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-055	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-056	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-057	DAVIS JAMES R & DAVIS LETECIA R	3709 CREEDMOOR AVE	Modesto CA 95354	$26.00
079-008-001	BUAYA DAVID S	620 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-002	ALI SYED ARIF & ARIF SHAZIA	616 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-003	CONCHAS SANDRA H	612 N MC CLURE RD	Modesto CA 95356	$26.00
079-008-004	RENO FRED W	608 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-005	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-006	CHAND VIJAY V ET AL	600 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-007	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-008	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-009	MOUNDI HARINDER K & GURDIAL SINGH W	556 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-010	BORGES FRANK J	552 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-011	MILLER THOMAS H TR	548 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-012	MOON LERALENE TR	544 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-013	MAHARAJ ARUNA & MAJARAJ SANJAI S	540 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-014	TAGRE ABEL JOSE & TERRIE MARIE TRS	536 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-015	CHAMBERS DEREASSA	501 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-016	SABLOK SATISH KUMAR & SABLOK RENUKA DEVI	505 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-017	PEEK CHARLES & PEEK ADRIENNE	509 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-018	KINCHELOE DONNIE & KAREN	513 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-019	SHARMA UMA L	517 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-020	CARDOSO JOHN P	521 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-021	MARQUEZ VICENTE MARTINEZ & MADRIGAL GRACIELA	525 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-022	ZERMENO RAUL & MARIA LETICIA	529 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-023	ZARAGOZA RICARDO	533 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-024	CHAND SHUI	601 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-025	JEET JERMY S	605 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-026	BETTENCOURT JOHN C TRS ET AL	609 REDFIELD AVE	Modesto CA 95357-	$26.00
079-008-027	KUMAR PRANEEL	613 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-028	ATHWAL NAVJOT	617 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-029	PRAK DEBBIE	3516 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-030	BROWN CAROL C TR	3520 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-031	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	Modesto CA 95354	$26.00
079-008-032	HARDY RICK L & LYNN P	3528 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-033	DAVIS DAWNA BEAIRD	3532 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-034	BHATTI BALBIR S & JASVIR K	3536 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-035	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-036	SARABIA STEVE ANTHONY & MARGARITA CAMPOS DE	3604 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-037	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-038	BROWN DALE	3612 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-039	BOGG JANO TR	3616 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-040	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	Modesto CA 95357-	$26.00
079-008-041	SINGH SHALVIN V	3624 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-042	MALLEY KATHERINE S	3628 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-043	KELLER ALFRED W	3632 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-044	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-045	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-046	STAMPS GENE A & GLORIA M	532 WILMONT LN	Modesto CA 95357	$26.00
079-008-047	JIMENEZ GERARDO	536 WILMONT LN	Modesto CA 95357-	$26.00
079-008-048	MATULIS ERIC A	3633 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-049	CHIU JOSEPH C & CHIU HELEN LEE	3629 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-050	FARA AHMED & FARA MUFDHLA	3625 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-051	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-052	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-053	SINGH PREM	3613 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-054	WHITAKER SAUDIA F	3609 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-055	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-056	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-057	WELLS JEFFREY R & CARRIE H	3533 HIGHMORE LN	Modesto CA 95357	$26.00

079-008-058	POSLANEC COBY L	3529 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-059	SADA FRED & JACKIE N	3525 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-060	WHITE JOHN L & WHITE MARILYN K	3521 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-061	BASSI JOE & KIRAN TRS	3517 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-062	KOKOLOGIANNAKIS MARTHA TR	3513 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-003	HENRY JILL ANNETTE & MULLINS MARY FRANCES TRS	3629 ARDIA AVE	Modesto CA 95357	$26.00
079-009-004	POK NAVEEN & VEUNVILAVONG AMMONE	3625 ARDIA AVE	Modesto CA 95353	$26.00
079-009-005	WRIGHT ROBERT T SR	3621 ARDIA AVE	Modesto CA 95357	$26.00
079-009-006	DALMAN NINON M	3617 ARDIA AVE	Modesto CA 95357	$26.00
079-009-007	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	Modesto CA 95357	$26.00
079-009-008	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	Modesto CA 95357	$26.00
079-009-009	REYNOLDS EVA NELL TR	3605 ARDIA AVE	Modesto CA 95357	$26.00
079-009-010	WILLIAMS DONALD F & DEBORAH A	3601 ARDIA AVE	Modesto CA 95357	$26.00
079-009-011	NAIRN DENNIS & NAIRN REBECCA	3533 ARDIA AVE	Modesto CA 95357	$26.00
079-009-012	PERKINS ROBERT	3529 ARDIA AVE	Modesto CA 95357	$26.00
079-009-013	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	Modesto CA 95357	$26.00
079-009-014	THANDI H S & S K	3521 ARDIA AVE	Modesto CA 95357	$26.00
079-009-015	RAMOS FERNANDO A	3517 ARDIA AVE	Modesto CA 95357-	$26.00
079-009-016	MARTINEZ TONY R JR	3513 ARDIA AVE	Modesto CA 95357	$26.00
079-009-017	FIGUEROA JASMINE E	3512 BALFOUR LN	Modesto CA 95357	$26.00
079-009-018	GREWAL JASKIRAN	3516 BALFOUR LN	Modesto CA 95357	$26.00
079-009-019	OGDEN ROBERT C & DEBORAH A TRS	3520 BALFOUR LN	Modesto CA 95357-	$26.00
079-009-020	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	Modesto CA 95357	$26.00
079-009-021	MILLS AUDREY C	3528 BALFOUR LN	Modesto CA 95357	$26.00
079-009-022	COLLS LUIS R TR	3600 BALFOUR LN	Modesto CA 95357	$26.00
079-009-023	MANRIQUEZ UBALDO & DORA	3604 BALFOUR LN	Modesto CA 95357	$26.00
079-009-024	AMEREL CLEVE & ROSA	3608 BALFOUR LN	Modesto CA 95357-	$26.00
079-009-025	JOHNSON SOUNITA ET AL	3612 BALFOUR LN	Modesto CA 95354	$26.00
079-009-026	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	Modesto CA 95357	$26.00
079-009-027	LEE DAVID S & HU YANTING	3620 BALFOUR LN	Modesto CA 95357	$26.00
079-009-028	GONZALEZ ALFONSO CHAVEZ & RAMPONI-CHAVEZ JUDY	3624 BALFOUR LN	Modesto CA 95357	$26.00
079-009-029	SANCHEZ HUGO & ZENAIDA	3628 BALFOUR LN	Modesto CA 95357	$26.00
079-009-030	TOMLINSON MARK S & TOMLINSON JENNIFER D	3632 BALFOUR LN	Modesto CA 95357	$26.00
079-009-031	SOVEA PETER C & CAROL M TRS	512 WILMONT LN	Modesto CA 95357	$26.00
079-009-032	SHELTON CHRISTINA D	516 WILMONT LN	Modesto CA 95357	$26.00
079-009-033	FRANCO DANIEL & TANIA	520 WILMONT LN	Modesto CA 95351	$26.00
079-009-034	BARRY MAGED	524 WILMONT LN	Modesto CA 95355	$26.00
079-009-035	BIZZINI KELLY A	528 WILMONT LN	Modesto CA 95357	$26.00
079-009-036	MARTINEZ PEDRO	3628 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-037	RAMIREZ JESUS & LORENA	3624 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-038	CERDA GONZALO	3620 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-039	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	Modesto CA 95357-	$26.00
079-009-040	CASTRO MARIA	3612 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-041	VIZCARRA JOSE A	3608 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-042	YAU KING PO & SU AI CENG	3604 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-043	ZAYA SAMIA	3600 HIGHMORE LN	Modesto CA 95354	$26.00
079-009-044	CHIU CHARLES	3528 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-045	FORBES DEENA M ET AL	3524 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-046	LITTMANN PETER & TAMARA	3520 HIGHMORE LN	Modesto CA 95355	$26.00
079-009-047	LEV ANGELA	3516 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-048	SPYKSMA GLENN DAVID & CARLA TRS	3512 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-049	MAHUSAY SATURNINO & MAHUSAY PATRICIA	3513 BALFOUR LN	Modesto CA 95357	$26.00
079-009-050	REYNOSO SOCORRO GUTIERREZ	3517 BALFOUR LN	Modesto CA 95357	$26.00
079-009-051	BILLIKOPF GREGORY E & BILLIKOPF LINDA M	3521 BALFOUR LN	Modesto CA 95357	$26.00
079-009-052	PETERSON GAIL W & KAREN TRS	3525 BALFOUR LN	Modesto CA 95357	$26.00
079-009-053	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	Modesto CA 95357	$26.00
079-009-054	OSHANA DOONA	3533 BALFOUR LN	Modesto CA 95357	$26.00
079-009-055	VERSOLA KENNETH O ET AL TRS	3601 BALFOUR LN	Modesto CA 95357	$26.00
079-009-056	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	Modesto CA 95354	$26.00
079-009-057	VALADEZ RUBEN	3609 BALFOUR LN	Modesto CA 95357	$26.00
079-009-058	HEDRICK KENNETH L & HEDRICK MARGIE	3613 BALFOUR LN	Modesto CA 95357	$26.00
079-009-059	WASPE LAWRENCE E MD	3617 BALFOUR LN	Modesto CA 95357	$26.00
079-009-060	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	Modesto CA 95357	$26.00
079-009-061	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	Modesto CA 95357	$26.00
079-009-062	DAVIS RODGER & STACY	3633 ARDIA AVE	Modesto CA 95357	$26.00
079-010-001	HORLICK LUPE CASTILLO ET AL	609 WADDELL WAY	Modesto CA 95357	$26.00
079-010-002	ORTEGA ANGEL GABRIEL	613 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-003	CANETE MARIE C	617 WADDELL WAY	Modesto CA 95357	$26.00

079-010-004	LEWIS LA VONA L TR	621 WADDELL WAY	Modesto CA 95357	$26.00
079-010-005	MALDONADO LUIS & MALDONADO ERENDIRA	625 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-006	BETTENCOURT JOHN C ET AL TRS ET AL	629 WADDELL WAY	Modesto CA 95351	$26.00
079-010-007	AISPURO ROSALVA P	633 WADDELL WAY	Modesto CA 95357	$26.00
079-010-008	THOMAS-STEVENS CHERI N	637 WADDELL WAY	Modesto CA 95357	$26.00
079-010-009	PRASAD RINESARI & SATYA W	3700 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-010	LEKINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-011	TRIO DONNA M	3708 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-012	PRASAD RAKESH	3712 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-013	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-014	STOCKAND MIMI M	3720 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-015	WATSON THOMAS R & SHARON M	3724 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-016	GONZALES JOSEPH R	3728 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-017	NELSON RONALD J	3732 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-018	RAMIREZ GABRIELA	3736 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-019	CHIANG STANLEY & EMILY	3800 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-020	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-021	SALDANA BENJAMIN	3808 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-022	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	Modesto CA 95355	$26.00
079-010-023	XIAOKUN ZHI	3816 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-024	STEWART ALLAN HENRY ET AL TRS	3900 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-025	JAMES GLORIA R ET AL	3904 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-026	RIVERA PAUL C & CARMEN	3908 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-027	KUMAR ABINESH	3912 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-028	NAMO ALEN	3916 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-029	DYRCZ JEFFREY LEE	636 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-030	GALIOTO-FISHER LISA M	632 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-031	SMITH JUSTIN KEITH	628 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-032	LAURANCE MICHAEL E & DEBRA	624 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-033	LONERO CHARLES & LONERO ANNA M	620 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-034	LOVEALL DENNIS J & TANG JANNY LUU	3925 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-035	HALE DENNA M	3921 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-036	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-037	GALLEGOS ELIDIA	3913 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-038	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-039	PRIETO ANTHONY AUGUSTIN	3905 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-040	VHAN SUNILA TR	3901 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-041	PERA ADRIAN C	3825 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-042	BRESHEARS DONALD K	3821 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-043	DELGADO MIGUEL	3817 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-044	JESUS MANUEL A & MARY L TRS	3813 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-045	GUZMAN ALEJANDRA ROBLES	3809 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-046	CUEVAS JOSE C ET AL	3805 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-047	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-010-048	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-049	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-050	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-051	KUMAR ASHOK	3713 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-052	MADRIGAL ROBERT	3709 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-053	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-054	JIAO HUIYING TR	3701 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-001	MOUNBUA CHANH ET AL	3700 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-011-002	VARGAS EDWARD J & RACHELLE DEE TRS	3704 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-011-003	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-004	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-005	YOUNAN MARIAM	3716 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-006	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-007	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-008	ALVES JASON L	3800 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-011-009	WONG SHERRE L TR	3804 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-010	SAMO LUAY	3808 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-011	KINGSLEY BRANDON K & AMBER N	3812 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-012	STILLWELL VINCE & ESCOBAR EVELYN	3816 DILLINGHAM AVE	Modesto CA 95351	$26.00
079-011-013	ROWE DANIEL V & ROWE MICHELLE R	3820 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-014	LOBAO THOMAS A & LOBAO LISA	3824 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-015	MARTINHO THERESA SILVA TR	3900 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-016	CONTRERAS JAVIER	3904 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-017	CABRERA MELINDA S	3908 DILLINGHAM AVE	Modesto CA 95357-	$26.00

079-011-018	VASQUEZ ROSA & PEDRO	3912 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-019	BAXTER RACHEL	3916 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-020	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-021	SAENGSOURY TONY & SAENGSOURY MARY	3924 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-022	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	Modesto CA 95357-	$26.00
079-011-023	TODD TRISHA & BRIAN EDWARD	612 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-024	REGALADO JUAN ET AL	608 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-025	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-026	MORALES STACIE A & KENNETH	600 CODINGTON WAY	Modesto CA 95357-	$26.00
079-011-027	LEBON FRANCIS LOUIS	3925 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-028	DE VERA SUSAN ET AL	3921 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-029	RANEY JERRY S & TONIE	3917 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-011-030	MC KAY JAMES A & MC KAY MARY L	3913 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-031	FERNANDEZ ELMA ET AL	3909 ELLENBORO AVE	Modesto CA 95351-	$26.00
079-011-032	BAILEY ELIZABETH M & STEVE R	3905 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-033	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-034	LOVE JAMES H & LOVE BRENDA W	3825 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-035	LEVCHENKO LAURIE	3821 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-036	KIRKERIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-037	GARRISON JAMES A TR	3813 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-038	GUTIERREZ JOSE E	3809 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-011-039	MARTINEZ DOLORES ET AL	3805 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-040	BANKS TONYA	3801 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-041	ALDAWOOD PETER SHUMON & RIMA	3725 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-042	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-043	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-044	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	Modesto CA 95351-	$26.00
079-011-045	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-046	WRUCK JAMES A TR	3705 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-047	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-001	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	Modesto CA 95357	$26.00
079-012-002	BETYAGHOUB VILHAM & BETYAGHOUB LINDA	545 WADDELL WAY	Modesto CA 95357	$26.00
079-012-003	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	Modesto CA 95357	$26.00
079-012-004	YU BETTY	553 WADDELL WAY	Modesto CA 95357	$26.00
079-012-005	CHAND ATISH & REENA	557 WADDELL WAY	Modesto CA 95357	$26.00
079-012-006	PEERA ALBERTA	601 WADDELL WAY	Modesto CA 95357	$26.00
079-012-007	SUAREZ-MILLAN THANIA A	3700 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-008	MARENTES YESENIA	3704 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-009	MATOS BRUNO O & MICHELLE N	3708 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-010	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-011	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-012	SERRANO GUADALUPE & MARIA ELENA	3720 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-013	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-014	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-015	BARRIENTOS JAVIER & ARCADIA	3804 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-016	CORRAL SANDRA	3808 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-017	CHUANG TINA Y	3812 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-018	AGAS JANELYN R	3816 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-019	MADEROS KATHLEEN J	3820 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-020	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-021	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-022	BETTENCOURT JOHN C TRS ET AL	3904 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-023	SOLOMON LLOYD R & JEAN M TRS	3908 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-024	THOMAS DOUGLAS E & GLENDA J	3912 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-025	RODRIGUEZ ALFONSO	3916 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-026	BARCELO PATRICIA	3920 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-027	MATA JUAN W ETA L	3924 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-028	ROACH ERIC M & ROACH NANETTE C	556 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-029	AUSTIN BEVERLY	552 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-030	VALLADOLID RAMIRO & DE VALLADOLID MA CRUZ COBARRUB	548 CODINGTON WAY	Modesto CA 95350	$26.00
079-012-031	CHAIREZ MICHAEL	544 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-032	29 SAC HOLDINGS 1 LP	540 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-033	MCBROOM RODNEY D TR	3925 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-034	WILDEMAN GALEN J	3921 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-035	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-036	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-037	LEANOS JAVIER TAPIA & TAPIA DANIELA ESTEFANY	3909 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-038	TORRES VICOTR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	Modesto CA 95357	$26.00

079-012-039	PARSONS NANCY M	3901 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-040	GRAVES LINDA M	3825 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-041	TUERS TERRY B & TUERS LENORE L	3821 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-042	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-043	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3813 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-044	BUSH CHARLES F & BUSH DONNA L	3809 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-045	PENA JOSEPH	3805 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-046	ODISHO CATHERINE ET AL	3801 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-047	SHEPHERD NORMAN E & LISA N	3725 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-012-048	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-049	RUSSELL GARRICK	3717 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-050	JENSEN STEVEN H & TONIA R	3713 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-051	PATEL JAGUBHAI & PATEL GANGABEN	3709 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-052	NELSON LESTER J & NELSON CRESENCIA	3705 GATESVILLE AVE	Modesto CA 95326	$26.00
079-012-053	MUTOZA CRAIG J	3701 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-001	DAVIS KURT ROBERT	521 WADDELL WAY	Modesto CA 95357	$26.00
079-013-002	VARGAS EDWARD J & RACHELLE DEE TRS	525 WADDELL WAY	Modesto CA 95357	$26.00
079-013-003	ROCHA JOHN DANIEL & ROCHA DIANNE MARIE	529 WADDELL WAY	Modesto CA 95354	$26.00
079-013-004	VANDERHEIDEN ROBIN	533 WADDELL WAY	Modesto CA 95357	$26.00
079-013-005	CORREA ARMANDO JR	537 WADDELL WAY	Modesto CA 95356	$26.00
079-013-006	VALLADOLID YESENIA	3700 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-007	BATEMAN WALTER	3704 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-008	GOUVEIA JOHN E & GOUVEIA TERRE L	3708 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-009	DELEMOS ALBINA	3712 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-010	LE CANH & TIEU MY HA	3716 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-011	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-012	MORA-MARTINEZ MA R	3724 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-013	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-014	LONN ROCHELLE	3804 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-015	HAYNES ERIC L	3808 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-016	PARKINSON MARK & DIANE	3812 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-017	BROWN WILLIAM K & SHAMIRAN A	3816 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-018	OXFORD DAVID C JR & JUDY D	3820 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-019	TAPIA YER YANG ET AL	3824 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-020	PETTIGREW AUSTIN T	3900 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-021	ROUNGREUANG BOUNLONG	3904 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-022	ALVARENGA VICTOR	3908 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-023	GUARDADO ARIEL	3912 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-024	JOLLIFF GARTH & KATHERINE	3916 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-025	BAXTER RACHEL A	3920 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-026	SAMI PRANESH	3924 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-027	RODRIGUEZ REYES & MARIA C	536 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-028	USSERY CAROL D	532 CODINGTON WAY	Modesto CA 95350-	$26.00
079-013-029	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	Modesto CA 95357-	$26.00
079-013-030	OCHOA SANJUANA	524 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-031	MIRANDA SERGIO	520 CODINGTON WAY	Modesto CA 95357-	$26.00
079-013-032	DIAZ KATHRYN A & GREGORY R	3925 LAURENBURG AVE	Modesto CA 95357-	$26.00
079-013-033	CAMPBELL LISA R	3921 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-034	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-035	GUZMAN JONATHAN	3913 LAURENBURG AVE	Modesto CA 95357-	$26.00
079-013-036	HENDERSON DAVID	3909 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-037	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-038	JOSEPHSON JOSEPH A & JOSEPHSON STACEY	3901 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-039	RAMIREZ JACOB & ARACELI	3825 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-040	PENN KRYSTLE	3821 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-041	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-042	RODRIGUEZ ELENA	3813 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-043	AQUINO J GABRIEL MENDOZA & MENDOZA NIEVES	3809 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-044	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-045	ALVARADO ALFONSO F	3801 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-046	DUNN JAY ALAN	3725 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-047	WATKINS WALLY T & LAUREN A	3721 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-048	CHAND VIJAY ET AL	3717 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-049	SABINIANO MARLON N ET AL	3713 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-050	CAPUTO LYNDA BINGHAM TR	3709 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-051	SMITH STEVEN J & SMITH AIDA L	3705 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-052	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-001	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	Modesto CA 95357	$26.00

079-014-002	CABAGNOT DOLORES R & FLYNN G	501 WADDELL WAY	Modesto CA 95357	$26.00
079-014-003	OSHANA OSHANA & OSHANA MARGRIT	505 WADDELL WAY	Modesto CA 95357	$26.00
079-014-004	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	Modesto CA 95357	$26.00
079-014-005	NOUN SAMNANG	513 WADDELL WAY	Modesto CA 95357	$26.00
079-014-006	SANCHEZ JOSE L & MADRIGAL ALICIA	517 WADDELL WAY	Modesto CA 95357	$26.00
079-014-007	AUSTIN CATHERINE ANN TR	3700 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-008	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-009	MILTON JEANNIE	3708 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-010	CASTRO GREGORY ALAN & BARBARA LYNN TRS	3712 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-011	DIXON GARY W	3716 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-012	AMES JAMES C & ADELE TRS	3720 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-013	WARNER JO ANNE	3724 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-014	GARCIA THERESA L	3800 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-015	NUNEZ CLAUDIA	3804 LAURENBURG AVE	Modesto CA 95354	$26.00
079-014-016	LORUSSO DION & OLIVERA	3808 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-017	DHIR ASHIKA ET AL	3812 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-018	RIVERA DAYSI M	3816 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-019	HUYNH NGOC DUNG THI ET AL	3820 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-020	CASTANEDA JOSE J & MARGARET	3824 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-021	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-022	SELIGA HOWLAND P	3904 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-023	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-024	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-025	SINHA NAVIN & SINGH PRITI P	3916 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-026	CHRISTIAN RICHARD D & DIANE L TRS	3920 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-027	JENKINS JASON L & CHRISTINE M	3924 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-028	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-029	PRASAD SURESH & PRASAD MUNI L	512 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-030	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-031	NUON SOPHEAP & OUM SAVANARA	504 CODINGTON WAY	Modesto CA 95357-	$26.00
079-014-032	ROCHA SERAPIO & MARIA	500 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-033	ATWOOD BOBBY D	3925 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-034	BEST JERROLIN E	3921 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-035	GIOVANNONI CASEY L	3917 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-036	MALIK ROBERT	3913 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-037	COX KATHERINE & ADAMS JOSH	3909 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-038	CHAU VINCENT ET AL	3905 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-039	ROSAS SAMUEL	3901 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-040	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-041	FAMA JOSELITO & FAMA DOROTEA	3821 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-042	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-043	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-044	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-045	TOMS GARY JR	3805 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-046	ROGERS MEGAN ET AL	3801 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-047	SKARIA JOSEPH & JOSEPHINE	3725 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-048	BAINS SARVSATINDER & BELBINDER K	3721 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-049	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-050	POWLEY ANAMARIA	3713 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-051	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-052	FOSTER JAMES R	3705 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-053	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-001	COLLINS TOMMY S	440 WADDELL WAY	Modesto CA 95357	$26.00
079-016-002	BIRD BYRON M & ASHLEY A	3704 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-003	BARNES REECE WAYNE	3708 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-004	BIERMAN ALLEN	3712 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-005	PRASAD VIJAY	3716 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-006	GONZALEZ JOSE	3720 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-007	YUMANG ELADIO M JR & VIOLETA	3800 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-008	KOHN RONALD & JUANITA I	3804 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-016-009	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	Modesto CA 95354-	$26.00
079-016-010	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-016-011	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-012	MAREK BETTY J ET AL	3820 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-013	ACIERTO PHILIP	3824 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-014	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-015	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	Modesto CA 95354	$26.00
079-016-016	VILLASENOR RICARDO & ANA L RAMINEZ DE	3908 WILKESBORO AVE	Modesto CA 95357-	$26.00

079-016-017	MANSOUR ALEN M	3912 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-018	EASTHAM GLENDA S	3916 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-019	GERSON COREY	3920 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-020	SOLORIO SAMMY & MARIA L	3924 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-021	SINGH AACHAL & AJESH	440 CODINGTON WAY	Modesto CA 95357	$26.00
079-016-022	LOPEZ ADRIAN	436 CODINGTON WAY	Modesto CA 95357	$26.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-182

Print

RESOLUTION ACCEPTING FISCAL YEAR 2017-2018 ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE SUBDIVISION; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION AND SETTING A PUBLIC HEARING ON JUNE 27, 2017 TO CONSIDER THE FISCAL YEAR 2017-18 LEVY AND COLLECTION OF ASSESSMENTS WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2

WHEREAS, Resolution No. 89-460, adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Maintenance Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units Nos. 1 and 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (California Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Community Development Manager, the person designated by the Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the Community Development Manager, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, California Streets and Highways Code Section 22623 requires the Council to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the Council to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by California Streets and Highways Code Section 22625, and the place for hearing by the Council on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2017-2018 Engineer's Report for Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows subdivisions Nos. 7-10, Creekwood Meadows subdivision and Yosemite subdivision.

BE IT FURTHER RESOLVED that the Council hereby finds as follows:

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2017-2018.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance Assessment District No. 2, and the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to, landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto, and is more specifically located on the northeast corner of Yosemite Boulevard and North McClure Road. District 2 is bounded by Yosemite Boulevard on the south, North McClure Road on the west, Yosemite Meadows Drive on the east, and Mechalys Way on the north.

4. Said annual report filed with the City Clerk and approved by the Council does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 27th day of June, 2017, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You, Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-183

RESOLUTION ACCEPTING THE FISCAL YEAR 2017-2018 ENGINEER'S REPORT FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; NOTICE OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT; AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENTS TO BE HELD ON JUNE 27, 2017 TO CONSIDER THE 2017-18 LEVY AND COLLECTION OF ASSESSMENTS WITHIN SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, on June 29, 1999, the County of Stanislaus ("County") formed the Shackelford Landscape and Lighting District ("Shackelford LLD") for the purpose of administering the maintenance of seventy-seven (77) 200-watt high-pressure sodium streetlights, and

WHEREAS, the Shackelford LLD was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, the Shackelford LLD is comprised of approximately 153 acres, includes 495 lots with both residential and commercial development, and is bounded by Crows Landing on the west, E. Hatch Road on the south, Union Pacific Railroad on the east, and State Route 99 on the north, and

WHEREAS, on February 22, 2012, the Stanislaus County Local Agency Formation Commission ("LAFCO") approved the annexation of the Shackelford Area to the City of Modesto ("City"), and

WHEREAS, on April 24, 2012, the City Council approved the Shackelford Landscape and Lighting District Transfer Agreement between the County and City, and

WHEREAS, the City assumed full responsibility and administration of the Shackelford LLD on July 1, 2012, and

WHEREAS, Section 22623 of the California Streets and Highways Code requires the Community Development Manager, the person designated by this Council as Engineer of Work for the Shackelford LLD, to prepare and file an annual report, and

WHEREAS, the Engineer of Work has prepared and filed said annual report with the City Clerk, and

WHEREAS, California Streets and Highways Code Section 22623 requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the Shackelford LLD for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the Shackelford LLD.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

e. Notice of the time, as fixed by the California Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2017-18 Engineer's Report for the Shackelford Landscape and Lighting District.

BE IT FURTHER RESOLVED that the City Council hereby finds the following:

1. The City Council intends to levy and collect assessments within the Shackelford LLD during the fiscal year 2017-18.

2. There are no proposed new improvements or any substantial changes in the existing improvements in the Shackelford LLD and the existing improvements to be made in the Shackelford LLD are generally described as follows:

The City shall provide maintenance, operation and servicing, in perpetuity, of streetlights and any and all improvements required for such maintenance including, but not limited to:

a. Payment to local utility company for monthly power costs of energizing street lights in the Shackelford LLD.

b. Payment to local utility company for maintenance of street lights in the Shackelford LLD that the utility company owns (usually those lights that are mounted on wooden poles).

c. Maintenance provided by the City of Modesto for street lights in the Shackelford LLD that are owned by the City of Modesto (usually those lights that are mounted on steel poles).

3. The Shackelford LLD is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located North of Hatch Road, South of State Highway 99, and East of Crows Landing Road.

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the Shackelford LLD and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Shackelford LLD.

5. On Tuesday, the 27th day of June, 2017, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the questions of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscape and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-184

Print

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE FM GLOBAL FIRE PREVENTION GRANT PROGRAM FOR APPROXIMATELY $3,800 FOR THE PURCHASE OF BI-LINGUAL FIRE SAFETY MATERIALS AND THE PURCHASE OF A SPARKY THE FIRE DOG MASCOT/COSTUME AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATIONS AND RELATED DOCUMENTS

WHEREAS, the grant would be for approximately $3,800 to fund the purchase of a Sparky the Fire Dog Mascot/Costume and Bi-Lingual Fire Safety Materials, and

WHEREAS, the grant would provide resources for delivering fire safety materials to underserved populations that are currently not able to be served due to language barriers, and

WHEREAS, the grant would provide the ability to participate in mascot requests throughout the year that the Fire Department is currently unable to fulfill, and

WHEREAS, the Sparky the Fire Dog mascot/costume is licensed through the National Fire Protection Association (NFPA). Robotronics in Springville, Utah holds the exclusive license to produce the mascot/costume for the NFPA. Therefore, a competitive bidding process will not be appropriate. All necessary documentation pertaining to the sole source procurement will be obtained in accordance with the City's Purchasing Policy and in accordance with Modesto Municipal Code section 8-3.204, and

WHEREAS, the bi-lingual materials are not expected to be over $1,000 and as such are not expected to require a competitive bidding process. All purchases will be made in accordance with the City's Purchasing Policy, and

WHEREAS, there is no fiscal or no known or expected out of pocket expenses. The grant will fully cover all associated costs of the items, and

WHEREAS, should the grant be awarded, staff will return to Council for approval of acceptance of the grant, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submission of a grant application to the FM Global Fire Prevention Grant Program for approximately $3,800 for the purchase of a Sparky the Fire Dog mascot/costume and the purchase of bi-lingual fire safety materials.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is authorized to execute all necessary grant applications and grant related documents, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-185

Print

RESOLUTION APPROVING THE SUBMISSION OF A FIRE PREVENTION AND SAFETY GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR APPROXIMATELY $143,000 TO ACQUIRE A COMBINATION SPRINKLER AND FIRE SAFETY HOUSE DEMONSTRATION TRAILER AND A 1-TON PICKUP WITH A REQUIRED A ONE-TIME COST SHARE OF 5%, OR AN ESTIMATED $7,150, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATIONS AND RELATED DOCUMENTS.

WHEREAS, the grant would be for approximately $143,000 to fund the purchase of a Combination Sprinkler and Fire Safety House Demonstration Trailer and a 1-Ton Pickup, and

WHEREAS, the grant would include a one-time cost sharing or matching funds allocation of five (5) percent of the award amount, which is estimated to be approximately $7,150 and could be made under its existing budget authority, and

WHEREAS, the grant would allow hands on demonstrations and practice to our citizens in the areas of fire and life safety improving the delivery of our public education and community outreach efforts, and

WHEREAS, the grant would allow for demonstrations showing the benefits of residential fire sprinklers and general fire safety, and

WHEREAS, if authorized to submit the grant application, staff will seek approval from the Acting City Manager to authorize the Purchasing Division to issue a formal Request for Bids (RFB) for the trailer and pickup truck, and

WHEREAS, should the grant be awarded to the City, return to Council for permission to accept the grant and to award the bid for the purchase of the trailer and pickup as required by MMC 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submission of a Fire Prevention and Safety Grant application to the Federal Emergency Management Agency for approximately $143,000 to acquire a Combination Sprinkler and Fire Safety House Demonstration Trailer and a 1-Ton Pickup with a required a one-time cost share of 5%, or an estimated $7,150.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is authorized to execute all necessary grant applications and related documents, as approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-186

Print

RESOLUTION APPROVING AN AMENDMENT TO THE CURRENTCONTRACT WITH AXON ENTERPRISES, INC., FORMERLY KNOWN AS TASER INTERNATIONAL, INC., AND REDUCING THE TOTAL CONTRACT AMOUNT TO $1,492,798, DUE TO THE CANCELATION OF AXON FLEET RELATED HARDWARE AND SOFTWARE, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT AMENDMENT

WHEREAS, on August 3, 2016, City Council approved a five (5) year contract with Taser International, Inc. for Axon Flex replacement body-worn cameras, Axon Fleet car-mounted camera systems, unlimited video storage and maintenance for the Modesto Police Department's Taser Axon Flex camera system, in addition to new Conducted Electrical Weapons (CEW's) in the amount of $1,798,796, and

WHEREAS, on April 5, 2017, Taser International, Inc. legally changed its corporate name to Axon Enterprise, Inc., with no change to ownership or control, with the sole purpose of the change to reflect the growing Axon network of devices, applications, and staff, and

WHEREAS, on April 11, 2017, the Modesto Police Department received an amendment to the master services and purchasing agreement to allow the City of Modesto to cancel the portion of the agreement relating to Axon Fleet hardware and software, specifically, 69 in-car, dual camera systems, 215 Axon Flex signal controllers, and the annual storage and integration maintenance for Fleet Evidence.com, and

WHEREAS, the cancellation in hardware and software as outlined in the amendment agreement reduces the first year obligation by $120,853, and each additional years' contract obligation by $46,077, for a total contract savings over five (5) years of $313,596.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the current (5) five year contract with Axon Enterprises, Inc., formerly known as Taser International, Inc., and reducing the total contract amount to $1,492,798, due to the cancelation of Axon Fleet related hardware and software.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Contract Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-187

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., PLEASANTON, CA, FOR DESIGN SERVICES FOR THE DEL RIO REPLACEMENT WELL 271 PROJECT, IN AN AMOUNT NOT TO EXCEED $777,900 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $77,790 FOR ADDITIONAL NECESSARY SERVICES, FOR A MAXIMUM TOTAL AMOUNT OF $855,690, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Well 271 was identified for replacement in the 2010 Water System Engineer's Report (2010 WSER, adopted by City Council on September 14, 2010, by Resolution No. 2010-409) to meet the needs of the existing Del Rio water system, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, West Yost Associates, Inc. (West Yost) was selected in 2011 to provide hydrogeological and construction support for a test well on the proposed replacement well site, and

WHEREAS, West Yost is on the pre-qualified consultant list for water design services established by Council Resolution No. 2016-403, and

WHEREAS, with West Yost's previous selection and knowledge of the test well, staff has determined that West Yost is most qualified to provide design, bid and construction support for the Del Rio replacement well, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Design of production well, including subsurface design; 2) Hydrogeological support during drilling of production well; 3) Design of above-grade facilities; and 4) Construction support, and

WHEREAS, in consideration of the Settlement Agreement with the Del Rio Community Association, and the City's obligation to complete the recommended improvements to meet the existing Del Rio water system needs, staff recommends approving this Agreement for Professional Services prior to the completion of the California Environmental Quality Act (CEQA) process and replacement well site property purchase, and

WHEREAS, staff has negotiated with the current property owner, but is unable to lawfully move forward with a purchase agreement until conclusion of the CEQA process, and

WHEREAS, similarly, construction support was included with the scope of work to increase efficiency and speed of project completion, in consideration of the Settlement Agreement with the Del Rio Community Association, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the project is already approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, is needed to provide safe and reliable water distribution, and it will not require a budget transfer from reserves to provide the required services, and

WHEREAS, the design and bid period services for Del Rio Replacement Well 271 fall within the scope of services of West Yost's proposal, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore exempt from the bid requirement, and

WHEREAS, staff recommends approval of the agreement with West Yost for design, bid period, well equipping and construction support services for the Del Rio Replacement Well 271 Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement West Yost Associates, Inc., Pleasanton, CA, for design services for the Del Rio Replacement Well 271 Project, in an amount not to exceed $777,900 for the identified scope of services, plus $77,790 for additional necessary services, for a maximum total amount of $855,690.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-188

Print

RESOLUTION APPROVING A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR GENERATOR PREVENTATIVE MAINTENANCE AND REPAIR SERVICES FROM CENTRAL CALIFORNIA GENERATOR, RIVERBANK, CA, FOR THE UTILITIES DEPARTMENT, WASTEWATER AND WATER DIVISIONS, FOR AN ESTIMATED ANNUAL COST OF $115,000, AND OVER FIVE YEARS OF $575,000 AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING AGREEMENT

WHEREAS, the City of Modesto, Utilities Department, Water and Wastewater Divisions utilize an outside vendor for generator repair service and preventative maintenance, and

WHEREAS, the existing agreement expired in August, 2016, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bid (RFB) for Generator Preventative Maintenance and Repair Service, and

WHEREAS, on December 8, 2016, the Purchasing Division issued RFB 1617-09 for Generator Repair Service and Preventative Maintenance on the City's website under commodity codes for power generator equipment, accessories, and supplies, and

WHEREAS, prospective bidders were notified online of the bid opportunity with seven companies choosing to download the RFB document, and

WHEREAS, on January 10, 2017, bids were formally opened in the City Clerk's office with three companies choosing to respond, and

WHEREAS, all companies provided responsive and responsible bids and no local vendors capable of providing this type of service chose to respond, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, staff recommends the award of the bid for the purchase of Generator Preventative

Maintenance and Repair Services to Central California Generator, Riverbank, CA, for an estimated annual cost of $115,000, and over five years of $575,000, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, the City Manager's Office approved an exception to this freeze for this procurement and justification for this exception is crucial for Wastewater and Water operations as generators are used for emergency power, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid and the award of bid for generator preventative maintenance and repair services conforms to Modesto Municipal Code Section 8-3.203,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Acting City Manager, or his designee, to issue a Purchase Agreement to Central California Generator, Riverbank, CA for generator preventative maintenance and repair services for the Utilities Department, Wastewater and Water Divisions for a two (2) year agreement with three (3) one-year extension options at the sole discretion of the City for an estimated annual cost of $115,000 and over five (5) years of $575,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-189

RESOLUTION ACCEPTING THE RESIGNATION OF JAY LOMELI FROM THE DISABLED ACCESS APPEALS BOARD

WHEREAS, Jay Lomeli was appointed to serve as a member of the Disabled Access Appeals Board on February 7, 2017, and

WHEREAS, Jay Lomeli has tendered his resignation from the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby accepts the resignation of Jay Lomeli from the Disabled Access Appeals Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-190

Print

RESOLUTION APPROVING THE APPOINTMENT OF AMIN VOHRA AS THE 2017 PLANNING COMMISSION REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT WITH A TERM EXPIRATION OF DECEMBER 31, 2017

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Planning Commission met on April 3, 2017, and recommended the appointment of Amin Vohra as its representative to the Board of Zoning Adjustment for 2017.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:

1. Amin Vohra is hereby appointed as the 2017 Planning Commission representative to the Board of Zoning Adjustment, with a term expiration of December 31, 2017.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Madrigal , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-191

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #1), AND RECINDING RESOLUTION 2016-345

WHEREAS, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the Act), proceedings for annexation of additional territory to an existing community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2007-270, adopted on, May 8, 2007 (the Resolution of Formation) establish Community Facilities District No. 2007-1 (North Beyer Park #2) (the District), and

WHEREAS, on March 27, 2015, HealthSouth California Real Estate, LLC, the owners of approximately 4.94 acres located at 1303 Mable Avenue, APN 082-014-041 (Property), filed a completed application package requesting that its Property be annexed to CFD No. 2007-1, and

WHEREAS, on September 13, 2016 the Council, Resolution No. 2016-345, approved a Resolution of Intention to annex the Property to CFD No. 2007-1 and authorized the levy of a special tax on the Property, and

WHEREAS, subsequent to this approval, staff realized that the Rate and Method of Apportionment (RMA) adopted in 2007, did not accurately reflect the facilities the Property would utilize, and

WHEREAS, the public hearing originally set for October 25, 2016 was continued to November 1, 2016, and

WHEREAS, on November 1, 2016, the public hearing item was removed from the Council agenda and the annexation process was terminated, and

WHEREAS, the Property will utilize all the services authorized set forth in the Formation Hearing Report, dated May 30, 2007, except the storm drain basin, and

WHEREAS, pursuant to the Formation Hearing Report, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax rates will be "assigned to Parcels added to the CFD as a result of future annexations;" and

WHEREAS, the Formation Hearing Report is being amended to reflect the new maximum special tax rates associated with the Property, and

WHEREAS, because the Property is not utilizing the storm drain basin, it will not be required pay the portion of the Annual Maintenance Special Tax attributed to the storm drain basin, and

WHEREAS, City Council Resolution No. 2016-345 should be rescinded so that the annexation process for the Property can be restarted so that an Amended Rate and Method of Apportionment can be adopted to reflect a new Maximum Annual Special Tax Rate for the Property, and

WHEREAS, this Council hereby determines that the pubic convenience and necessity require the annexation, pursuant to Section 53339 of the Act, of certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds as follows:

1. The above recitals are true and correct, and
2. The territory is proposed to be annexed to the District (the Annexed Territory) under the terms of the Act, and
3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 2007-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Volume 4 of Maps of Assessment and Community Facilities Districts, at Page 83, and
4. The Annexed Territory is described in **Exhibit "5"** to this Resolution, and
5. The boundaries of the Annexed Territory are also shown on the map thereof, entitled "Proposed Boundaries of Annexation No. 1 to the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2)," on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than ten (10) days after the adoption of this Resolution, file a copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and

recording date of the original boundary map of the District, and

6. The type of services authorized to be provided to the District are set forth in the Formation Hearing Report, dated May 30, 2007, a copy of which is **attached** hereto as **Exhibit "2".** The Annexed Territory will utilize all of the services authorized to be provided with the exception of the storm drain basin, and
7. The Annual Maintenance Special Tax component of the special tax to be levied in the Annexed Territory are set forth in the Amended Rate and Method of Apportionment (Amended RMA) **attached** hereto as **Exhibit "4".** It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved, and
8. Pursuant to the Formation Hearing Report **attached** hereto as **Exhibit "3",** the Maximum Annual Special Maintenance Tax shall be adjusted annually, and
9. Pursuant to the Formation Hearing Report, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax rates will be "assigned to Parcels added to the CFD as a result of future annexations," and
10. The Formation Hearing Report will be amended to reflect the Amended

RMA for the Annexed Territory, with the following maximum tax rates for the Annexed Territory: the Maximum One-Time Facilities Special Tax for the Annexed Territory is $0.00 and the Maximum Annual Maintenance Special Tax is $4,873.79. Said rates are established in accordance with Section 53339.3 of the Act, and

11. A public hearing upon this Resolution shall be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday, July 11, 2017 in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, such time being not less than thirty (30) or more than sixty (60) days following the adoption thereof, and

12. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing, and

13. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of

the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard, and

14. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing, and

15. At the conclusion of the hearing, if the Council determines to annex the Annexed Territory, it shall then submit the levy of the District special tax to the qualified electors of the Annexed Territory in a special election. If held, the proposed voting procedure at the election is expected to be a landowner vote with each landowner of record as of the close of the Hearing having one vote for each acre of land or portions thereof owned within the Annexed Territory. Ballots for the special election may be distributed by mail or by personal service.

16. City Council Resolution No. 2016-345 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

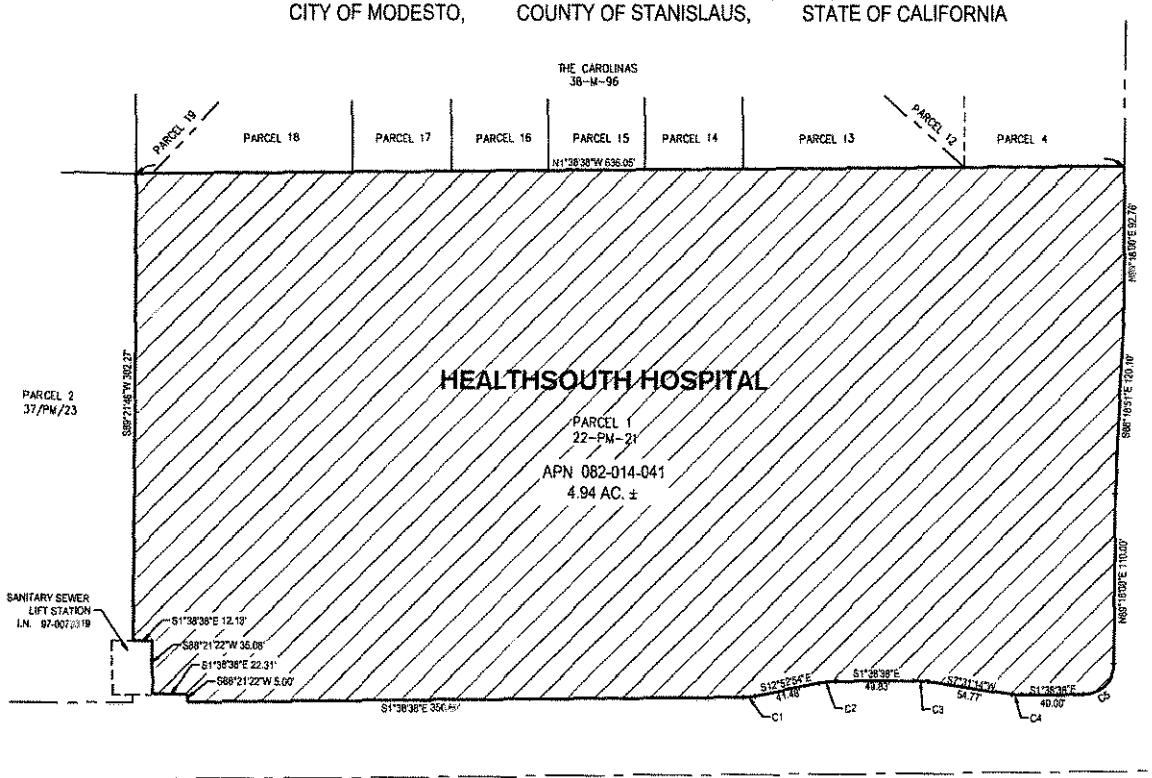
(SEAL)

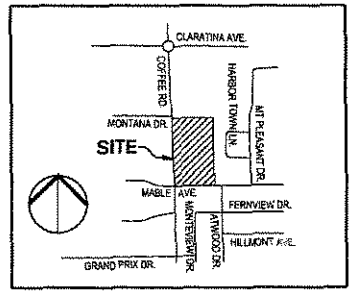
APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PROPOSED BOUNDARIES OF ANNEXATION NO. 1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2)

CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA





VICINITY MAP

NO SCALE

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS _____ DAY OF _____, 2016.

STEPHANIE LOPEZ, CITY CLERK

By: _____

PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION #1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2016, BY ITS RESOLUTION NO. _____.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

PRINT NAME

FILED THIS _____ DAY OF _____, 2016, AT THE HOUR OF _____ O'CLOCK _____ .M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDRIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____

PRINT NAME

LEGEND

BOUNDARY OF PROPOSED ANNEXATION TO COMMUNITY FACILITIES DISTRICT 2007-1

APN ASSESSORS PARCEL NUMBER

CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING
C1	7.85	40.00	11°14'16"	S7°15'46"E 7.83'
C2	11.77	60.00	11°14'16"	N7°15'46"W 11.75'
C3	9.60	60.00	9°09'52"	N2°56'18"E 9.59'
C4	6.40	40.00	9°09'52"	S2°56'18"W 6.39'
C5	31.09	20.90	85°14'38"	S45°16'57"E 28.05'

0' 25' 50' 100'

SCALE: 1"=50'

SHEET 1 OF 1

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209-943-2021 www.siegfriedeng.com Fx: 209-942-0214

7/19/16 P:\2016\16247 HEALTHSOUTH HOSPITAL\SURVEY\16247 ANNEXATION MAP.DWG

EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

DESCRIPTION OF AUTHORIZED SERVICES AND FACILITIES TO BE FUNDED BY COMMUNITY FACILITIES DISTRICT NO. 2007-1

The authorized services to be funded by special tax revenues include maintenance and repair of parks, landscaped medians, storm drainage basins, and related facilities, including but not limited to, concrete curbs and walks, trees, shrubs, vines, ground cover, turf, lights and irrigation systems. The services to be provided include, but are not limited to, litter and debris removal, graffiti abatement, painting repairs to landscape structures, building maintenance and repairs, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, mowing of lawns, trimming of vegetation, and maintenance, repair and replacement of lighting systems within the parks.

The facilities authorized to be funded by special tax revenues include installation of the landscaped medians on Oakdale and Coffee Roads, which may but will not necessarily include, concrete curbs and walks, trees, shrubs, ground cover, lights, and irrigation systems.

The District may also fund any of the following: (i) administrative fees of the City related to the District, including costs associated with preparing the annual special tax levy, or (ii) costs associated with legal services, advertising, legal notices, and mailings related to formation or administration of the District.

APPENDIX B

ANNEXATION NO. 1
CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel within Annexation No. 1 of Community Facilities District No. 2007-1 (North Beyer #2) shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in Annexation No. 1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to Annexation No. 1, including, but not limited to, levying and collecting the Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of Annexation No. 1.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

"Annexation No. 1" means the property included within the first annexation into CFD No. 2007-1.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay Administrative Expenses, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel number.

"Authorized Services" means those services that are authorized to be funded by the CFD.

"CFD" or **"CFD No. 2007-1"** means the City of Modesto Community Facilities District No. 2007-1 (North Beyer #2).

"CFD Formation" means the date on which the Resolution of Formation to form the CFD was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of the CFD.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2016,
- for Multi-Family Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2016, and
- for Other Property, all Parcels for which a building permit for construction of a building structure was issued prior to June 30 of the preceding Fiscal Year.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Maximum Annual Maintenance Special Tax" means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D.

"**Maximum One-Time Facilities Special Tax**" means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"**Maximum Special Taxes**" means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.

"**Multi-Family Property**" means all Parcels in Annexation No. 1 for which building permits have been issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

"**Net Taxable Acreage**" or "**Net Taxable Acre**" means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned or CFD-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

"**One-Time Facilities Special Tax**" means a Special Tax, levied and collected in full by the City prior to a structural building permit being issued for new construction on Taxable Property.

"**Original Parcel**" means an Assessor's Parcel (or a parcel within a recorded Subdivision Map that has not yet been assigned an Assessor's Parcel number) that is in Annexation No. 1 at the time of CFD Formation or added to the CFD upon annexation. A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

"**Other Property**" means, in any Fiscal Year, all Parcels of Taxable Property within the CFD for which building permits have been issued for construction of a non-residential structure.

"**Proportionately**" means, for Developed Property, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property, respectively. In addition, for Undeveloped Property, "Proportionately" means that the ratio of the actual Annual Maintenance Facilities Special Tax to the Maximum Annual Maintenance Special Tax is equal for all Assessor's Parcels of Undeveloped Property, respectively.

"**Public Property**" means any property within the boundaries of Annexation No. 1 that is owned by the federal government, State of California, County, City, or other public agency.

"Single Family Detached Lot" means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached unit.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued or will be issued for construction of a residential unit that does not share a common wall with another Unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Subdivision Map" means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of Annexation No. 1 which are not exempt from the Special Tax pursuant to law or Section G below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within Annexation No. 1 that, at the time of CFD Formation, were expected to be Taxable Property, and, based on this expectation, Maximum Special Taxes were assigned to the Parcels in a prior Fiscal Year.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within Annexation No. 1 that are not Developed Property.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property in Annexation No. 1. The Administrator shall also determine (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) the Net Taxable Acreage of each Parcel, and (iii) the Annual Maintenance Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Subdivision Map for a portion of property in Annexation No. 1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcels created by the Subdivision Map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Subdivision Map by determining the Special Tax that applies

separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Original Parcel or Successor Parcel that was subdivided by recordation of the Subdivision Map.

C. MAXIMUM SPECIAL TAXES

1. Original Parcels

Table 1 below identifies the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax assigned to each Original Parcel in the CFD at the time of CFD Formation. Separate Maximum Special Taxes shall be assigned to Parcels added to the CFD as a result of future annexations.

TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2016-17

Fiscal Year 2016-17 Assessor's Parcel Number or Subdivision Map Parcel Number	*Fiscal Year 2016-17 Maximum One-Time Facilities Special Tax**	*Fiscal Year 2016-17 Maximum Annual Maintenance Special Tax**
082-014-041	$0	$4,873.79

** Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.*

2. Successor Parcels

Upon recordation of a Subdivision Map that subdivides an Original Parcel, the Administrator shall apply the appropriate subsection below to determine the Maximum Special Taxes for each Successor Parcel:

a. *All Successor Parcels are Single Family Detached Lots*

If all Parcels created by a recorded Subdivision Map are Single Family Detached Lots, the Administrator shall divide the Maximum Special Taxes assigned to the Original Parcel that was subdivided by the number of Single Family Detached Lots created within the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. *No Successor Parcels are Single Family Detached Lots*

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Determine the total combined Net Taxable Acreage within all Successor Parcels created from subdivision or reconfiguration of the Original Parcel.

Step 2: Divide the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax assigned to the Original Parcel by the Net Taxable Acreage determined in Step 1 to determine a Maximum One-Time Facilities Special Tax and a Maximum Annual Maintenance Special Tax per Net Taxable Acre.

Step 3: Multiply the Maximum Special Taxes per Net Taxable Acre determined in Step 2 by the Net Taxable Acreage of each Successor Parcel of Taxable Property to determine the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax for each Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

c. *Some, But Not All, Successor Parcels are Single Family Detached Lots*

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following steps to determine the Maximum Special Taxes for each Successor Parcel:

Step 1: Separately identify: (i) the total Net Taxable Acreage created within the Subdivision Map, and (ii) the combined Net Taxable Acreage of all Single Family Detached Lots created within the Subdivision Map.

Step 2: Divide the Maximum One-Time Facilities Special Tax assigned to the Original Parcel by the total Net Taxable Acreage created within the Subdivision Map to determine the Maximum One-Time Facilities Special Tax per Net Taxable Acre.

Step 3: Divide the Maximum Annual Maintenance Special Tax assigned to the Original Parcel by the total Net Taxable Acreage created within the Subdivision Map to determine the Maximum Annual Maintenance Special Tax per Net Taxable Acre.

Step 4: Multiply the Maximum One-Time Facilities Special Tax per Net Taxable Acre that was calculated in Step 2 by the total combined Net Taxable Acreage of all Single Family Detached Lots (as determined in Step 1), and divide the product by the number of Single Family Detached Lots created in the Subdivision Map to calculate the Maximum One-Time Facilities Special Tax for each Single Family Detached Lot.

Step 5: Multiply the Maximum Annual Maintenance Special Tax per Net Taxable Acre that was calculated in Step 3 by the total combined Net Taxable Acreage of all Single Family Detached Lots (as determined in Step 1), and divide the product by the number of Single Family Detached Lots created in the Subdivision Map to calculate the Maximum Annual Maintenance Special Tax for each Single Family Detached Lot.

Step 6: Multiply the Maximum One-Time Facilities Special Tax per Net Taxable Acre that was calculated in Step 2 by the Net Taxable Acreage of each Parcel of Taxable Property created within the Subdivision Map that is not a Single Family Detached Lot to determine the Maximum One-Time Facilities Special Tax for each Parcel.

Step 7: Multiply the Maximum Annual Maintenance Special Tax per Net Taxable Acre that was calculated in Step 3 by the Net Taxable Acreage of each Parcel of Taxable Property created within the Subdivision Map that is not a Single Family Detached Lot to determine the Maximum Annual Maintenance Special Tax for each Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. ESCALATION OF MAXIMUM SPECIAL TAXES

1. One-Time Facilities Special Tax

Beginning in January 2017 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Annual Maintenance Special Tax

Beginning in January 2017 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as

published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

E. METHOD OF LEVY OF THE SPECIAL TAX

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in Annexation No. 1 and shall be collected as set forth in Section F below.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for the Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

Step 3: If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

F. COLLECTION OF SPECIAL TAX

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within Annexation No. 1, and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax for Annexation No. 1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual

Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay Authorized Services and all Administrative Expenses have been reimbursed.

G. EXEMPTIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Taxes, no Special Taxes shall be levied on Public Property except Taxable Public Property, as defined herein.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Taxes.

I. ENFORCEMENT

All delinquent One-Time Facilities Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be place on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

FORMATION HEARING REPORT

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Introduction

A. Description of Facilities and Services

B. Proposed Boundaries of the Community Facilities District

C. Services and Facilities Cost Estimates

D. Description of the Rate and Method of Apportionment of Special Tax

Exhibit A – Description of the Authorized Services and Facilities Proposed to be Funded

Exhibit B – Services and Facilities Cost Estimates

Exhibit C – Rate and Method of Apportionment of Special Tax

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

INTRODUCTION. The City Council (the "City Council") of the City of Modesto (the "City") did on May 8, 2007, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Law"), adopt Resolution No. 2007-270, a Resolution declaring its intention to establish the City of Modesto Community Facilities District No. 2007-1 (North Beyer #2) and to authorize the levy of a special tax within the CFD. In the Resolution of Intention, the City Council expressly ordered the preparation of a written Formation Hearing Report (the "Report") for the proposed Community Facilities District (the "District"), as required by Section 53321.5 of the Law.

Section 53321.5 of the Law does direct that the Report generally contain the following:

1. A brief description of the facilities and services to be funded by the District; and

2. An estimate of the cost of providing the facilities and services.

For particulars, reference is made to the Resolution of Intention for the District, as previously approved and adopted by the City Council.

NOW, THEREFORE, the following data is submitted pursuant to the direction of the City Council:

A. DESCRIPTION OF SERVICES. A description of the services and facilities eligible to be funded by the District is provided in Exhibit "A" attached hereto and hereby made a part hereof.

B. PROPOSED BOUNDARIES OF THE COMMUNITY FACILITIES DISTRICT. The proposed boundaries of the District are those parcels on which special taxes may be levied to pay for the costs of the services and facilities. The proposed boundaries of the District are described in the map of the District recorded in Book 4 on Page 83 of Maps of Assessment and Community Facilities Districts in the office of the County Recorder for the County of Stanislaus, a copy of which map is on file with the City Clerk. Additional property is expected to be annexed into the District in future years; an amended boundary map will be recorded after each annexation.

C. COST ESTIMATE. The cost estimate for funding the authorized services and facilities is set forth in Exhibit "B" attached hereto and hereby made a part hereof.

D. DESCRIPTION OF THE RATE AND METHOD OF APPORTIONMEN OF SPECIAL TAX. A one-time facilities special tax will be levied on all parcels of taxable property at the issuance of a structural building permit. In addition, an annual maintenance special tax will be levied on all parcels of taxable property pursuant to the Rate and Method of Apportionment of Special Tax (the "RMA"). The RMA, in its entirety, is set forth in Exhibit "C" attached hereto and hereby made a part hereof.

EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

DESCRIPTION OF AUTHORIZED SERVICES AND FACILITIES TO BE FUNDED BY COMMUNITY FACILITIES DISTRICT NO. 2007-1

The authorized services to be funded by special tax revenues include maintenance and repair of parks, landscaped medians, storm drainage basins, and related facilities, including but not limited to, concrete curbs and walks, trees, shrubs, vines, ground cover, turf, lights and irrigation systems. The services to be provided include, but are not limited to, litter and debris removal, graffiti abatement, painting repairs to landscape structures, building maintenance and repairs, pruning, staking, fertilizing, plant replacement and restoration, fire and weed control, erosion control, mowing of lawns, trimming of vegetation, and maintenance, repair and replacement of lighting systems within the parks.

The facilities authorized to be funded by special tax revenues include installation of the landscaped medians on Oakdale and Coffee Roads, which may but will not necessarily include, concrete curbs and walks, trees, shrubs, ground cover, lights, and irrigation systems.

The District may also fund any of the following: (i) administrative fees of the City related to the District, including costs associated with preparing the annual special tax levy, or (ii) costs associated with legal services, advertising, legal notices, and mailings related to formation or administration of the District.

EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

SERVICES COST ESTIMATE (2007$)*	
Maintenance of Pelandale Median and Parkway, Oakdale Road Median and Parkway, and Coffee Road Median	$21,417 /Year
Maintenance of Park/Basin and Marble Road	$35,629 /Year
Annual CFD Administration Costs	$ 5,000 /Year
Total Estimated Services Costs (2007 $)	$62,046 /Year

FACILITIES COST ESTIMATE (2007$)	
Landscaped Medians on Oakdale and Coffee Roads	$564,000
Less: funding from CFD No. 1997-1	($ 40,000)
Total Costs Funded by CFD No. 2007-1	$524,000

* Represents total estimated costs for authorized services once all properties anticipated to annex into the District have been annexed. Prior to such time, actual expenditures will be limited to special tax revenues collected within the District.

EXHIBIT C

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(NORTH BEYER #2)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

Special Taxes applicable to each Assessor's Parcel in Community Facilities District No. 2007-1 (North Beyer #2) [herein "CFD No. 2007-1" or "the CFD"] shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2007-1, unless exempted by law or by the provisions of Section G below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2007-1 unless a separate Rate and Method of Apportionment is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2007-1, including, but not limited to, levying and collecting the Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this Rate and Method of Apportionment of Special Taxes.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means that amount necessary in any Fiscal Year to (i) pay for Authorized Services, (ii) pay Administrative Expenses, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on

delinquencies in the payment of Annual Maintenance Special Taxes which have already taken place) are expected to occur in the current Fiscal Year.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel number.

"Authorized Services" means those services that are authorized to be funded by CFD No. 2007-1.

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2007-1 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2007-1.

"County" means the County of Stanislaus.

"Developed Property" means, in any Fiscal Year, the following:

- for Single Family Detached Property, all Parcels for which a Final Map was recorded prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2007,
- for Multi-Family Property, all Parcels for which a building permit for new construction of a residential structure was issued prior to June 30 of the preceding Fiscal Year but not prior to June 30, 2007, and
- for Other Property, all Parcels for which a building permit for construction of a building structure was issued prior to June 30 of the preceding Fiscal Year.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential or non-residential structure. The term "Final Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create lots that are in their final configuration, including Assessor's Parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"**Maximum Annual Maintenance Special Tax**" means the greatest amount of Annual Maintenance Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D.

"**Maximum One-Time Facilities Special Tax**" means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Sections C and D below.

"**Maximum Special Taxes**" means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.

"**Multi-Family Property**" means all Parcels in CFD No. 2007-1 for which building permits have been issued for construction of a residential structure consisting of two or more residential units that share common walls, including but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, and apartment units.

"**Net Taxable Acreage**" or "**Net Taxable Acre**" means the total acreage within a Final Map or Parcel less arterial road right-of-ways and property that is defined in the Final Map for use as a park site, school site, or City-owned or CFD-owned storm drainage basin. If a Subdivision Map is recorded which is not a Final Map for some or all Parcels created by the subdivision, the Administrator shall calculate the Net Taxable Acreage of such unsubdivided Parcels by identifying the Acreage of the Parcel and (i) adding a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way. The Net Taxable Acreage of a Parcel or Final Map shall be determined in the sole discretion of the City.

"**One-Time Facilities Special Tax**" means a Special Tax, levied and collected in full by the City prior to a structural building permit being issued for new construction on Taxable Property.

"**Original Parcel**" means an Assessor's Parcel (or a parcel within a recorded Subdivision Map that has not yet been assigned an Assessor's Parcel number) that is in CFD No. 2007-1 at the time of CFD Formation or added to the CFD upon annexation. A Successor Parcel that is being further subdivided shall also be considered an Original Parcel for purposes of determining the Maximum Special Taxes pursuant to Section C below.

"**Other Property**" means, in any Fiscal Year, all Parcels of Taxable Property within the CFD for which building permits have been issued for construction of a non-residential structure.

"**Proportionately**" means, for Developed Property, that the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property, respectively. In addition, for Undeveloped Property, "Proportionately" means that the ratio of the

actual Annual Maintenance Facilities Special Tax to the Maximum Annual Maintenance Special Tax is equal for all Assessor's Parcels of Undeveloped Property, respectively.

"Public Property" means any property within the boundaries of CFD No. 2007-1 that is owned by the federal government, State of California, County, City, or other public agency.

"Single Family Detached Lot" means an individual numbered lot, which is in its final configuration and for which a building permit may be issued for a single family detached unit.

"Single Family Detached Property" means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued or will be issued for construction of a residential unit that does not share a common wall with another Unit.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Subdivision Map" means a Final Map, large lot subdivision map, or other map recorded with the County that results in the subdivision of an Original Parcel into two or more Successor Parcels.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel on which construction of a residential or non-residential structure is permitted.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of CFD No. 2007-1 which are not exempt from the Special Tax pursuant to law or Section G below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within CFD No. 2007-1 that, at the time of CFD Formation, were expected to be Taxable Property, and, based on this expectation, Maximum Special Taxes were assigned to the Parcels in a prior Fiscal Year.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property within CFD No. 2007-1 that are not Developed Property.

B. DATA FOR ANNUAL ADMINISTRATION

On or about July 1 of each Fiscal Year, the Administrator shall identify the current Assessor's Parcel numbers for all Parcels of Taxable Property in CFD No. 2007-1. The Administrator shall also determine (i) whether each Assessor's Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) the Net Taxable Acreage of each Parcel, and (iii) the Annual Maintenance Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Subdivision Map for a portion of property in CFD No. 2007-1 was recorded after January 1 of the prior Fiscal Year (or any other date after which the

Assessor will not incorporate the newly-created Parcels into the then current tax roll), (ii) because of the date the Subdivision Map was recorded, the Assessor does not yet recognize the new Parcels created by the Subdivision Map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Subdivision Map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Original Parcel or Successor Parcel that was subdivided by recordation of the Subdivision Map.

C. MAXIMUM SPECIAL TAXES

1. Original Parcels

Table 1 below identifies the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax assigned to each Original Parcel in the CFD at the time of CFD Formation. Separate Maximum Special Taxes shall be assigned to Parcels added to the CFD as a result of future annexations.

TABLE 1
MAXIMUM SPECIAL TAXES
FISCAL YEAR 2007-08

Fiscal Year 2007-08 Assessor's Parcel Number or Subdivision Map Parcel Number	*Fiscal Year 2007-08 Maximum One-Time Facilities Special Tax**	*Fiscal Year 2007-08 Maximum Annual Maintenance Special Tax**
082-005-031	$211,827	$35,070
Parcel 2 of Parcel Map 55-PM-12	$114,030	$18,879

** Special Taxes shown in Table 1 are subject to the annual adjustments described in Section D below.*

2. Successor Parcels

Upon recordation of a Subdivision Map that subdivides an Original Parcel, the Administrator shall apply the appropriate subsection below to determine the Maximum Special Taxes for each Successor Parcel:

a. *All Successor Parcels are Single Family Detached Lots*

If all Parcels created by a recorded Subdivision Map are Single Family Detached Lots, the Administrator shall divide the Maximum Special Taxes assigned to the Original Parcel that was subdivided by the number of Single Family Detached Lots created within the Subdivision Map to determine the Maximum Special Taxes for each Single Family Detached Lot.

b. ***No Successor Parcels are Single Family Detached Lots***

If none of the Successor Parcels created by recordation of a Subdivision Map are Single Family Detached Lots, the Administrator shall apply the following steps to allocate the Maximum Special Taxes assigned to the Original Parcel to each of the Successor Parcels:

Step 1: Determine the total combined Net Taxable Acreage within all Successor Parcels created from subdivision or reconfiguration of the Original Parcel.

Step 2: Divide the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax assigned to the Original Parcel by the Net Taxable Acreage determined in Step 1 to determine a Maximum One-Time Facilities Special Tax and a Maximum Annual Maintenance Special Tax per Net Taxable Acre.

Step 3: Multiply the Maximum Special Taxes per Net Taxable Acre determined in Step 2 by the Net Taxable Acreage of each Successor Parcel of Taxable Property to determine the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax for each Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

c. ***Some, But Not All, Successor Parcels are Single Family Detached Lots***

If a Subdivision Map divides an Original Parcel into Successor Parcels, of which some are Single Family Detached Lots and some are not, the Administrator shall apply the following steps to determine the Maximum Special Taxes for each Successor Parcel:

Step 1: Separately identify: (i) the total Net Taxable Acreage created within the Subdivision Map, and (ii) the combined Net Taxable Acreage of all Single Family Detached Lots created within the Subdivision Map.

Step 2: Divide the Maximum One-Time Facilities Special Tax assigned to the Original Parcel by the total Net Taxable Acreage created within the Subdivision Map to determine the Maximum One-Time Facilities Special Tax per Net Taxable Acre.

Step 3: Divide the Maximum Annual Maintenance Special Tax assigned to the Original Parcel by the total Net Taxable Acreage created within the Subdivision Map to determine the Maximum Annual Maintenance Special Tax per Net Taxable Acre.

Step 4: Multiply the Maximum One-Time Facilities Special Tax per Net Taxable Acre that was calculated in Step 2 by the total combined Net Taxable Acreage of all Single Family Detached Lots (as determined in Step 1), and divide the product by the number of Single Family Detached Lots created in the Subdivision Map to calculate the Maximum One-Time Facilities Special Tax for each Single Family Detached Lot.

Step 5: Multiply the Maximum Annual Maintenance Special Tax per Net Taxable Acre that was calculated in Step 3 by the total combined Net Taxable Acreage of all Single Family Detached Lots (as determined in Step 1), and divide the product by the number of Single Family Detached Lots created in the Subdivision Map to calculate the Maximum Annual Maintenance Special Tax for each Single Family Detached Lot.

Step 6: Multiply the Maximum One-Time Facilities Special Tax per Net Taxable Acre that was calculated in Step 2 by the Net Taxable Acreage of each Parcel of Taxable Property created within the Subdivision Map that is not a Single Family Detached Lot to determine the Maximum One-Time Facilities Special Tax for each Parcel.

Step 7: Multiply the Maximum Annual Maintenance Special Tax per Net Taxable Acre that was calculated in Step 3 by the Net Taxable Acreage of each Parcel of Taxable Property created within the Subdivision Map that is not a Single Family Detached Lot to determine the Maximum Annual Maintenance Special Tax for each Parcel.

If, after subdivision of an Original Parcel, a Successor Parcel is further subdivided, the Successor Parcel shall be treated as an Original Parcel for purposes of allocating Maximum Special Taxes pursuant to Section C.2a, C.2b, or C.2c, as appropriate.

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After each reallocation of the Maximum Special Taxes upon subdivision or reconfiguration of Original Parcels, the sum of the Maximum Special Taxes assigned to Successor Parcels shall never be less than the Maximum Special Taxes assigned to the Original Parcels prior to such reallocation.

D. ESCALATION OF MAXIMUM SPECIAL TAXES

1. One-Time Facilities Special Tax

Beginning in January 2008 and each January thereafter, the Maximum One-Time Facilities Special Tax assigned to each Parcel shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as

published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the One-Time Facilities Special Tax shall become effective on the subsequent July 1.

2. Annual Maintenance Special Tax

Beginning in January 2008 and each January thereafter, the Maximum Annual Maintenance Special Tax assigned to each Parcel shall be adjusted by the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

E. METHOD OF LEVY OF THE SPECIAL TAX

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Sections C and D above shall be levied on all Taxable Property in CFD No. 2007-1 and shall be collected as set forth in Section F below.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for the Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within the CFD, up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel of Undeveloped Property for such Fiscal Year.

Step 3: If additional revenue is needed after applying the first two steps, the Annual Maintenance Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Annual Maintenance Special Tax assigned to each Parcel of Taxable Public Property.

F. COLLECTION OF SPECIAL TAX

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of any residential or non-residential structure on Taxable Property within CFD No. 2007-1, and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax for CFD No. 2007-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay Authorized Services and all Administrative Expenses have been reimbursed.

G. EXEMPTIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Taxes, no Special Taxes shall be levied on Public Property except Taxable Public Property, as defined herein.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the Rate and Method of Apportionment of Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment of Special Taxes.

I. ENFORCEMENT

All delinquent One-Time Facilities Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be place on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-192

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

CITY MANAGER'S OFFICE

A budget adjustment is necessary to correct the budgeted amounts for the Budget Division's expenses and revenues. This adjustment will move the adopted budgeted amounts from the previous cost center that resided in Finance (12110) to the new cost center that resides in the City Manager's Office (02110). This action will correct the budget appropriations for the Budget Division within their new department, the City Manager's Office which began at the start of FY 2016-17. This is a technical adjustment, and no increases to the overall appropriation for the Budget Division that were adopted as part of the budget will be made.

PUBLIC WORKS

In June 2011, the City was awarded a State of Good Repair Grant (SGR) for improvements to the Bus Maintenance Facility. These improvements include installation of a shade structure, purchase of boom lift and floor machine. In September 13, 2016 Council authorized the funding of Capital Improvement Project #100964 to track all expenditures associated with the SGR grant; however, it did not identify Capital from Non-Capital expenses, and there were two Capital projects within the Bus Maintenance Facility which should be tracked separately. A budget adjustment is necessary to decrease both the revenue and expense budgets in Capital Improvement Project #100964, Bus Maintenance Facility Improvement, in the amount of $543,282, and transfer these funds to the Bus Maintenance Facility Equipment Requirements Non-Capital Project #101021 to correctly identify the grant expenditures. A second budget adjustment is necessary to decrease both the revenue and expense budgets in Capital Improvement Project #100964, Bus Maintenance Facility Improvement, in the amount of $930,000, and transfer these funds to the Bus Maintenance Facility Parts Storage Room Upgrade Capital Project #101021 to correctly identify the grant expenditures.

A budget adjustment is necessary to transfer $600,000 from Capital Improvement Project #100964, Bus Maintenance Facility Improvement, Equipment Acquisition to Construction for the construction of a shade structure over the Bus Maintenance Facility bay doors.

UTILITIES

A budget adjustment is necessary to reconcile the State Water Resources Control Board Clean Water State Revolving Fund loan and Proposition 1 and Proposition 84 grants, and to increase FY2016-17 Capital Improvement Program budget by $213,297 for expenditures Contingency-CIP and Land Acquisition in Capital Improvement Project #100521, North Valley Regional Recycled Water Program.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-193

Print

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA, OFFICE OF EMERGENCY SERVICES, TO HOUSE AND MAINTAIN A TYPE 2 HAZMAT EMERGENCY RESPONSE VEHICLE AND AN AGREEMENT TO REIMBURSE THE CITY FOR CERTAIN TRAINING COSTS RELATING TO THE HAZARDOUS MATERIALS BY RAIL TRAINING PROGRAM AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, the California Governor's Office of Emergency Services (CAL OES), Fire, Rescue, and HazMat program has developed a Regional Hazardous Materials (HazMat) program that is similar to the CAL OES Fire Engine Program that the City currently participates in, and

WHEREAS, the program is intended to provide additional response capability and fill in gaps across the state where there is limited or no response capability for Hazardous Materials by Rail, and

WHEREAS, CAL OES will be distributing twelve (12) Type 2 HazMat Emergency Response vehicles throughout the state of California and Modesto has been selected to house and staff one of these apparatus, and

WHEREAS, CAL OES will coordinate and reimburse all of the required training for personnel who are not trained to the Specialist level for a FIRESCOPE Type 2 HazMat Response, and

WHEREAS, CAL OES recognizes that there might be a need for this vehicle to respond to local non-rail HazMat spills, and

WHEREAS, assigned local agencies will be permitted to use the vehicle within their jurisdictions as long as it's not the primary response vehicle, and

WHEREAS, the Modesto Fire Department is responsible for the first $100 for all repairs and any repairs exceeding $100 are the responsibility of CAL OES, and

WHEREAS, when CAL OES makes a request for the apparatus, the Modesto Fire Department must respond to the requested location with a minimum of five (5) Hazardous Materials Specialists, and

WHEREAS, CAL OES will provide reimbursement to the City for the Fire Department's costs of backfilling positions or overtime costs to allow Fire Department staff to attend and successfully complete hazardous materials training required by Cal OES, specifically related to the Hazardous Materials by Rail Program..

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and the State of California, Office of Emergency Services, to house and maintain a Type 2 HazMat Emergency Response Vehicle is hereby approved.

BE IT FURTHER RESOLVED, that the Agreement between the City of Modesto and the State of California, Office of Emergency Services to Reimburse the City for certain training costs relating to the Hazardous Materials by Rail Training program is hereby approved.

BE IT FURTHER RESOLVED, that the Acting City Manager, or his designee, is authorized to execute the Agreements in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-194

RESOLUTION APPROVING A THREE YEAR AGREEMENT WITH ACCELA, SAN RAMON, CA FOR THE CONTINUED USE OF THEIR PUBLIC STUFF PLATFORM FOR THE GOMODESTO! MOBILE APPLICATION AT A FIRST YEAR COST OF $21,930 AND A TOTAL COST OF $71,495, AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE TO SIGN THE AGREEMENT

WHEREAS, The GoModesto! mobile application has become a central tool in connecting citizens with government, and

WHEREAS, the system has had more than, 4,048 downloads, 4,751 service requests submitted by 1,630 unique citizens, and

WHEREAS, the 4,048 citizens that downloaded the application have had more than 22,128 sessions using GoModesto!, and

WHEREAS, a new contract is needed with Accela to continue use of the Public Stuff platform, and

WHEREAS, Accela is willing to waive the standard increase for the first year of the new agreement by matching last year's cost of $21,930 in addition to reducing the annual fee increase rate from 7% to 5% for subsequent years, saving the city $3,944 over the life of the agreement.

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for the procurement, and

WHEREAS, justification for this exception is based upon Accela's Mobile Application, Public Stuff, being the lead application that was identified and selected in RFP No. INF—16-05 and it is time for annual renewal, and

WHEREAS, Accela is the only vendor providing this application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Council hereby approves a three year agreement with Accela, San Ramon, CA for the continued use of their Public Stuff platform for the GoModesto! Mobile Application at a first year cost of $21,930 and a total cost of $71,495.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to sign the new agreement in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-195

RESOLUTION APPROVING AN AGREEMENT WITH DATA PATH, INC., MODESTO, CA, TO PROVIDE INFORMATION TECHNOLOGY SERVICES TO THE CITY FOR A ONE-YEAR TERM WITH A ONE-YEAR OPTION TO EXTEND THE AGREEMENT AT A COST OF UP TO $75,000 PER YEAR FOR A TOTAL COST NOT TO EXCEED $150,000 AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in February 2015, the City entered into an agreement with Data Path, Inc. to provide Chief Information Officer (CIO) services to the City, and

WHEREAS, in March 2015, the City entered into an agreement with Data Path, Inc. to provide Chief Information Officer (CIO) services to the City, which was approved through Resolution 2015-81, and

WHEREAS, on November 24, 2015, the City and Data Path Inc. entered into a first amendment, which was approved by Council through Resolution 2015-442, to increase the contract amount, update the scope of services, and establish a 6 month term, and

WHEREAS, on May 24, 2016, a second n amendment to the agreement was approved through Resolution 2016-206 for Data Path Inc., to continue to provide CIO services to the City for an additional 3 year period, and

WHEREAS, the cost associated with this second amendment was $17,578 per month or approximately $210,000 per year, and

WHEREAS, the current agreement with Data Path requires Mr. Dickey to manage the day-to-day operations of the Information Technology (IT) Department, and

WHEREAS, these routine management duties consume a significant amount of time and prevent him from focusing on other high priority projects which could either

advance the City's technological presence in the City or assist the City in becoming a data-driven, performance based organization, and

WHEREAS, in order to focus Mr. Dickey's efforts on areas where the City can realize the largest return of his skill set, staff negotiated a new agreement with Data Path which would allow Mr. Dickey to provide oversight of high priority programs and projects while reducing costs under this contract and shifting management of the IT Department to other resources, and

WHEREAS, the agreement is for a one-year term with a one-year option to extend the agreement, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. In accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the formal bid requirement, and

WHEREAS, the cost of this agreement as well as any additional costs incurred for the management of the IT Department will be accounted for within the existing IT budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Data Path, Inc., Modesto, CA, to provide information technology services to the City for a one-year term with a one-year option to extend the agreement at a cost of up to $75,000 per year for a total cost not to exceed $150,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-196

Print

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA CLIMATE INVESTMENTS URBAN GREENING PROGRAM FOR FUNDS IN THE AMOUNT OF $3,193,401 TO FUND DEVELOPMENT AND CONSTRUCTION OF VIRGINIA CORRIDOR PHASE 7 PROJECT AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, AS AGENT, TO CONDUCT ALL NEGOTIATIONS AND TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE PROJECT

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above, and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures, and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application by the Applicants governing board before submission of said application to the State, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby:

1. Approves the filing of an application for the development of the Virginia Corridor Phase 7 Project; and
2. Certifies that this Council for the City of Modesto understands the assurances and certification in the application; and

3. Certifies that the City will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California State Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained; and
6. Certifies that the City will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7. Appoints the Acting City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, with approval as to form by the City Attorney, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-197

Print

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA CLIMATE INVESTMENTS URBAN GREENING PROGRAM FOR FUNDS IN THE AMOUNT OF $2,448,931 TO FUND DEVELOPMENT AND CONSTRUCTION OF THE J STREET GREEN STREET PROJECT AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, AS AGENT TO CONDUCT ALL NEGOTIATIONS AND TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE PROJECT

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above, and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures, and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application by the Applicants governing board before submission of said application to the State, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby:

1. Approves the filing of an application for the development of the J Street Green Street Project; and
2. Certifies that the City Council of the City of Modesto understands the assurances and certification in the application; and

3. Certifies that the City will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California State Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained; and
6. Certifies that the City will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7. Appoints the Acting City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, with approval as to form by the City Attorney, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-198

Print

RESOLUTION APPROVING SUBMISSION OF THE CITY'S TRANSPORTATION DEVELOPMENT ACT (TDA) TRANSIT CLAIM FOR FISCAL YEAR 2017-2018 TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $11,952,619

WHEREAS, the greatest portion of the City's funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the Finance Department that TDA funds have been apportioned by the State to StanCOG for allocation to public transit agencies pursuant to Article 4 of Chapter 4 of the California Public Utilities Code (PUC), and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2017-2018 pursuant to these sections of the California PUC, and

WHEREAS, the City's Transit TDA Claim for Fiscal Year 2017-2018 is $11,952,619, and

WHEREAS, the total Transit Operating Budget for Fiscal Year 2017-2018 is $19,870,562, and

WHEREAS, Council action authorizing submission of the Claim is required by StanCOG pursuant to Section 99233.11 of the California PUC before any TDA funding can be released to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submission of the TDA transit claim for Fiscal Year 2017-2018 to StanCOG in the amount of $11,952,619.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

Ayes:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
Noes:	Councilmembers:	None
Absent:	Councilmembers:	Ridenour

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-199

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF A 4,000 GALLON WATER TRUCK TO INTERSTATE TRUCK CENTER, STOCKTON, CA, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST OF $181,507

WHEREAS, the purchase of a new 4,000 gallon water truck for the Compost Division of the Public Works Department has been approved to support the compost site permit regulations of continually having a water truck on site to maintain moisture content in the compost and for dust control, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFBs) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, on January 3, 2017, the Purchasing Division issued RFB 1617-20 for the purchase of a 4,000 gallon water truck on the City's website under the commodity codes for automotive vehicles, trucks over one ton, and trucks with specialized bodies. Prospective bidders were notified online of the bid opportunity. Eleven companies chose to download the RFB document, and

WHEREAS, on January 24, 2017, bids were formally opened in the City Clerk's office. Six companies chose to respond. All companies provided responsive and responsible bids. Local vendors capable of providing this type of equipment chose not to respond, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of a 4,000 gallon water truck to Interstate Truck Center, Stockton CA, for a total estimated cost of $181,507, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of a 4,000 gallon water truck to Interstate Truck Center, Stockton, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for a 4,000 gallon water truck were budgeted in Fiscal Year 2016-2017 in account 5409-53246-57003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of a 4,000 gallon water truck to Interstate Truck Center, Stockton, CA.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is authorized to issue a purchase order for a total cost of $181,507.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-200

Print

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF TWELVE FORD POLICE INTERCEPTOR AWD UTILITY VEHICLES TO ALBANY FORD, ALBANY, CA, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST OF $391,546

WHEREAS, the replacement of eleven Police Interceptor AWD utility vehicles for the Police Department have been subjected to a thorough evaluation and all eleven vehicles have met or exceeded the replacement criteria before being placed on the replacement list, and

WHEREAS, funds for the purchase of one new Police Interceptor AWD utility vehicle for the Fire Department, Fire Investigation unit, have been budgeted in Fiscal Year 2016-2017 and will enable the Fire Department to remove from service a vehicle that is over ten years old and has accumulated 190,000 miles, and

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, through various competitive processes, and

WHEREAS, on February 9, 2017, the Purchasing Division issued RFB 1617-23 for the purchase of twelve Police Interceptor AWD utility vehicles on the City's website under the commodity codes for automotive vehicles and related transportation equipment, automobiles, and automobile and other passenger vehicles repair and maintenance. Prospective bidders were notified online of the bid opportunity. Six companies chose to download the RFB document, and

WHEREAS, on February 28, 2017, bids were formally opened in the City Clerk's office. Four companies chose to respond. There was one local vendor capable of

providing this type of equipment and they chose not to bid. All four companies provided responsive and responsible bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of bid for the purchase of twelve Ford Police Interceptor AWD utility vehicles to Albany Ford, Albany CA, for a total estimated cost of $391,546, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon in-service patrol units meeting their maximum mileage threshold of 125,000 miles and an abundance of total vehicle losses due to crashes, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of twelve Ford Police Interceptor AWD utility vehicles to Albany Ford, Albany, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds for eleven replacement Ford Police Interceptor AWD utility vehicles were budgeted in Fiscal Year 2016-2017, in account 5409-53246-57003. Ten of these vehicles will be standard black and white patrol vehicles for the Modesto Police Department at a cost of $30,467 before taxes and fees. One of these vehicles will be the same as the patrol vehicles except for the dark blue paint for the Street Gang Unit of the Modesto Police Department. This unit will cost $30,862 before taxes and fees and will replace a unit totaled in a traffic collision. The final unit is gray in

color and has more administrative features, less patrol features and lighting. This unit will be for the Modesto Fire Department at a cost of $26,965 before taxes and fees. Each vehicle will be charged a CA tire fee of $8.75 and a registration fee of $29. Total sales tax on all vehicles will be $28,547 for a total cost of $391,546. Funding for these vehicles was collected through the internal service fund (ISF) via straight-line depreciation over the life of the vehicle, and

WHEREAS, sufficient funds for one new Ford Police Interceptor AWD utility vehicle for the Fire Department have been budgeted in Fiscal Year 2016-2017, in account 0100-18610-57003.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of twelve Police Interceptor AWD utility vehicles to Albany Ford, Albany, CA,

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is authorized to issue a purchase order for a total cost of $391,546.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-201

Print

RESOLUTION AUTHORIZING PAYMENT TO STORER TRANSIT SYSTEMS (STORER) IN THE AMOUNT OF $347,284 FOR FIXED COST ADJUSTMENTS FOR THE FISCAL YEAR 2015/2016 OPERATION OF THE MODESTO AREA DIAL-A-RIDE (MADAR)

WHEREAS, the City entered into an Agreement dated May 13, 2014, with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR) for the purpose of providing paratransit service to seniors and qualified disabled persons within the Modesto urban area, and

WHEREAS, Storer is paid on the basis of the number of vehicle service hours its vans operate in service ($69.98 per vehicle service hour in fiscal year 2015/2016) and the Agreement assumes a base number of vehicle service hours of 42,600 for a twelve month period, and

WHEREAS, paragraph 23(G) of the Agreement includes a provision that requires the City to compensate Storer for "significant differences between the number of vehicle service hours actually operated by (Storer) and the base number of vehicle service hours (42,600 hours)," and

WHEREAS, at the end of a twelve month period, the City must determine if there is a difference in vehicle service hours (either positive or negative) between the actual vehicle service hours billed and the base number of vehicle service hours. If the difference between the actual service hours billed and 42,600 is greater than 4,620 (10% of 42,600), then the consideration paid to Storer must be adjusted, and

WHEREAS, for the 2015/2016 fiscal year Storer operated 5,022 billable hours less than the specified 42,600 billable hours despite an actual increase in the number of rides provided by the service, and

WHEREAS, as provided for by the Agreement, the City and Storer agreed upon the amount of fixed expenses Storer incurred during the second year of the Agreement, and

WHEREAS, the difference between the fixed expenses and the amount paid to Storer by the City was $347,284 and

WHEREAS, the definition of "Vehicle Service Hour" included in the May 13, 2014 agreement is significantly different from the definition of that term in previous agreements, and

WHEREAS, the definition is the main reason for the reduction in the number of vehicle service hours billed as compared with previous agreements, despite increases in the actual number of rides provided by the service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes payment to Storer Transit Systems in the amount of $347,284 for fixed cost adjustments for the fiscal year 2015/2016 operation of Modesto Area Dial-A-Ride.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-202

Print

RESOLUTION APPROVING AMENDMENT NO. 1 TO AN AGREEMENT WITH STORER TRANSIT SYSTEMS (STORER) TO MODIFY THE DEFINITION OF "VEHICLE SERVICE HOUR" (VSH) AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AMENDMENT NO. 1

WHEREAS, the City entered into an Agreement dated May 13, 2014, with Storer Transit Systems (Storer) to operate Modesto Area Dial-A-Ride (MADAR) for the purpose of providing paratransit service to seniors and qualified disabled persons within the Modesto urban area, and

WHEREAS, the definition of "Vehicle Service Hour" included in the May 13, 2014 agreement is significantly different from the definition of that term in previous agreements, and

WHEREAS, the new definition had an unintended restriction of billable time because the phrasing unintentionally excludes time in service in which passengers are not on board the vehicles because individuals fail to board as scheduled or cancel trips after vehicles and drivers are dispatched, and

WHEREAS, the Agreement assumes a base number of vehicle service hours of 42,600 for a twelve month period based on estimates using a prior definition, and Storer is paid on the basis of the number of vehicle service hours its vans operate in service ($69.98 per vehicle service hour in fiscal year 2015/2016), and

WHEREAS, the unintended time exclusions resulted in MADAR not meeting the minimum billable hours despite the CONTRACTOR incurring all expected expenses, and thus requires a fixed cost adjustment payment to the CONTRACTOR following each year of the Agreement, and

WHEREAS, the definition is the main reason for the reduction in the number of vehicle service hours billed as compared with previous agreements despite increases in the actual number of rides provided by the service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves Amendment No. 1 to Modesto Area Dial-A-Ride Operations Agreement and authorizes the Acting City Manager, or his designee to execute Amendment No. 1 in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-203

Print

RESOLUTION APPROVING AN AGREEMENT WITH PROVOST & PRITCHARD CONSULTING GROUP, MODESTO, CA, FOR ON-CALL GRANT WRITING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utilities Department pursues grant funding opportunities for a variety of utility related projects and programs, primarily related to water, wastewater and storm drain collection system infrastructure, groundwater management activities, wastewater treatment plant facilities, recycled water facilities and flood management projects, and

WHEREAS, grant opportunities typically range from $100,000 in planning grants from federal resources to $1 million or more from state programs, such as the Proposition (Prop) 1 Grant Program, and

WHEREAS, recent successful grant applications include $5.1M from Prop 84 Integrated Regional Water Management (IRWM) Implementation Grant for Underground Retention/Cross Connection Removal and the North Valley Regional Recycled Water Program (2016), $147,625 from Prop 1 IRWM Planning Grant for the IRWM Update (2017), and a preliminary award of $943,985 from Prop 1 Groundwater Grant for the Destruction of Wells (2017), and

WHEREAS, successful grant applications require thorough understanding of the funding program requirements, high quality product delivery, and credibility with the granting authorities, and

WHEREAS, since funding mechanisms, grant requirements, and granting authorities may change on a project-by-project basis, Utilities Department staff does not have the expertise, nor the resources due to current workloads, to fully research each funding opportunity presented by the state or federal agencies, and

WHEREAS, the City of Modesto has an agreement with California Consulting to provide grant assistance related to other departments (Police, Parks, Recreation and Neighborhoods, Information Technology, Public Works, and the City Manager's Office), but not Utilities, and

WHEREAS, therefore, grant researching and writing services from consultants with specific experience in obtaining grants related to utilities, and who are familiar with the agencies that have the utilities-related grant programs are required, and

WHEREAS, Provost & Pritchard Consulting Group has extensive experience in developing successful grant applications, thereby securing grant funding from state and federal funding sources, and

WHEREAS, its assistance will allow the City to apply for a wide variety of grants, which will help fund the City's local and regional water resource-related projects and programs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) through Planet Bids for on-call

grant research and writing services for the Utilities Department, which included one qualified local consultant, and

WHEREAS, six Statements of Qualifications/Proposals were received, and

WHEREAS, after careful review of the Statement of Qualifications/Proposals by Utilities Department staff, the local firm of Provost & Pritchard Consulting Group, Modesto, CA was selected as the most qualified firm to provide on-call grant research and writing services, and

WHEREAS, when on-call grant writing services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete the specific task, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects were previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable utilities, and a budget transfer from reserves, to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the three on-call agreements are for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, however, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreements for on-call grant research and writing services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Provost & Pritchard Consulting Group, Modesto, CA, for On-call Grant Writing Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed $45,000 per year.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney, and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-204

Print

RESOLUTION APPROVING AN AGREEMENT WITH RMC WATER AND ENVIRONMENT, SACRAMENTO, CA, FOR ON-CALL GRANT WRITING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utilities Department pursues grant funding opportunities for a variety of utility related projects and programs, primarily related to water, wastewater and storm drain collection system infrastructure, groundwater management activities, wastewater treatment plant facilities, recycled water facilities and flood management projects, and

WHEREAS, grant opportunities typically range from $100,000 in planning grants from federal resources to $1 million or more from state programs, such as the Proposition (Prop) 1 Grant Program, and

WHEREAS, recent successful grant applications include $5.1M from Prop 84 Integrated Regional Water Management (IRWM) Implementation Grant for Underground Retention/Cross Connection Removal and the North Valley Regional Recycled Water Program (2016), $147,625 from Prop 1 IRWM Planning Grant for the IRWM Update (2017), and a preliminary award of $943,985 from Prop 1 Groundwater Grant for the Destruction of Wells (2017), and

WHEREAS, successful grant applications require thorough understanding of the funding program requirements, high quality product delivery, and credibility with the granting authorities, and

WHEREAS, since funding mechanisms, grant requirements, and granting authorities may change on a project-by-project basis, Utilities Department staff does not have the expertise, nor the resources due to current workloads, to fully research each funding opportunity presented by the state or federal agencies, and

WHEREAS, the City of Modesto has an agreement with California Consulting to provide grant assistance related to other departments (Police, Parks, Recreation and Neighborhoods, Information Technology, Public Works, and the City Manager's Office), but not Utilities, and

WHEREAS, therefore, grant researching and writing services from consultants with specific experience in obtaining grants related to utilities, and who are familiar with the agencies that have the utilities-related grant programs are required, and

WHEREAS, RMC Water and Environment has extensive experience in developing successful grant applications, thereby securing grant funding from state and federal funding sources, and

WHEREAS, its assistance will allow the City to apply for a wide variety of grants, which will help fund the City's local and regional water resource-related projects and programs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) through Planet Bids for on-call

grant research and writing services for the Utilities Department, which included one qualified local consultant, and

WHEREAS, six Statements of Qualifications/Proposals were received, and

WHEREAS, after careful review of the Statement of Qualifications/Proposals by Utilities Department staff, the firm of RMC Water and Environment, Sacramento, CA was selected as the most qualified firm to provide on-call grant research and writing services, and

WHEREAS, when on-call grant writing services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete the specific task, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects were previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable utilities, and a budget transfer from reserves, to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the three on-call agreements are for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, however, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreements for on-call grant research and writing services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with RMC Water and Environment, Sacramento, CA, for On-call Grant Writing Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed $45,000 per year.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney, and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-205

Print

RESOLUTION APPROVING AN AGREEMENT WITH WEST YOST ASSOCIATES, INC., DAVIS, CA, FOR ON-CALL GRANT WRITING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utilities Department pursues grant funding opportunities for a variety of utility related projects and programs, primarily related to water, wastewater and storm drain collection system infrastructure, groundwater management activities, wastewater treatment plant facilities, recycled water facilities and flood management projects, and

WHEREAS, grant opportunities typically range from $100,000 in planning grants from federal resources to $1 million or more from state programs, such as the Proposition (Prop) 1 Grant Program, and

WHEREAS, recent successful grant applications include $5.1M from Prop 84 Integrated Regional Water Management (IRWM) Implementation Grant for Underground Retention/Cross Connection Removal and the North Valley Regional Recycled Water Program (2016), $147,625 from Prop 1 IRWM Planning Grant for the IRWM Update (2017), and a preliminary award of $943,985 from Prop 1 Groundwater Grant for the Destruction of Wells (2017), and

WHEREAS, successful grant applications require thorough understanding of the funding program requirements, high quality product delivery, and credibility with the granting authorities, and

WHEREAS, since funding mechanisms, grant requirements, and granting authorities may change on a project-by-project basis, Utilities Department staff does not have the expertise, nor the resources due to current workloads, to fully research each funding opportunity presented by the state or federal agencies, and

WHEREAS, the City of Modesto has an agreement with California Consulting to provide grant assistance related to other departments (Police, Parks, Recreation and Neighborhoods, Information Technology, Public Works, and the City Manager's Office), but not Utilities, and

WHEREAS, therefore, grant researching and writing services from consultants with specific experience in obtaining grants related to utilities, and who are familiar with the agencies that have the utilities-related grant programs are required, and

WHEREAS, West Yost Associates, Inc. has extensive experience in developing successful grant applications, thereby securing grant funding from state and federal funding sources, and

WHEREAS, its assistance will allow the City to apply for a wide variety of grants, which will help fund the City's local and regional water resource-related projects and programs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised Requests for Qualifications (RFQs)/Requests for Proposals (RFPs) through Planet Bids for on-call

grant research and writing services for the Utilities Department, which included one qualified local consultant, and

WHEREAS, six Statements of Qualifications/Proposals were received, and

WHEREAS, after careful review of the Statement of Qualifications/Proposals by Utilities Department staff, the firm of West Yost Associates, Inc., Davis, CA was selected as the most qualified firm to provide on-call grant research and writing services, and

WHEREAS, when on-call grant writing services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete the specific task, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects were previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable utilities, and a budget transfer from reserves, to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the three on-call agreements are for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, however, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreements for on-call grant research and writing services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc., Davis, CA, for On-call Grant Writing Services for various City projects for one year, with two one-year extension options, at the sole discretion of the City, in an amount not to exceed $45,000 per year.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney, and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-206

Print

RESOLUTION APPROVING OUTDOOR WATER USE REGULATIONS FOR JUNE THROUGH OCTOBER 2017 FOR WATER CUSTOMERS SERVED BY THE MODESTO SUB-BASIN GROUNDWATER SUPPLY OR SURFACE WATER

WHEREAS, on April 7, 2017, the Governor issued Executive Order (EO) B-40-17, directing the State Water Board to rescind portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies, and

WHEREAS, the EO B-40-17 also directs the State Water Board to continue: development of permanent prohibitions on wasteful water use, permanent requirements for reporting water use by urban water agencies, portions of the emergency regulations that prohibit certain wasteful water practices and requiring water use reporting as a bridge until permanent requirements are in place, and

WHEREAS, on April 7, 2017, in accordance with directives in EO B-37-16, the State Water Board Department of Water Resources, Department of Food and Agriculture, California Public Utilities Commission, and the California Energy Commission, released a final report titled "*Making Water Conservation a California Way of Life*". The report describes a proposed framework for developing new water use efficiency standards, urban water use targets, and enhanced urban and agricultural water management planning requirements, and

WHEREAS, the state-mandated conservation standards, developed by the State Water Board, are no longer necessary under current conditions, as determined by the Governor in EO B-40-17, and

WHEREAS, continued prohibition of wasteful and/or unreasonable water use practices and continued availability of transparent water use data are, however, prudent to address water supply needs and the lingering impacts of prolonged drought, and to provide a bridge to permanent regulations for making water conservation a California way of life as identified in EO B-37-16 and EO B-40-17, and

WHEREAS, because of the significant cumulative reduction of water use the past two years (27%), annual water use has dropped to approximately 45,000 acre feet.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the outdoor water use regulations for June through October 2017 for water customers served by the Modesto sub-basin groundwater supply or surface water:

- Odd-numbered addresses may water Wednesdays, Fridays, Sundays
- Even-numbered addresses may water Tuesdays, Thursdays, Saturdays
- No outdoor lawn watering on Mondays

Penalties for Violations of Water Usage Restrictions will be:

- Educational pamphlet provided upon 1st violation
- $150 Administrative Fee assessed upon 2nd violation
- $250 Administrative Fee assessed upon 3rd violation
- $500 Administrative Fee assessed for each subsequent violation

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of May, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-208

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO RELATING TO WATER REFUNDING REVENUE CERTIFICATES OF PARTICIPATION, 2008 SERIES A; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE LETTER WITH JPMORGAN CHASE BANK, N.A. IN CONNECTION WITH A THREE-YEAR EXTENSION OF THE IRREVOCABLE DIRECT PAY LETTER OF CREDIT AND APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A SUPPLEMENT TO AN OFFICIAL STATEMENT IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER RELATED ACTIONS TO COMPLETE THE THREE-YEAR EXTENSION TO THE WATER BOND LETTER OF CREDIT

WHEREAS, the City of Modesto is a charter city and municipal corporation duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City");

WHEREAS, the City has caused to be executed and delivered the $47,625,000 City of Modesto Water Refunding Revenue Certificates of Participation, 2008 Series A (the "2008 Certificates");

WHEREAS, in connection with the issuance of the 2008 Certificates, Bank of America, N.A., as liquidity facility provider, the City, and the Modesto Public Financing Authority (the "Authority") previously entered into a Standby Certificate Purchase Agreement, dated as of May 1, 2008 (the "2008 Liquidity Agreement"), relating to the performance of certain duties with respect to the remarketing of the 2008 Certificates;

WHEREAS, the 2008 Liquidity Agreement was subsequently replaced with an irrevocable direct-pay letter of credit (as extended, the "Letter of Credit") issued by JPMorgan Chase Bank, N.A. ("JPMorgan") pursuant to the terms of a Reimbursement Agreement, dated as of July 1, 2011, as amended by a First Amendment to the Reimbursement Agreement, dated as of June 5, 2014, by and between the City and

JPMorgan, and a Fee Letter, dated July 14, 2011, as amended and restated as of June 5, 2014, between JPMorgan and the City; and

WHEREAS, the Stated Expiration Date of the Letter of Credit was previously extended from July 14, 2014 to July 14, 2017; and

WHEREAS, the City has determined to be in its best interest to again extend the Stated Expiration Date of the Letter of Credit; and

WHEREAS, in connection with the extension of the Letter of Credit, the City and JPMorgan will enter into a new Fee Letter (the "Fee Letter");

WHEREAS, the City proposes to execute and deliver a Supplement to the Official Statement (the "Supplement"), relating to the 2008 Certificates, and to authorize the distribution of such Supplement to prospective and actual purchasers of the 2008 Certificates; and

WHEREAS, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto, as follows:

Section 1. Findings. The City Council hereby specifically finds and determines that the actions authorized hereby constitute and are with respect to the public affairs of

the City and that the statements, findings and determinations of the City set forth above and in the preambles of the documents approved herein are true and correct and that the consummation of the transactions contemplated therein shall result in significant public benefits to the City.

Section 2. Approval of Fee Letter. The City Council hereby approves the three-year extension of the Letter of Credit. The Fee Letter proposed to be executed and entered into by the City, in the form presented at this meeting and on file with the City Clerk, is hereby approved, and each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Fee Letter in substantially said form, with such changes therein as such officer executing the Fee Letter may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Approval of Supplement to Official Statement. The Supplement, in the form presented at this meeting and on file with the City Clerk, is hereby approved. Each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Supplement in substantially said form, with such changes therein as such officer executing the Supplement may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof. Each of the City Manager and the Finance Director, acting singly, is hereby authorized and directed to cause the Supplement, in substantially said form, with such changes therein as such officer may require or approve, to be distributed to potential and actual purchasers of the 2008 Certificates.

Section 4. Attestations. The City Clerk is hereby authorized and directed to attest the signature of the City Manager and the Finance Director and to affix and attest the seal of the City, as may be required or appropriate in connection with the documents approved by this Resolution.

Section 5. Other Actions. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or desirable in order to consummate the transactions authorized hereby and to carry out, give effect to and comply with the terms and intent of this Resolution, the Fee Letter and the Supplement; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 6. Effective Date. This Resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-209

RESOLUTION APPROVINGA RENEWAL OF AN AGREEMENT WITH AMANO MCGANN, INC., ROSEVILLE, MN, FOR THE AUTOMATED PARKING ATTENDANT SOFTWARE FOR AN ESTIMATED ANNUAL COST OF $17,556, WHICH TOTALS $52,668 FOR A THREE YEAR PERIOD, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND THE RIDER TO THE AGREEMENT

WHEREAS, the Parking Services Division manages the automated parking revenue collection systems for the City's three parking garages, and

WHEREAS, on March 2, 2010, Council approved the results and recommendation of staff for the purchase of an Automated Parking System for the City Garages, and

WHEREAS, on March 6, 2012, a Service Agreement was implemented when the warranty expired for the Amano McGann parking system that was installed July 2010, and

WHEREAS, this agreement would be a renewal of the March 6, 2012 Service Agreement already in place with Amano McGann for the upgrade of software and hardware to maintain compliance with the Payment Card Industries (PCI) requirements, and

WHEREAS, the Payment Card Industry (PCI) will continue to change which will require periodic upgrades to the software and hardware for the security and safety of the user as well as the vendor, and

WHEREAS, the service agreement with Amano McGann will provide the software, hardware, and technical support to meet the PCI requirements for the next three years, and

WHEREAS, sufficient funds are budgeted annually in the following appropriation unit: 4000-53250-53300, and

WHEREAS, MMC Section 8-3.204(c) is available where the Purchasing Manager, in his/her discretion, determines that calling for bids on a competitive basis is undesirable due to pressing (exigent) circumstances or, the Purchasing Manager, in his/her discretion determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality.

WHEREAS, acting within her discretion, the Purchasing Manager invoked these exceptions for this service agreement. The furnishing of a service agreement to Amano McGann, Roseville, MN, will conform to MMC Section 8-3.204(c), and

WHEREAS, On February 28, 2017, Council adopted Resolution No. 2017-86. This action approved a City wide hiring and purchasing freeze and other measures to enact cost containment and curtail spending. The potential liabilities of not being PCI compliant would be leaving the City at risk of fines and penalties, fraud losses, and termination of the ability to accept payment cards, all having a negative fiscal impact on the Parking Service Fund and the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the renewal of an agreement with Amano McGann, Inc., Roseville, MN, for the automated parking attendant software for an estimated annual cost of $17,556, which is an annual increase of $1,596, totaling $52,668 for a three year period.

BE IT FURTHER RESOLVED, that the Acting City Manager, or his designee, is authorized to execute the Agreement and the Rider to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-210

Print

RESOLUTION APPROVING AN AMENDMENT TO THE SHARED ELECTRICAL MAINTENANCE AGREEMENT'S EXHIBIT A BETWEEN THE CITY OF MODESTO AND CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 10, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Shared Electrical Agreement ("Agreement") between the City of Modesto (City) and the California Department of Transportation (Caltrans), District 10 needs to be updated from time to time, and

WHEREAS, the proposed new traffic signal development on McHenry Avenue at Grecian Avenue will add a signalized intersection to the amended **Exhibit A**, which is **attached** hereto and describes the obligations of the City and Caltrans for signal maintenance. The cost to the City of Modesto for 50% of the signal maintenance and electrical expense will begin at completion of the signal construction at the intersection, and

WHEREAS, 25 traffic signals on State Highways in downtown Modesto that had previously been maintained by the City of Modesto were taken back by Caltrans effective July 1, 2016. The City's share of the signal maintenance will be 50% at 20 of the intersections and 25% or less at 5 intersections, and

WHEREAS, an adjustment in **Exhibit "A"** is needed as a result of the aforementioned changes to the original Shared Electrical Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Shared Electrical and Maintenance

Agreement between the City of Modesto and Caltrans, District 10, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is authorized to execute the Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT "A" Amended June 1, 2016
TRAFFIC SIGNAL AND LIGHTING AGREEMENT
Caltrans and City of Modesto

BASIS OF COST DISTRIBUTION

State-Owned and Maintained
Billed by the State

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
1	99	16.700	N/B HWY 99 KANSAS OFF RAMP	EC006	SIGNAL	P	NA	40%	60%
				01670A	200W	E	0.6	40%	60%
				01670C	200W	E	0.5	40%	60%
				01670D	200W	E	0.5	40%	60%
2	99	16.710	S/B HWY 99 KANSAS OFF RAMP	EC079	SIGNAL	P	0.5	40%	60%
				01671A	200W	E	0.5	40%	60%
				01671B	200W	E	0.5	40%	60%
				01671E	200W	E	0.5	40%	60%
3	99	18.540	N/B & S/B HWY 99 CARPENTER RD & BRIGGSMORE AVE OFF RAMPS	EC007	SIGNAL	P	NA	50%	50%
				EC008	SIGNAL	P	NA	50%	50%
				01854D	200W	E	0.5	50%	50%
				01854E	200W	E	0.5	50%	50%
				01854F	200W	E	0.5	50%	50%
				01854G	200W	E	0.5	50%	50%
				01854H	200W	E	0.5	50%	50%
				01854J	200W	E	0.5	50%	50%
4	99	20.240	BECKWITH RD & HWY 99	EC049	SIGNAL	P	NA	50%	50%
				EC050	SIGNAL	P	NA	50%	50%
				02024D	200W	E	0.5	50%	50%
				02024E	200W	L	0.6	50%	50%
				02024F	200W	E	0.5	50%	50%
				02024N	200W	E	0.5	50%	50%
				02024G	200W	E	0.5	50%	50%
				02024H	200W	E	0.5	50%	50%
				02024J	200W	E	0.5	50%	50%
				02024P	200W	E	0.5	50%	50%
5	99	21.760	HWY 99 & PELANDALE AVE & SALIDA BLVD	EC116	SIGNAL	P	NA	75%	25%
				02175A	165W	E	0.4	75%	25%
				02175B	165W	L	0.4	75%	25%
				02175C	165W	L	0.4	75%	25%
				02175D	165W	E	0.4	75%	25%
				02175E	165W	E	0.4	75%	25%
				02175F	165W	L	0.4	75%	25%
6	99	21.760	HWY 99 & SALIDA BLVD S/B ON/OFF RAMPS	EC1117	SIGNAL	P	NA	34%	33%
				02176A	165W	E	0.4	34%	33%
				02176B	165W	L	0.4	34%	33%
				02176C	165W	L	0.4	34%	33%
				02176D	165W	E	0.4	34%	33%
				02176E	165W	E	0.4	34%	33%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
7	108	23.080	NEEDHAM MCHENRY,J,	EC009	SIGNAL	P	NA	100%	100%
			17TH DOWNEY-W/S J	02308A	200W	E	0.5	100%	100%
			ST 200' S/O NEEDHAM	02308B	250W	E	0.5	100%	100%
			100% = State Maintains	02308C	200W	E	0.5	100%	100%
			City Provides Energy	02308D	200W	E	0.5	100%	100%
				02308E	250W	E	0.5	100%	100%
8	108	23.440	INTERS OF MCHENRY AVE	EC010	SIGNAL	P	NA	100%	100%
			& MORRIS AVE	02344A	200W	E	0.5	100%	100%
				02344B	200W	E	0.5	100%	100%
9	108	24.060	INTERS MCHENRY AVE &	EC011	SIGNAL	P	NA	100%	100%
			ROSENBURG AVE	02406A	250W	E	0.5	100%	100%
				02406B	250W	E	0.5	100%	100%
10	108	24.320	INTERS ORANGEBURG AVE	EC012	SIGNAL	P	NA	100%	100%
			& MCHENRY AVE	02432A	200W	E	0.5	100%	100%
				02432B	200W	E	0.5	100%	100%
				02432C	200W	E	0.5	100%	100%
				02432D	200W	E	0.5	100%	100%
11	108	24.560	INTERS MCHENRY AVE	EC013	SIGNAL	P	NA	100%	100%
			& GRANGER AVE	02456A	250W	E	0.5	100%	100%
				02456B	250W	E	0.5	100%	100%
12	108	24.810	INTERS MCHENRY AVE	EC014	SIGNAL	P	NA	100%	100%
			& BRIGGSMORE AVE	02481A	137W	E	0.4	100%	100%
				02481B	137W	E	0.4	100%	100%
				02481C	137W	E	0.4	100%	100%
				02481D	137W	E	0.4	100%	100%
13	108	24.950	HWY 108 AT TOKAY AVE	EC077	SIGNAL	P	NA	50%	50%
				02495A	137W	E	0.4	50%	50%
				02495B	137W	E	0.4	50%	50%
				02495C	137W	E	0.4	50%	50%
				02495D	137W	E	0.4	50%	50%
14	108	25.060	INTERS MCHENRY AVE	EC015	SIGNAL	P	NA	100%	100%
			& BOWEN AVE	02506A	137W	E	0.4	100%	100%
				02506B	137W	E	0.4	100%	100%
				02506C	137W	E	0.4	100%	100%
				02506D	137W	E	0.4	100%	100%
15	108	25.320	INTERS OF MCHENRY	EC016	SIGNAL	P	NA	67%	33%
			AVE & FLOYD AVE	02532A	137W	E	0.4	67%	33%
				02532B	137W	E	0.4	67%	33%
16	108	25.410	LEVELAND LN & HWY 108	EC072	SIGNAL	P	NA	50%	50%
				02541A	137W	E	0.4	50%	50%
				02541B	137W	E	0.4	50%	50%
17	108	25.600	INTERS MCHENRY AVE	EC017	SIGNAL	P	NA	50%	50%
			& RUMBLE RD N/S	02560A	137W	E	0.4	50%	50%
			RUMBLE 30' E/O MCH.	02560B	137W	E	0.4	50%	50%
18	108	25.820	MCHENRY AVE & ROBIN-	EC018	SIGNAL	P	NA	50%	50%
			HOOD DR/ WOODROW	02582A	137W	E	0.4	50%	50%
			AVE N/E QUAD	02582B	137W	E	0.4	50%	50%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
19	108	26.060	MCHENRY AVE SYLVAN AVE N/S SYLVAN 75' E/O MCHENRY AVE	EC019	SIGNAL	P	NA	50%	50%
				02606A	137W	E	0.4	50%	50%
				02606B	137W	E	0.4	50%	50%
				02606C	137W	E	0.4	50%	50%
				02606D	137W	E	0.4	50%	50%
20	108	26.400	HWY 108 & UNION RD	EC044	SIGNAL	P	NA	50%	50%
				02640A	137W	E	0.4	50%	50%
				02640B	137W	E	0.4	50%	50%
21	108	26.810	PELANDALE AVE/CLARATINA AVE	EC086	SIGNAL	P	NA	50%	25%
				02681A	137W	E	0.4	50%	25%
				02681B	137W	E	0.4	50%	25%
				02681C	165W	E	0.4	50%	25%
				02681D	137W	E	0.4	50%	25%
22	132	13.410	HWY 132 & CARPENTER RD INC PM 13.17 & 13.42	EC024	SIGNAL	P	NA	50%	25%
				01341A	137W	E	0.4	50%	25%
				01341B	137W	E	0.4	50%	25%
				01341C	137W	E	0.4	50%	25%
				01341D	137W	E	0.4	50%	25%
				0134A1	75W	G	0.5	50%	25%
				0134B1	75W	G	0.5	50%	25%
23	132	13.950	HWY 132 & EMERALD AVE N/E QUAD	EC031	SIGNAL	P	NA	50%	50%
				01395A	200W	E	0.5	50%	50%
				01395B	200W	E	0.5	50%	50%
24	132	14.460	HWY 132 & MARTIN LUTHER KING DR	EC032	SIGNAL	P	NA	50%	50%
				01446A	200W	E	0.5	50%	50%
				01446B	200W	E	0.5	50%	50%
25	132	15.140	11TH ST & D ST	EC057	SIGNAL	P	NA	50%	50%
				01514A	200W	E	0.5	50%	50%
				01514B	200W	E	0.5	50%	50%
				01514C	200W	E	0.5	50%	50%
				01514D	200W	E	0.5	50%	50%
26	132	15.330	HWY 132/14 & D ST	EC045	SIGNAL	P	NA	50%	50%
				01533A	200W	E	0.5	50%	50%
				01533B	200W	E	0.5	50%	50%
				01533C	200W	E	0.5	50%	50%
				01533D	200W	L	0.5	50%	50%
				01533E	200W	L	0.5	50%	50%
27	132	15.62	HWY 132 & MORTON BLVD	EC122	SIGNAL	P	NA	67%	33%
				01562A	137W	E	0.4	67%	33%
				01562B	137W	E	0.4	67%	33%
				01562C	137W	E	0.4	67%	33%
				01562D	137W	L	0.4	67%	33%
28	132	15.900	HWY 132 & SANTA ROSA AVE	EC021	SIGNAL	P	NA	50%	50%
				01590A	200W	E	0.5	50%	50%
				01590B	137W	E	0.4	50%	50%
				01590D	200W	E	0.5	50%	50%
				01590E	200W	E	0.5	50%	50%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
29	132	16.200	HWY 132 & SANTA CRUZ AVE	EC092	SIGNAL	P	NA	67%	33%
				01620A	200W	E	0.5	67%	33%
				01620B	200W	E	0.5	67%	33%
30	132	16.320	HWY 132 & LA LOMA AVE	EC093	SIGNAL	P	NA	67%	33%
				01632A	200W	E	0.5	67%	33%
				01632B	200W	E	0.5	67%	33%
31	132	16.550	HWY 132 AT EMPIRE AVE	EC034	SIGNAL	P	NA	67%	33%
				01655A	250W	E	0.5	67%	33%
				01665B	200W	E	0.5	67%	33%
				01665C	200W	E	0.5	67%	33%
32	132	16.800	HWY 132 AT SAN JUAN DR & DALY AVE	EC040	SIGNAL	P	NA	50%	25%
				01680A	250W	E	0.5	50%	25%
				01680B	250W	E	0.5	50%	25%
				01680C	250W	E	0.5	50%	25%
				01680D	250W	E	0.5	50%	25%
33	132	17.150	HWY 132 EL VISTA AVE & MITCHELL RD	EC035	SIGNAL	P	NA	50%	25%
				01715A	250W	E	0.5	50%	25%
				01715B	250W	E	0.5	50%	25%
				01715C	250W	E	0.5	50%	25%
				01715D	250W	E	0.5	50%	25%
34	132	17.660	HWY 132 & RIVERSIDE DR	EC041	SIGNAL	P	NA	50%	25%
				01766A	200W	E	0.5	50%	25%
				01766B	200W	E	0.5	50%	25%
				01766C	200W	E	0.5	50%	25%
				01766D	200W	E	0.5	50%	25%
35	132	18.150	HWY 132 & LINCOLN AVE	EC102	SIGNAL	P	N/A	67%	33%
				01815A	200W	E	0.5	67%	33%
				01815B	200W	E	0.5	67%	33%
				01815C	200W	E	0.5	67%	33%
				01815D	200W	E	0.5	67%	33%
36	**132**	**18.380**	**HWY 132 & MARIPOSA RD**	**EC043**	**SIGNAL**	**P**	**NA**	**50%**	**25%**
				01838A	**200W**	**E**	**0.5**	**50%**	**25%**
				01838B	**200W**	**E**	**0.5**	**50%**	**25%**
37	132	18.64	HWY 132 & MCLURE AVE	EC090	SIGNAL	P	NA	50%	25%
				01864A	200W	E	0.5	50%	25%
				01864B	200W	E	0.5	50%	25%
				01864C	200W	E	0.5	50%	25%
				01864D	200W	E	0.5	50%	25%
38	132	18.970	HWY 132 & CREEKWOOD PK	EC056	SIGNAL	P	NA	67%	33%
				01897A	200W	E	0.5	67%	33%
				01897B	200W	E	0.5	67%	33%
39	132	19.100	RTE 132 & CLAUS/GARNER RD	EC070	SIGNAL	P	NA	50%	25%
				01910A	200W	E	0.5	50%	25%
				01910B	137W	E	0.4	50%	25%
				01910C	200W	E	0.5	50%	25%
				019100	200W	E	0.5	50%	25%

No.	State Route	Post Mile	Location Description	Type of facility		Type Code	Units	Cost Distribution	
								State	City
40	219	1.850	HWY 219 & DALE RD	EC104	Signal	P	NA	50%	25%
				00185A	137W	E	0.4	50%	25%
				00185B	200W	E	0.5	50%	25%
				00185C	137W	E	0.4	50%	25%
				00185D	137W	E	0.4	50%	25%
				00185E	200W	L	0.5	50%	25%
				00185F	137W	L	0.4	50%	25%

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-211

Print

RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF A LARGE VEHICLE DRYING SYSTEM FROM J & M PHILLIPS ELECTRICAL & PLUMBING, MODESTO, CA, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST OF $79,000

WHEREAS, on June 27, 2011, the Transit Division was awarded a Federal Transit Administration (FTA) State of Good Repair Grant that provides capital assistance for maintenance, replacement, and rehabilitation projects that help transit agencies maintain assets in a state of good repair, and

WHEREAS, as part of the FTA grant funding guidelines, the City of Modesto is required to maintain buses and the Bus Maintenance Facility to exacting mechanical and cosmetic standards, and

WHEREAS, the current bus wash system has an inferior dryer, and a more efficient large vehicle auxiliary dryer is needed at the Bus Maintenance Facility, and

WHEREAS, the City Manager's Office authorized the Purchasing Manager to issue formal Request for Bids (RFBs) for new vehicles and heavy equipment through various competitive processes, and

WHEREAS, on February 22, 2017, the Purchasing Division issued RFB 1617-19-R for the purchase and installation of a large vehicle drying system on the City's website under the commodity codes for vehicle washing systems, electrical, and plumbing. Prospective bidders were notified online of the bid opportunity. Six companies chose to download the RFB document, and

WHEREAS, on March 21, 2017, bids were formally opened in the City Clerk's office. Two companies chose to respond. Both companies provided responsive and responsible bids. One local vendor was capable of providing this type of equipment, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, staff recommends the award of bid for the purchase of a large vehicle auxiliary drying system to J & M Phillips Electrical & Plumbing, Modesto, CA, for a total cost of $79,000, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of a large vehicle auxiliary drying system to J & M Phillips Electrical & Plumbing, Modesto, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86, implementing a spending freeze in order to maintain the fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement due to the utilization of grant funding for the purchase and installation of this large vehicle drying system, and

WHEREAS, sufficient funds for this purchase are budgeted in the State of Good Repair Grant that was awarded to Transit, in account 4510-59999-100964.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the purchase of a large vehicle auxiliary drying system to J & M Phillips Electrical & Plumbing, Modesto, CA, for a total cost of $79,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is authorized to issue a purchase order, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-212

RESOLUTION APPROVING A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS FOR THE SOLE SOURCE PROCUREMENT OF ACCU-TAB CALCIUM HYPOCHLORITE TABLETS, ACCU-TAB POWERPRO CHLORINATION SYSTEMS AND RELATED EQUIPMENT, TO AXIALL CORPORATION, PITTSBURGH, PA, AT THE SOLE DISCRETION OF THE CITY, FOR AN ANNUAL COST OF $170,000, AND $850,000 OVER FIVE YEARS, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT

WHEREAS, on October 23, 2012, by Council Resolution 2012-423, Council authorized the award of a sole source procurement for the purchase and delivery of Accu-Tab Calcium Hypochlorite tablets, Accu-Tab Powerpro Chlorination systems and related equipment to PPG Industries, Monroeville, PA., and

WHEREAS, PPG subsequently changed its name to Axiall Corporation, and

WHEREAS, Agreement No. 38538 with Axiall expires June 30, 2017, and

WHEREAS, chlorination tablets and system services are necessary to ensure the water quality supply for the City's service areas and to meet all compliance requirements set forth by the California State Water Resources Control Board, and

WHEREAS, the Acting City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for chlorination tablets and system, and

WHEREAS, Axiall Corporation, is the sole manufacturer for both the Accu-Tab 2000 Series and PowerPro Chlorination Systems, and Accu-Tab Calcium Hypochlorite Tablets, and

WHEREAS, Axiall will also provide warranties on previously purchased and installed chlorination systems by the City of Modesto, and

WHEREAS, City staff recommends the purchase of Accu-tab calcium hypochlorite tablets and Accu-tab Chlorination Systems from Axiall Corporation, Pittsburg, PA, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City. As allowed by the resolution, the City Manager's Office approved an exception to this freeze for this procurement. Justification for this exception is based upon the need of the Utilities Department to strengthen and maintain a safe and reliable water supply to City of Modesto customers, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his/her discretion determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, in this case, the Director of Finance, acting as Purchasing Manager, invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors, and

WHEREAS, the sole source award of an agreement to Axiall Corporation, Pittsburgh, PA, will conform to MMC Section 8-3.204(d).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a two-year agreement with three one-year extension options for the sole source procurement of Accu-Tab Calcium Hypochlorite tablets, Accu-Tab PowerPro Chlroination System and related equipment, to Axiall Corporation, Pittsburgh, PA, at the sole discretion of the City, for an annual cost of $170,000, and $850,000 over five years.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute a purchase agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-213

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE 2015-2016 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION, ATWATER, CA, IN THE AMOUNT OF $1,510,138 AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the 2015-2016 Sanitary Sewer Collection System Replacement Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the 2015-2016 Sanitary Sewer Collection System Replacement Project were opened at 11:00 a.m. on May 2nd , 2017 for the consideration of the Council pursuant to Modesto Municipal Code section 8-3.403, and

WHEREAS, the Director of Utilities has recommended that the bid of $1,510,138 received from Rolfe Construction be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for 2015-2016 Sanitary Sewer Collection System Replacement Project, accepts the bid of $1,510,138 and awards Rolfe Construction of Atwater, CA, the contract for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-214

Print

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE 2015-2016 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT FROM 8% ($120,811) TO 12% ($181,217) OF THE CONSTRUCTION CONTRACT PRICE OF $1,510,138 WITH ROLFE CONSTRUCTION, ATWATER, CA

WHEREAS, on June 6, 2017, the City Council is concurrently awarding a $1,510,138 contract to Rolfe Construction, Atwater, CA for the construction of the 2015-2016 Sanitary Sewer Collection System Replacement Project, and

WHEREAS, the purpose of the project is to replace aging sewer systems presenting ongoing maintenance issues, and

WHEREAS, the existing sewer mains will be replaced to correct hydraulic deficiencies and will be realigned in certain sections to address access limitations, and

WHEREAS, the construction within alleys and within developed landscaped areas presents unknown challenges, and

WHEREAS, while the contingency policy is utilized for each construction contract awarded by the City, it is not written into each contract, nor is it a guaranteed amount included in the final compensation to the contractor, and

WHEREAS, the additional costs could exceed the Director's authority for the project as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $120,811,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the 2015-2016

Sanitary Sewer Collection System Replacement Project from 8 percent ($120,811) to 12 percent ($181,217) of the construction contract price of $1,510,138 with Rolfe Construction, Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-215

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,584,777 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE 2015-2016 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$1,584,777**, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the 2015-2016 Sanitary Sewer Collection System Replacement Project, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100790 "2015-2016 Sewer Replacement", and the total project costs need to be increased by $1,584,777. This would be done by adjusting Construction Admin by $145,210, Construction by $1,259,629, Contingency-CIP by $122,176, and Eng/Design/Admin by $57,762.

To fund the above account, $1,584,777 will be transferred from Wastewater Fund Reserves into CIP Project 100790 for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-216

Print

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR CONSULTANT SERVICES FOR THE 2016 WASTEWATER MANAGEMENT PLAN IN AN AMOUNT NOT TO EXCEED $30,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $5,000 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A MAXIMUM TOTAL AMOUNT OF $35,000, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT

WHEREAS, on September 2, 2014, by Resolution No. 2014-334, Council approved an Agreement with Carollo Engineers, Inc. (Carollo) for consulting services to develop the 2016 Wastewater Master Plan (WWMP) for the Wastewater Collection and Treatment Systems and an Engineer's Report, identified respectively, as Tasks 1, 2, and 3 in the original scope of work, and

WHEREAS, on October 12, 2016, by approval of the City Manager, Task 4 Additional Services were authorized to further refine secondary treatment alternatives to account for the reduction of treated wastewater for Ranch Land irrigation, due to the sale of tertiary treated wastewater, and

WHEREAS, under Task 4, Carollo is updating the treatment facilities water balance, developing a revised agricultural management plan for the Ranch, and identifying and refining treatment plant improvements, and

WHEREAS, these refinements may change capital improvement project priorities, but will not affect the current sewer rates that were adopted in April 2016, and

WHEREAS, to complete Task 4 of the WWMP, additional specialized analysis is necessary as a result of the anticipated changes to the City's land application Waste

Discharge Requirement (WDR) permit and reduced irrigation flows to the Ranch due to recycled water sales, and

WHEREAS, this additional effort will analyze current Ranch Land crops, crop patterns, soil characteristics, and irrigation practices regarding Ranch Land constituent loadings and application rates, and make recommendations regarding the long-term operation of the Ranch, and

WHEREAS, Carollo has nearly completed Task 4 and requires specialized services of a sub-consultant in crop management to make final recommendations for Ranch Land management practices with reduced irrigation alternatives, and

WHEREAS, these specialized services require analysis based on field data gathering which may introduce a need for additional data and analysis, therefore, a small amount for Additional Services are required, and

WHEREAS, staff recommends approval of the First Amendment to the Agreement with Carollo for the 2016 Wastewater Master Plan Update, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by Resolution No. 2017-86, the City Manager's Office approved an exception to the freeze for this procurement, and

WHEREAS, justification for this exception is that the project was previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, is needed to provide safe and reliable utilities, and a budget transfer from reserves, to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the first amendment to the agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for consultant services for the 2016 Wastewater Management Plan in an amount not to exceed $30,000 for the identified scope of services, plus $5,000 for additional services, if needed, for a maximum total amount of $35,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-217

Print

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH HORIZON WATER AND ENVIRONMENT, OAKLAND, CA, FOR CONSULTANT SERVICES FOR THE 2016 WASTEWATER MANAGEMENT PLAN ENVIRONMENTAL IMPACT REPORT IN AN AMOUNT NOT TO EXCEED $64,376 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $27,777 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A MAXIMUM TOTAL AMOUNT OF $92,153, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT

WHEREAS, on December 8, 2015, by Resolution No. 2015-473, Council approved an Agreement with Horizon Water and Environment (Horizon) to prepare a Program Level Environmental Impact Report (EIR) for the 2016 Wastewater Master Plan (WWMP), and

WHEREAS, this effort also included a task for some California Environmental Quality Act (CEQA) assistance to City staff on the Urban Area General Plan Update, and

WHEREAS, this General Plan Update CEQA assistance required more effort than originally anticipated, and

WHEREAS, one of the major projects in the 2016 WWMP is the River Trunk Realignment Project (River Trunk) which is currently under design, and

WHEREAS, the River Trunk includes a new trunk alignment, several new feeder mains, a new large sewer lift station and force mains, and new underground crossings of Dry Creek, and

WHEREAS, the River Trunk requires a detailed project-level CEQA analysis to identify specific environmental impacts before it can initiate construction, and

WHEREAS, eligibility for State Revolving Funds also requires the additional CEQA effort, and

WHEREAS, project level analysis was not included in the original scope of work from Horizon, and

WHEREAS, the First Amendment accounts for the additional Scope of Work not included in the Original Agreement, and

WHEREAS, for the WWMP EIR, Horizon is well qualified to conduct Project level CEQA analysis, and

WHEREAS, the additional efforts required are for consultant staff time and biological staffing resources, and

WHEREAS, including this effort within the Horizon Scope of Work is both time and cost efficient compared to contracting out separately, since Horizon is already conducting the program level EIR for the River Trunk as part of the WWMP EIR, and

WHEREAS, staff recommends approval of the First Amendment to the Agreement with Horizon for the Wastewater Master Plan EIR, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the project was previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, is needed to provide safe and reliable utilities, and a budget transfer from reserves, to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the First Amendment to the agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Horizon Water and Environment, Oakland, CA, for consultant services for the 2016 Wastewater Management Plan Environmental Impact Report in an amount not to exceed $64,376 for the identified scope of services, plus $27,777 for additional services, if needed, for a maximum total amount of $92,153.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-218

Print

RESOLUTION APPROVING THE ANNUAL SEWER RATE REVIEW AND MAINTAINING THE PREVIOUSLY ADOPTED 6% SEWER RATE INCREASES TO BE EFFECTIVE SEPTEMBER 1, 2017, FOR FISCAL YEAR 2017-18

WHEREAS, the City of Modesto provides wastewater (sewer) service to over 60,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto as well as the City of Ceres and the Empire Sanitary District and portions of unincorporated Stanislaus County; and

WHEREAS, the City's sewer utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, the California Constitution (Article XIID, "Proposition 218") establishes a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const.); and

WHEREAS, sewer service fees are property-related fees and thus subject to Proposition 218's procedural and substantive requirements; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA") in 2015 to conduct a comprehensive review of the City's sewer rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated January 2016 entitled "City of Modesto Sewer Rate and Fee Study" ("Report"), containing analyses and recommendations for adjusting the City's sewer rates and charges; and

WHEREAS, the Report concluded that the revenues generated under previous sewer rates were insufficient to meet sewer utility's revenue requirements for fiscal year

2016-17 and subsequent years, given changes and new developments in the City's sewer system, including new capital improvement projects identified in the soon to be completed Wastewater Master Plan Update; and

WHEREAS, the Report recommended increasing the City's previous sewer rates and charges, and made certain recommendations for the City's sewer services rates for the five-year period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrated that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrated that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing sewer services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section 6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on April 26, 2016, the City Council duly held the public hearing , and at its conclusion the City Clerk tabulated the number of written and oral protests received, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving wastewater services; and

WHEREAS, the City Council subsequently approved a new sewer rate structure in accordance with Proposition 218 by Resolution No. 2016-181 and adopted a five-year schedule of new maximum sewer service rates beginning in Fiscal Year 2016-17 and increasing those rates by up to 6% annually through Fiscal Year 2020-21; and

WHEREAS, City staff has recently conducted an annual review of the sewer rates as required by Resolution 2016-181 to ensure that the approved 6% increase for Fiscal Year 2017-18 meets the enterprise's revenue needs based on anticipated expenses and the City's policies; and

WHEREAS, upon review of the FY17-18 proposed Wastewater Fund proforma, the City's Budget Division agrees that maintaining a 6% increase in annual rate would allow the fund to maintain a minimum 1.5 debt service coverage ratio required by Council policy, and strive toward obtaining a 2.0 debt coverage ratio in future years as recommended in the recent Fitch Rating review; and

WHEREAS, the Budget Division also recommends maintaining a 6% increase in sewer rates for FY17-18 based upon the anticipated revenues and proposed operating and capital expenses for the upcoming fiscal years; and

WHEREAS, the analysis shows that the projected costs and revenues are tracking reasonably close to what was projected in the 2016 Report; and

WHEREAS, pursuant to Resolution 2016-118, the approved increase in sewer rates for Fiscal Year 2017-18 will become effective 60 days after completion of the annual review, unless the City Council directs otherwise, and Staff recommends the 2017-18 rate increase become effective on September 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

1. **DEFINITIONS.** For the purposes of this Resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal Code entitled "Definitions" shall apply, except as provided herein or as context requires a different meaning.

(A) Director: The City officers(s) or designee(s) in charge of utilities.

(B) Monthly Account Charge: A monthly fee charged to every sewer account to pay the actual fixed sewer system costs not allocable to sewer flow and strength components.

(C) Person: Any individual, partnership, corporation or other legal entity whatsoever apply for or receiving City sewer service.

(D) Cannery Segregation Line (CanSeg Line): The line used by City's cannery customers during caning season. The CanSeg Line collects and conveys the canneries' process flow directly to the Rancho for land application. The cannery process flow does not receive treatment during the cannery season.

(E) Apartment: One (1) dwelling unit located within in a building or portion thereof containing five (5) or more dwelling units; one (1) mobile home space in a mobile home park.

(F) Secondary Scalping: Secondary treatment to be provided to City's cannery customers' process water.

(G) Single Family Residential: One (1) dwelling unit or a suite of one (1) or more rooms which is occupied by or intended to be occupied by one (1) family; one (1) mobile home on any area or tract of land.

(H) Multiple Family: One (1) dwelling unit located within a building or portion thereof containing two (2) to four (4) dwelling units; one (1) additional dwelling unit or mobile home on any area or tract of land.

2. SEWER SERVICE CHARGE FOR RESIDENTIAL SEWER SERVICE. Each person receiving residential sewer service shall pay a sewer service charge to the City . Resolution 2016-181 established the maximum monthly sewer service charges for dwelling units, mobile homes, and mobile home spaces in mobile home parks, including the monthly account charge, for Fiscal Year 2016/17 through the end of Fiscal Year 2020/21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved residential rates for Fiscal Year 2017-18, to be effective September 1, 2017.

Residential Sewer Rates

Category	**FY2016/ 17**	**FY2017/ 18**	**FY2018/ 19**	**FY2019/ 20**	**FY2020/ 21**
Monthly Account Charge ($/Account)	$4.40	$4.42	$4.46	$4.50	$4.54
Residential Rates ($/Dwelling Unit)					
Single Family Residential, Mobile Home on a lot	$29.36	$31.36	$33.39	$35.67	$37.91
Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot	$22.59	$24.03	$25.57	$27.50	$30.85
Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park	$20.33	$21.50	$22.73	$24.36	$26.45

3. SEWER SERVICE CHARGE FOR COMMERCIAL SERVICE.

Each person receiving commercial sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for commercial customers, including the monthly account charge, for Fiscal Year 2016/17 through the end of Fiscal Year 2020/21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved commercial rates for Fiscal Year 2017-18.

Commercial Sewer Rates					
Category	**FY2016/ 17**	**FY2017/ 18**	**FY2018/ 19**	**FY2019/ 20**	**FY2020/ 21**
Commercial Quantity Charge ($/100 cubic feet)					
Group 1-BOD + TSS is 400 mg/l or less	$2.76	$3.01	$3.29	$3.55	$3.88
Group 2-BOD + TSS is 401 mg/l to 900 mg/l	$3.78	$4.07	$4.40	$4.70	$5.07
Group 2-BOD + TSS is 901 mg/l to 1,400 mg/l	$4.80	$5.13	$5.50	$5.85	$6.27
Group 4-BOD + TSS is 1,401 mg/l or more	$6.03	$6.40	$6.83	$7.23	$7.71

(A) Commercial users shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as BOD) and Total Suspended Solids (hereinafter referred to as TSS) strength characteristics and shall pay sewer service charges based on the quantity of water used, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director shall determine the waste strength characteristics of commercial users and assign them to one of the commercial

users groups set forth in the table above.

(B) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users receiving any water from a private source shall allow the City to furnish, install and maintain a water meter with the user

paying for the cost of the meter and installation. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director.

(C) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(1) Receipt of transfer of title from the owner in a form satisfactory to the Director, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (b) above.

(D) Churches, assembly halls and similar facilities shall be considered Group 1.

(E) Schools Districts will have their wastewater flow computed by either of the following methods at their discretion:

(1) School Districts may elect to be billed on water consumption as a Group 1 Commercial discharger.

(i) A one-time inspection by the City's Water Division staff to confirm there is no indoor water use on the outdoor use meter will be done at no charge to the District.

(ii) An annual audit and site inspection will be conducted by the City and paid for by the District.

(a) Inspection fee will be based on time and materials.

(2) School Districts that have not separated all of their outdoor water systems may elect to continue to be billed based on estimates of the average volume per pupil/staff times the average daily attendance (ADA) of pupils plus staff.

(i) School District will be required to enter into an agreement with the City consenting to be billed on an ADA basis.

(ii) The Director is authorized to enter into these agreements with the School Districts on behalf of the City.

(iii) Should the School District fail or refuse to enter into the above noted agreement, District will be billed based on water consumption until an agreement is executed.

(3) For School Districts planning to separate their outdoor water systems in the future, the City will provide the option to be billed on water consumption on an annual basis.

4. SEWER SERVICE CHARGE FOR INDUSTRIAL SERVICE. Each person receiving industrial sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for industrial customers, including the monthly account charge, for Fiscal Year 2016/17 through the end of Fiscal Year 2020/21,as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved industrial rates for Fiscal Year 2017-18, to be effective September 1, 2017.

Industrial Charges (these three components are additive)

Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow Charge ($/Million gallons)	$2,604	$2,888	$3,212	$3,516	$3,901
BOD Charge ($/1,000 lbs)	$213	$226	$238	$246	$263
TSS Charge ($/1,000 lbs)	$441	$454	$471	$491	$504

(A) The charges for industrial wastewater services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for industrial users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If an industrial customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an industrial customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for industrial and sanitary discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

5. **FLOW ESTIMATES.** The Director will estimate flow where he/she determines metered flow measurements are unreliable.

6. **SEPTAGE CHARGE FOR DUMPING SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT.** The City accepts septic waste at its sewage treatment plant. Each person dumping septic waste at the sewage treatment plant shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum septage charge for Fiscal Year 2016/17 through the end of Fiscal Year 2020/21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved septage charges for Fiscal Year 2017-18, to be effective September 1, 2017.

Septage Quantity Charge Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Flow charge per 1,000 gallons	$61	$63	$66	$69	$71

7. SEWER SERVICE CHARGE FOR CANSEG LINE SEWER SERVICE.

Each person using CanSeg Line sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for CanSeg customers, including the monthly account charge, for Fiscal Year 2016/17 through the end of Fiscal Year 2020/21, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved CanSeg Line rates for Fiscal Year 2017-18, to be effective September 1, 2017.

CanSeg Line Sewer Rates Category	FY2016/17	FY2017/18	FY2018/19	FY2019/20	FY2020/2
Monthly Account Charge ($/Account)	$4.40	$4.42	$4.46	$4.50	$4.54
CanSeg Line Charges (these three components are additive)					
Flow Charge ($/Million gallons)	$2,680	$2,841	$3,012	$3,191	$3,384
BOD Charge ($/1,000 lbs)	$1.39	$1.48	$1.57	$1.66	$1.76
TSS Charge ($/1,000 lbs)	$4.04	$4.29	$4.54	$4.81	$5.11

(A) The charges for CanSeg Line services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above.

(B) The monthly sewer service charges for CanSeg Line users shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a CanSeg Line user has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If a CanSeg Line customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for CanSeg Line discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

8. SEWER SERVICE CHARGE FOR SECONDARY SCALPING.

Secondary scalping service is anticipated to come online in Fiscal Year 2020/21. Each person receiving secondary scalping sewer service shall pay a maximum sewer service charge to the City. Resolution 2016-181 established the maximum monthly sewer service charges for secondary scalping customers, including the monthly account charges when that service becomes available, as listed in the table below. The City Council hereby accepts the annual report regarding and maintains the approved secondary scalping rates for that service when it becomes available.

Secondary Scalping Rates

Category	Rate or Charge
Secondary Scalping Rates (these components are additive)	
Flow Charge ($/Million gallons)	$891.84
BOD Charge ($/1,000 lbs)	$98.25
TSS Charge ($/1,000 lbs)	$305.65

Annual Secondary Scalping Secondary Can Seg Capacity Charge (these components are additive)	
Flow ($/Million gallons per day, maximum day capacity)	$117,837.54
BOD ($/lbs per day, maximum day capacity)	$11.43
TSS ($/lbs per, maximum day capacity)	$27.29

(A) The usage-based charges for secondary scalping sewer services—flow, BOD, and TSS—are additive, such that the total monthly charge shall be based upon the amount of each component listed in the table above. In addition, customers who opt to have their wastewater processed through the secondary scalping system will be charged an annual fee labeled a "capacity fee" in the Study, in the amounts set forth in the table above.

(B) The monthly usage-based sewer service charges for secondary scalping sewer services shall be based in part on the number of millions gallons of total flow at the rates set forth in the table above.

(1) If a secondary scalping customer has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows. If an secondary scalping customer has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(C) The BOD and TSS charges for secondary scalping sewer services shall be based on the measured or estimated BOD and TSS for each type of flow.

9. SEWAGE TREATMENT FOR OUTSIDE PUBLIC AGENCIES. Pursuant to agreements approved by the City Council , the City of Modesto will accept and treat sewage collected from sewer systems external to the City and the City's Sewer District No. 1. The City's charges for treatment of sewage collected from outside of the City and the City's Sewer District No. 1 are negotiated by the parties to and established in the agreements.

10. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE. The cost of service set forth above shall be re-examined not less than every four (4) years by professionals competent in the field. Such professionals shall provide a report to the City updating both the fixed and volume based costs as appropriate and as recommended to the Council by the Director and Director of Finance. Beginning on July 1, 2017 and annually thereafter, the Director of Finance with the concurrence of the Director, shall have the authority to adjust the above rates by an amount not to exceed the not-seasonally-adjusted annual percentage increase in the April Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers for the San Francisco CMSA that is currently prepared by the Department of Finance.

11. EFFECTIVE DATE. This Resolution shall go into effect and be in full force and operation immediately. The previously approved schedule of rates for Fiscal Year 2017-18, as set forth above, shall go into effect on September 1, 2017.

12. ANNUAL REVIEW OF ADOPTED RATE INCREASES. As set forth in Resolution No. 2016-181, the City Council shall conduct an annual review of each

adopted sewer rate increase prior to its implementation for fiscal years beginning after June 30, 2017. Said review shall be completed by the City Council at least sixty (60) days in advance of the new sewer rate becoming effective. The rates shown in Resolution 2016-181 shall be implemented on the dates shown unless City Council takes action otherwise.

13. SEVERABILITY. The rates, charges, and all portions of this Resolution are severable. Should any of the rates or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, the remaining rates, charges and/or portions of the resolution shall be and continue in full force and effect, except as to those rates, charges and/or portions of this Resolution that have been adjudged invalid. This City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of this Resolution be enforced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of June, 2017, by Councilmember Kenoyer , who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-219

RESOLUTION ACCEPTING THE RESIGNATION OF SAMUEL GONZALEZ FROM THE CITY OF MODESTO EQUAL OPPORTUNITY/DISABILITY AND HUMAN RELATIONS COMMISSION, EFFECTIVE APRIL 20, 2017

WHEREAS, SAMUEL GONZALEZ was appointed to serve on the Equal Opportunity/Disability and Human Relations Commission, and

WHEREAS, SAMUEL GONZALEZ has tendered his resignation from the Equal Opportunity/Disability and Human Relations Commission effective April 20, 2017, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of SAMUEL GONZALEZ is accepted with regret.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-220

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JUNE 24TH, 2014 WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN AN AMOUNT NOT TO EXCEED $300,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES

WHEREAS, the City Attorney's Office is still in need of outside counsel services; and

WHEREAS, the City Council by Resolution No. 2014-241 had previously approved an agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, by Resolution No. 2015-198, City approved a First Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, by Resolution No. 2016-289, City approved a Second Amendment, with an increased budget of $210,000 for continued representation; and

WHEREAS, by Resolution No. 2016-506, City approved a Third Amendment, with an increased budget of $50,000 for continued representation

WHEREAS, the City Attorney's Office desires to extend the agreement with Arata, Swingle, Van Egmond & Goodwin; and

WHEREAS, the City Attorney's office has drafted a Fourth Amendment to the Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Fourth Amendment to the Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in an amount

not to exceed $300,000 to continue representing the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment for Legal Services (this "**Fourth Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **ARATA, SWINGLE, VAN EGMOND AND GOODWIN**, a Professional Corporation ("**Attorney**"), located at 912 11th Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $490,000 to $790,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Arata, Swingle, Van Edmond and Goodwin dated June 24th, 2014 authorized by Resolution No.2014-241, amended by Resolution No. 2015-198, 2016-289 and 2016-506 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of seven hundred and ninety thousand dollars ($790,000)."

2. **Entire Agreement**. The parties to this Fourth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated June 24th, 2014, remain in full force and effect to the extent they are not in conflict with this Fourth Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fourth Amendment. No alteration to the terms of this Fourth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Fourth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fourth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Acting City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
ARATA, SWINGLE, VAN EGMOND & GOODWIN,
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-221

Print

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED AUGUST 25TH, 2016 WITH THE GALLAGHER GROUP IN AN AMOUNT NOT TO EXCEED $150,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN THE *STANISLAUS COUNTY V. CITY OF MODESTO (GEER RD.)* CASE

WHEREAS, The Gallagher Group is currently representing the City in the *Stanislaus County v. City of Modesto (Geer Rd.)* case; and

WHEREAS, by Resolution No. 2016-509, City approved a First Amendment, with an increased budget of $140,000 for continued representation; and

WHEREAS, the City Attorney's Office desires to extend the agreement with The Gallagher Group; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with The Gallagher Group to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with The Gallagher Group in an amount not to exceed $150,000 to continue representing the City of Modesto in the *Stanislaus County v. City of Modesto (Geer Rd.)* case, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this "**Second Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **THE GALLAGHER LAW GROUP, P.C.** , ("**Attorney**"), located at 1875 Century Park East, Suite 1550, Los Angeles, California 90067. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") for representation in the matter of *Stanislaus County v. City of Modesto, et al.* a case arising out of a contaminated landfill; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $185,000 to $335,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and The Gallagher Law Group, P.C. dated August 25th, 2016 and amended by Resolution No. 2016-509 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of three hundred and thirty five thousand dollars ($335,000)."

2. **Entire Agreement.** The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 25th, 2016, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Acting City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
THE GALLAGHER LAW GROUP, P.C.,

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-222

Print

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED DECEMBER 16TH, 2014 WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED $75,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN PREPARATION OF HOUSING PROJECTS AND OTHER GENERAL HOUSING RELATED SERVICES

WHEREAS, the City Attorney's Office is in need of outside counsel services that specialize in housing matters; and

WHEREAS, Goldfarb is currently assisting with projects receiving Community Development Block Grant (CDBG), Neighborhood Stabilization Preservation (NSP) and HOME Investment Partnerships Program (HOME) funds. These projects include but are not limited to:

- First Amendment to NSP Loan Agreement with Habitat for Humanity Stanislaus County (River Vista Project); and
- Disposition & Development Agreement and HOME Loan Agreement with EAH, Inc. (Archway Commons – Phase 2)

WHEREAS, by Resolution No. 2016-511, City approved a First Amendment, with an increased budget of $95,000 for continued representation; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Goldfarb & Lipman, LLP; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with Goldfarb & Lipman, LLP to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with Goldfarb & Lipman, LLP in an amount not to exceed $75,000 to continue representing the City of Modesto in preparation of housing projects

and other general housing related services, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this "**Second Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **GOLDFARB & LIPMAN, LLP** , a limited liability partnership ("**Attorney**"), located at 1300 Clay Street, 11th Floor, Oakland, California 94612. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City with the preparation of housing projects and other general housing related services; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $130,000 to $205,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Goldfarb & Lipman, LLP dated December 16th, 2014 and amended by Resolution No. 2016-511 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred and five thousand dollars ($205,000)."

2. **Entire Agreement**. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 16th, 2014, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Acting City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
GOLDFARB & LIPMAN, LLP,
a Limited Liability Partnership

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-223

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

INFORMATION TECHNOLOGY

On March 28, 2017 the Council authorized by Resolution, # 2017-102, an award of contract to Application Software Technology of Naperville for the Oracle Enterprises Resource Planning (ERP) System Upgrade, Capital Improvement Project #101025, within the Information Technology Fund, 5230. A budget adjustment is necessary to establish the expense budget totaling $577,170.

A budget adjustment is necessary in the amount of $282,755 to reallocate costs associated with a Direct Charge Agreement (DCA), #IT002-006, between the Information Technology and Utilities Departments. This adjustment will re-align the costs to the intended areas in the Water Fund, Storm Drain Fund and General Fund. The overall expense budget related to these DCAs remains the same.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-224

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $3.5 MILLION IN FTA SECTION 5339 FUNDS FOR ELECTRIC BUSES AND RELATED INFRASTUCTURE, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT RELATED DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C. Section 5339, and

WHEREAS, the FTA has made available funding under 49 U.S.C. Section 5339 for transit agencies to purchase Low and No Emission transit buses, and

WHEREAS, these Section 5339 funds will be used to purchase electric buses to replace diesel buses that operate bus routes in and surrounding Modesto, and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, known as Toll Credits, in lieu of a local match.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application to the FTA for $3,500,000 in Section 5339 funds for electric buses and related infrastructure.

BE IT FURTHER RESOLVED, that the Acting City Manager or his designee is authorized to execute all grant related documents, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-225

Print

RESOLUTION ACCEPTING THE BID AND AWARDING A CONTRACT TO GENFARE, A DIVISION OF SPX CORPORATION, ELK GROVE VILLAGE, IL, FOR THE PURCHASE OF 31 GENFARE ODYSSEY FAREBOXES, AND FARE MEDIA FOR THE MODESTO AREA EXPRESS (MAX) BUS FLEET IN THE AMOUNT OF $474,738 AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE ORDER

WHEREAS, on April 4, 2017, a Request for Bids (RFB) was issued, soliciting proposals from qualified firms, and

WHEREAS, Genfare submitted a proposal that was determined to be reasonable and cost effective, and

WHEREAS, the RFB conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203 and staff recommends awarding the contract to the lowest responsive and responsible proposal submitted by Genfare, and

Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of contract for the purchase of Transit bus fareboxes and fare media, to SPX Genfare, Elk Grove Village, IL, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86, implementing a spending freeze in order to maintain the fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement due to the increased functionality new fareboxes will provide for the MAX system, granting agency expectations and keeping MAX equipment in a state of good repair.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid and awards the contract to Genfare, a division of SPX Corporation, Elk Grove Village, IL, for the purchase of 31 Genfare Odyssey fareboxes and fare media for the Modesto Area Express (MAX) bus fleet in the amount of $474,738.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the purchase order in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-226

RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $479,450 TO FUND THE PURCHASE AND INSTALLATION OF 31 GENFARE ODYSSEY FAREBOXES FOR THE MODESTO AREA EXPRESS (MAX) BUS FLEET

WHEREAS, certain budgetary transactions are necessary in the amount of $479,450 in order to fund the purchase of 31 Genfare Odyssey Fareboxes for the Modesto Area Express (MAX) bus fleet, and

WHEREAS, the City was awarded Proposition 1B funds under the Public Transportation Modernization, Improvement and Service Enhancement Account program (PTMISEA) in the amount of $474,738 for the purchase of the fareboxes, and

WHEREAS, Local Transportation Funds (LTF) in the amount of $4,712 will be used to fund the installation of the fareboxes, and

WHEREAS, the Fiscal Year 2016-2017 operating budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Acting Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Amend the FY 16/17 Operating Budget to fund the purchase and installation of thirty-one (31) Genfare Odyssey Fareboxes for the Modesto Area Express (MAX) bus fleet

1. Increase appropriations in Capital Improvement project 100987 – Fareboxes Purchase and Install, in the amount of $479,450.19
2. To fund this purchase recognize revenue in the amounts of:

   - $474,738.19 – Prop 1B – PTMISEA-Capital Transit Funds
   - $4,712.00 – LTF – Capital - Transit funds.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-227

Print

RESOLUTION APPROVING A FIRST AMENDMENT TO THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT MEMORANDUM OF UNDERSTANDING, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING

WHEREAS, the Integrated Regional Water Management (IRWM) Act was enacted by the California legislature in 2002 with the purpose to encourage local agencies to coordinate and collaboratively manage water resources to improve water quality, quantity and reliability, and

WHEREAS, in 2008 the IRWM Planning Act was approved which provided for the development of IRWM Plans, and

WHEREAS, these Plans, subject to periodic updates, would be required by the State for eligibility to compete for various water resources grants authorized under Proposition 84 and the current Proposition 1, and

WHEREAS, in July 2016 the Department of Water Resources (DWR) released new IRWM Plan Guidelines for which all IRWM Plans must adhere in order to be eligible for Prop 1 Implementation project grants, and

WHEREAS, in March 2017 per Section 4.17 of the MOU, the City of Waterford and Stanislaus County formally requested to join the East Stanislaus IRWM Partnership which requires that the current MOU and Cost Sharing Agreement be revised to include new Partners and update the cost share percentages, and

WHEREAS, updating the IRWM Plan will keep the region eligible for various grant opportunities under Prop 1 and any future grant allocations, and

WHEREAS, expanding the Partnership pool of participants will strengthen the region's cooperative efforts of identifying water resources issues and collaborative solutions, and

WHEREAS, staff recommends approval of the First Amendment to the MOU for the East Stanislaus IRWM,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the East Stanislaus Integrated Regional Water Management Memorandum of Understanding.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said First Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-228

Print

RESOLUTION APPROVING A COST SHARING AGREEMENT FOR PREPARATION OF AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE COST SHARING AGREEMENT

WHEREAS, the Integrated Regional Water Management (IRWM) Act was enacted by the California legislature in 2002 with the purpose to encourage local agencies to coordinate and collaboratively manage water resources to improve water quality, quantity and reliability, and

WHEREAS, in 2008 the IRWM Planning Act was approved which provided for the development of IRWM Plans, and

WHEREAS, these Plans, subject to periodic updates, would be required by the State for eligibility to compete for various water resources grants authorized under Proposition 84 and the current Proposition 1, and

WHEREAS, in July 2016 the Department of Water Resources (DWR) released new IRWM Plan Guidelines for which all IRWM Plans must adhere in order to be eligible for Prop 1 Implementation project grants, and

WHEREAS, in June 2010 the cities of Modesto, Ceres, Hughson and Turlock entered into a cost sharing agreement for the preparation of an IRWM Plan for the Stanislaus area, and

WHEREAS, the cost share methodology is based on a weighted formula for combined water and wastewater revenues for each agency, and

WHEREAS, also in June 2010 on behalf of the participating agencies, Modesto hired RMC Water and Environment (RMC) to assist in creating an IRWM Region and to develop an IRWM Plan, and

WHEREAS, in September 2011 the DWR through a Regional Acceptance Process, approved the new East Stanislaus IRWM Region, and

WHEREAS, in 2012 the DWR adopted new IRWM Planning Guidelines to which all IRWM Plans would need to be updated, and

WHEREAS, in February 2013 the Partnership amended the Cost Sharing Agreement to account for additional funding capacity to complete the IRWM Plan and adjust cost shares for then current water and wastewater revenues, and

WHEREAS, the 2013 agreed cost share percentages are as follows: Ceres (12%), Hughson (7%), Modesto (61%) and, Turlock (20%), and

WHEREAS, in early 2014 the Partnership agencies adopted the 2013 East Stanislaus IRWM Plan, and

WHEREAS, in July 2014 DWR accepted this Plan as meeting the 2012 IRWM Plan Guidelines allowing for the Region to be eligible for water resources implementation grant funding opportunities, and

WHEREAS, in September 2016 the Partnership submitted a planning grant application to DWR to help offset the costs of updating the current IRWM Plan to meet the 2016 Guidelines, and

WHEREAS, in February 2017 on behalf of the IRWM Region, Modesto was awarded a $147,625 grant from the DWR to update the 2013 IRWM Plan, and

WHEREAS, this grant will cover approximately 88% of the expected cost for updating the Plan with the remainder of costs shared by the Partnership, and

WHEREAS, in March 2017 per Section 4.17 of the MOU, the City of Waterford and Stanislaus County formally requested to join the East Stanislaus IRWM Partnership

which requires that the current MOU and Cost Sharing Agreement be revised to include new Partners and update the cost share percentages, and

WHEREAS, because the County does not have water and wastewater revenues from which the cost share methodology is based, the agencies are recommending that the County assume a proportional cost share based on number of participating agencies; a one-sixth (1/6) share, and the municipal agencies remain on a weighted water/wastewater revenue methodology for the remaining five-sixths (5/6) of the cost, and

WHEREAS, the FY 2015/16 agencies' water and wastewater revenues are being used in the formula to establish the revised cost share percentages, and

WHEREAS, the new cost share percentages in the Agreement are as follows: Ceres (11.5%), Hughson (7.0%), Modesto (44.5%), Turlock (14.5%), Waterford (6.0%), and Stanislaus County (16.5%), and

WHEREAS, updating the IRWM Plan will keep the region eligible for various grant opportunities under Prop 1 and any future grant allocations, and

WHEREAS, expanding the Partnership pool of participants will strengthen the region's cooperative efforts of identifying water resources issues and collaborative solutions, and

WHEREAS, staff recommends approval of the Cost Sharing Agreement for the East Stanislaus IRWM,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cost Sharing Agreement for preparation of an Integrated Regional Water Management Plan.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-229

RESOLUTION APPOINTING COUNCILMEMBER BILL ZOSLOCKI AS PRIMARY AND MAYOR TED BRANDVOLD AS ALTERNATE TO SERVE AS CITY OF MODESTO MEMBERS ON THE EAST STANISLAUS INTEGRATED REGIONAL WATER MANAGEMENT PARTNERSHIP

WHEREAS, the Integrated Regional Water Management (IRWM) Act was enacted by the California legislature in 2002 with the purpose to encourage local agencies to coordinate and collaboratively manage water resources to improve water quality, quantity and reliability, and

WHEREAS, in 2008 the IRWM Planning Act was approved which provided for the development of IRWM Plans, and

WHEREAS, these Plans, subject to periodic updates, would be required by the State for eligibility to compete for various water resources grants authorized under Proposition 84 and the current Proposition 1, and

WHEREAS, in July 2016 the Department of Water Resources (DWR) released new IRWM Plan Guidelines for which all IRWM Plans must adhere in order to be eligible for Prop 1 Implementation project grants, and

WHEREAS, the established governance structure in the IRWM Plan is a State required Plan element, requiring that elected officials or their delegated representatives from the Partnership agencies (aka Regional Management Group) have an oversight role in the process and activities of an IRWM, and

WHEREAS, the current form of agreement is based on an MOU and, as such, the Partnership identified two representatives, a primary and an alternate, from each Partnership agency, be appointed to serve the IRWM, and

WHEREAS, this body's role is to provide direction to the Steering Committee, or working staff, on big picture water resources and legal matters, and specific efforts such as MOU's, Cost Sharing Agreements, Plan Adoption, Consultant Agreements, Grant Authorizations, and to receive updates as necessary regarding IRWM activities, and

WHEREAS, staff recommends the appointment of Councilman Bill Zoslocki as Primary and Mayor Ted Brandvold as Alternate members to serve the IRWM Partnership,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints Councilmember Bill Zoslocki as Primary and Mayor Ted Brandvold as Alternate to serve as City of Modesto members on the East Stanislaus Integrated Regional Water Management Partnership.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-230

RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT FOR THE RENTAL OF THREE DV 400C PUMPS FROM RAIN FOR RENT, STOCKTON, CA, AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST NOT TO EXCEED $90,000

WHEREAS, in January 2012, West Yost Associates completed a draft of the Cannery Segregation Line (CSL) and River Trunk Diversion Plan (Plan), and

WHEREAS, the Plan consisted of several elements: 1) a risk assessment which included a complete inspection of the CSL and a hydraulic analysis of CSL flows; 2) a temporary bypass pumping plan in the event of a CSL failure; and 3) preliminary design of permanent diversion structures, and

WHEREAS, through the use of Closed Circuit Television inspection and hydraulic analysis, it was determined that the risk of CSL failure is low but is a possibility, and

WHEREAS, the most likely scenario would be a washout of the bank supporting the pipeline, and

WHEREAS, in January 2015, an emergency bank repair was completed due to significant bank erosion at the Tuolumne River, and

WHEREAS, to mitigate the risk of a service disruption caused by a catastrophic failure of the CSL, the Plan included a Temporary Bypass Plan (Bypass Plan) where, in the event of a CSL failure, the Bypass Plan could quickly restore service to CSL users, and

WHEREAS, the worst-case scenario of the Bypass Plan requires three very large bypass pumps capable of performing the bypass operation that the City does not own and the availability of the pumps is based on a first-come/first-serve basis, and

WHEREAS, to guarantee the availability of the bypass pumps, the Utilities Department is requesting these pumps be placed in standby at the local Rain for Rent yard during the coming CSL season, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is crucial for Wastewater Division to ensure availability of pumps should there be a failure of the CSL, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC8-3.204(b), states where as the purchasing agencies' requirements can be met solely by a single article or process: the sole source procurement for the sole source procurement of remote terminal units and all associated circuit boards conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source procurement for the rental of three DV-400c pumps from Rain for Rent, Stockton, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase agreement for a total cost not to exceed $90,000 in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-231

RESOLUTION APPROVING THE PREQUALIFIED CONSULTANT LIST, CONSISTING OF JACOBSON JAMES & ASSOCIATES, ROSEVILLE, CA, KENNEDY/JENKS CONSULTANTS, RANCHO CORDOVA, CA, AND TODD GROUNDWATER, ALAMEDA, CA FOR HYDROGEOLOGICAL SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD OF ONE YEAR, WITH THE POSSIBILITY OF TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE DEPARTMENT DIRECTOR

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining a prequalified, as-needed list of consultants allows the Utilities Department to have accelerated access to specific hydrogeological services, when needed, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for civil design and drafting services, and

WHEREAS, staff received eleven (11) Statements of Qualifications (SOQs) for hydrogeological services, and

WHEREAS, after careful review of the SOQs by Utilities Department staff, the following three (3) firms were selected as the most qualified for the pre-qualified list for

hydrogeological services: 1) Jacobson James & Associates, Roseville, CA; 2) Kennedy/Jenks Consultants, Inc., Rancho Cordova, CA; 3) TODD Groundwater, Alameda, CA.

WHEREAS, When hydrogeological services are required for Utilities CIP projects with a total budget of $3 million or less, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms and,

WHEREAS, following evaluation of proposals, interviews will be conducted to select the most qualified firm, and

WHEREAS, an agreement for hydrogeological services will then be presented to City Council for approval, and

WHEREAS, this prequalified consultant list will be active for one year from the date of Council approval, at which time the City may extend the list for two additional one-year extensions at the written approval of the Department Director, and

WHEREAS, in the event the firms listed on the pre-qualified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to the approved list, and

WHEREAS, a formal process will be conducted should this situation occur,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified local consultant list, consisting of: Jacobson James & Associates, Roseville, CA; Kennedy/Jenks Consultants, Inc., Rancho Cordova, CA; and TODD Groundwater, Alameda, CA for Hydrogeological Services for various Capital Improvement Program (CIP) projects for a period of one year, with the two

optional additional one-year extensions at the written approval of the Department Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-232

RESOLUTION APPROVING AN AGREEMENT WITH KLEINFELDER, INC., MODESTO, CA FOR ON-CALL HYDROGEOLOGICAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific hydrogeological services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for hydrogeological engineering services for on-call services, and

WHEREAS, staff received eleven (11) Statement of Qualifications (SOQs) for hydrogeological engineering services, and

WHEREAS, after careful review of the SOQs/Proposals by Utilities Department staff, the local firm of Kleinfelder, Inc. (Kleinfelder) was one of two most qualified firms to provide on-call hydrogeological services, and

WHEREAS, the local firm of Kleinfelder is deemed the most qualified to provide the requested on-call professional services and have demonstrated satisfactory services to the City on the following past projects, and

WHEREAS, when on-call hydrogeological services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City.

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects are already approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable water distribution, and it will not require a budget transfer from reserves to provide the required services.

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and

WHEREAS, costs for on-call Hydrogeological services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until staff has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $225,000 for the agreement for On-Call Hydrogeological Services, and

WHEREAS, City staff recommends an On-call Hydrogeological Services Agreement with Kleinfelder Consultants, to be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kleinfelder, Inc., Modesto, CA for On-call Hydrogeological Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $75,000 per year. Total cost for three years is not to exceed $225,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-233

RESOLUTION APPROVING AN AGREEMENT WITH KENNEDY/JENKS CONSULTANTS, RANCHO CORDOVA, CA FOR ON-CALL HYDROGEOLOGICAL SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $75,000 PER YEAR, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, there are a number of Capital Improvement Program (CIP) projects that may require outside consultant services for efficient project delivery, and

WHEREAS, retaining on-call professional services consultants allows the department to have quick access to specific hydrogeological engineering services, when needed, and

WHEREAS, on-call professional services consultants can provide designs for small projects using experienced staff and offer a quick turnaround, which is essential to efficient implementation of the City's CIP projects, and

WHEREAS, this will eliminate the need to send out repetitive Requests for Qualifications (RFQ) for projects of similar scope and/or type, saving staff time and project costs, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for hydrogeological engineering services for on-call services, and

WHEREAS, staff received eleven (11) Statement of Qualifications (SOQs) for hydrogeological engineering services, and

WHEREAS, after careful review of the SOQs/Proposals by Utilities Department staff, the local firm of Kennedy-Jenks Consultants, Inc. (Kennedy-Jenks) was one of two most qualified firms to provide on-call hydrogeological engineering services, and

WHEREAS, the local firm of Kennedy-Jenks is deemed the most qualified to provide the requested on-call professional services and have demonstrated satisfactory services to the City on the following past projects, and

WHEREAS, when on-call hydrogeological services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete specific task, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City.

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects are already approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable water distribution, and it will not require a budget transfer from reserves to provide the required services.

WHEREAS, there are no fiscal impacts at this time, and

WHEREAS, to fund consultant work for project-specific task orders, funds will be budgeted and encumbered against each specific CIP project account as the project is assigned, and

WHEREAS, consultant invoices will be paid from each specific CIP project on a task order basis received and verified by Capital Improvement Services (CIS) staff, and

WHEREAS, costs for on-call Hydrogeological engineering services will not exceed the allotted amount for one year for each agreement with two one-year extension options, at the sole discretion of the City, and

WHEREAS, when on-call professional services are required, staff will prepare task order(s), and

WHEREAS, the consultant will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, the consultant will not perform any services until Staff has approved the proposed specific task order and a written Notice to Proceed is prepared and sent to the consultant, prior to commencement of services, and

WHEREAS, total cost for three years is not to exceed $225,000 for the agreement for On-Call hydrogeological Services, and

WHEREAS, City staff recommends an On-call Hydrogeological Services Agreement with Kennedy-Jenks Consultants, to be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kennedy-Jenks, Consultants Inc., for On-call Hydrogeological Services for Capital Improvement Program Projects for one year, with two one-year extension options at the sole discretion of the City in an amount not to exceed $75,000 per year. Total cost for three years is not to exceed $225,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute said agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-234

Print

RESOLUTION REJECTING ALL BIDS FOR THE INSTALLATION OF FLUSH LINES WELL 265, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT AT A FUTURE DATE WITH AN AMENDED SCOPE OF WORK

WHEREAS, the bids received for the Installation of Well Flush Lines project were opened at 11:00 a.m. on May 9, 2017, and later tabulated by the Director of Utilities for the consideration of the Council, and

WHEREAS, the one bid was 142.54% above the engineer's estimate, and

WHEREAS, the Utilities Department staff determined that it would be in the best interest of the City to reject bids and re-advertise the project reduce the total cost, and

WHEREAS, staff recommends rejecting all bids and re-advertising the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for the Installation of Flush Lines Well 265.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project with an amended scope of work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-235

RESOLUTION APPROVING THE AWARD OF BID FOR THE FURNISHING OF DIGESTER CLEANING SERVICES TO WASTEWATER SOLIDS, YACHATS, OR, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $36,350, AND OVER FIVE YEARS OF $181,750, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASING AGREEMENT

WHEREAS, the City Manager authorized the Purchasing Division to issue a Request for Bids (RFB) for Digester Cleaning Services and RFB No. 1516-28 was issued on March 7, 2016, and

WHEREAS, the bid opening was on April 5, 2016, and two companies – Amigo PAT-CA from Compton, CA, and Pipe and Plant from Berkeley, CA, provided bids, which far exceeded previous costs for these services, and

WHEREAS, on August 3, 2016, by Resolution 2016-321, Council authorized the rejection of the bids received for the Digester Cleaning Services, and

WHEREAS, the Bid Authorization was approved on April 7, 2017 and Purchasing issued RFB No. 1617-26 on April 11, 2017 and the bid opening was on May 16, 2017 with two companies responding: Pipe and Plant, Oakland, CA, and Wastewater Solids, Yachats, OR, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, City staff recommends the award of the bid for Digester Cleaning Services to Wastewater Solids, Yachats, OR, for an annual cost of $36,350, and over five years of $181,750, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, the City Manager's Office approved an exception to this freeze for this procurement and justification for this exception is crucial for Wastewater plant operation, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to be formally bid and the award of bid for digester cleaning services conforms to Modesto Municipal Code Section 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Acting City Manager, or his designee, is hereby authorized to execute a purchase agreement to Wastewater Solids, Yachats, OR, for digester cleaning services for a two-year agreement with three one-year extension options at the sole discretion of the City at an estimated annual cost of $36,350, and over five years of $181,750.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute a purchase agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017 -236

RESOLUTION APPROVING THE FINAL PROPOSED BUDGET INCLUSIVE OF THE CITY MANAGER'S DRAFT BUDGET AND THE MAYOR'S FINAL BUDGET MODIFICATION, AND NOTICING A PUBLIC HEARING TO BE HELD ON JUNE 27, 2017 FOR THE FIRST READING AND ADOPTION OF THE FINAL PROPOSED BUDGET AND RELATED ACTIONS

WHEREAS, the Effective Government Committee heard the City Manager's Draft Budget on May 22nd and May 24th, 2017; and

WHEREAS, the Effective Government Committee approved the City Manager's Draft Budget with a 3-0 vote and approved the motion to have the Mayor make modifications to the City Manager's Draft Budget 30 days prior to adoption by the City Council; and

WHEREAS, the Mayor has presented his modifications to the City Manager's Draft Budget to City Council and has presented any changes for incorporation into the City of Modesto's Final Proposed Budget for Fiscal Year 2017-18; and

WHEREAS, the City of Modesto's Final Proposed Budget for Fiscal Year 2017-18 will be inclusive of the City Manager's Draft Budget as well as the Mayor's Final Budget Modifications and will be heard at a public hearing to be held on June 27, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto's Final Proposed Budget inclusive of the City Manager's Draft Budget and the Mayor's Final Budget Modifications and directing notice to be published for a public hearing to be held on June 27, 2017 for the first reading and adoption of an Ordinance for the Final Proposed Budget for Fiscal Year 2017-18, and taking related actions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of June, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-237

Print

RESOLUTION ACCEPTING THE RESIGNATION OF DENZIL WALKER FROM THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Denzil Walker was appointed to serve a second term as a member of the Landmark Preservation Commission (LPC) on January 1, 2014, and

WHEREAS, Denzil Walker has tendered his resignation from the LPC.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Denzil Walker from the LPC be, and hereby is accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-238

Print

RESOLUTION APPROVING THE AMENDED AND RESTATED JOINT POWERS AGREEMENT AND BYLAWS OF THE STANISLAUS COUNCIL OF GOVERNMENTS

WHEREAS, the City of Modesto is a party to the Joint Powers Agreement establishing the Stanislaus Council of Governments dated April 5, 2016 (JPA);

WHEREAS, pursuant to Sections 16 and 17 of the JPA, the County of Stanislaus Auditor-Controller and Treasurer acts as the Auditor/Controller/Treasurer of the Stanislaus Council of Governments (StanCOG);

WHEREAS, in January and March 2017, StanCOG staff presented to the StanCOG Policy Board the rationale for substituting the Stanislaus County Auditor/Controller and Treasurer for the StanCOG Finance Director, or his/her designee, in those capacities;

WHEREAS, with the exception of Transportation Development Act funds, Stanislaus County is not required to be the Auditor/Controller/Treasurer for StanCOG;

WHEREAS, pursuant to the Joint Powers Authority law, set forth at Government Code §§ 6500 *et* seq. StanCOG has three options: (1) maintain the relationship with the Stanislaus County Auditor-Controller and Treasurer; (2) designate a certified public accountant to serve as Treasurer and Stanislaus County as Auditor-Controller; or (3) designate an employee or officer of StanCOG to serve as Auditor-Controller and Treasurer and hire and independent auditor to perform annual audits;

WHEREAS, with the passage of Measure L, an amendment to add a section to the JPA to create the Measure L Oversight Committee as well as a section to identify the

power of the JPA to levy and expend the tax revenues authorized by Measure L were also added; and

WHEREAS, the corresponding revisions were made to the Bylaws **attached** to the JPA as Amendment "A"; and

WHEREAS, on January 26, 2017 and March 15, 2017, the StanCOG Board unanimously approved the above described amendments to the JPA and the Bylaws, as shown in **Attachment A** to this resolution, designating the StanCOG Finance Director, or his/her designee, as the Auditor-Controller and Treasurer of StanCOG, authorizing the hire of an independent auditor to perform annual audits consistent with the Joint Powers Authority law, creation of the Measure L Oversight Committee and identifying the power of StanCOG to levy and expend the tax revenues authorized by Measure L; and corresponding revisions to the Bylaws; and

WHEREAS, Section 31 of the JPA provides that the JPA may be amended upon ratification by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as a party to the JPA, hereby approves the amendments to the JPA and the Bylaws as shown in **Attachment A.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

AMENDED AND RESTATED JOINT POWERS AGREEMENT ESTABLISHING THE STANISLAUS COUNCIL OF GOVERNMENTS

THIS AGREEMENT, made and entered into in the County of Stanislaus, State of California, this _____ day of _____, 201__, is between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, all municipal corporations, and the County of Stanislaus, a political subdivision of the State of California. The municipal corporations are sometimes referred to individually as "City" and collectively as "Cities." The County of Stanislaus is sometimes referred to as "County." The Cities and County are sometimes referred to individually as a "Party" and collectively as "Parties."

W I T N E S S E T H:

1. RECITALS.

1.1. Common Power. Chapter 5 of Division 7 of Title 1 (Sections 6500, et seq.) of the California Government Code authorizes two (2) or more public agencies, by a joint powers agreement entered into respectively by them and authorized by their legislative or governing bodies, to exercise jointly any power or powers common to the contracting parties.

1.2. Common Authority. The City of Modesto, by virtue of its charter, and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, by virtue of California Government Code Section 65600 through 65604, inclusive, possess in common the authority:

1.2.1. To study, discuss, and develop solutions to area-wide problems of direct concern to the performance of their constitutional and statutory functions and to establish an area planning organization and expend public funds for these purposes.

1.2.2. To do all acts necessary to participate in federal programs and receive federal funds for health, education, welfare, public works, and community improvement activities, including contracting and cooperating with other agencies.

1.3. Orderly Development. The people residing within the incorporated and unincorporated areas of Stanislaus County have an interest in the orderly development of their communities.

1.4. Independent Agency. The continued growth and extensive development within the incorporated and unincorporated areas of Stanislaus County evidenced a need to create a wholly independent regional agency capable of dealing with area-wide issues and problems.

1.5. Predecessor. The foregoing need led to the creation and establishment of the Stanislaus Area Association of Governments on May 11, 1971, the subsequent approval of a Revised Joint Powers Agreement on May 28, 1974, and a subsequent approval of a Joint Powers Agreement establishing the Stanislaus Council of Governments on June 5, 2001.

1.6. Effects. The establishment of STANISLAUS COUNCIL OF GOVERNMENTS (hereinafter referred to as "StanCOG") has:

1.6.1. Provided a forum to study and develop solutions to area-wide problems of mutual concern to the various governmental entities in Stanislaus County.

1.6.2. Provided efficiency and economy in governmental operations through the cooperation of member governments and the pooling of common resources.

1.6.3. Provided for the establishment of an agency responsible for identifying, planning, and developing solutions to regional problems requiring multijurisdictional cooperation.

1.6.4. Provided for the establishment of an agency capable of developing regional plans and policies and performing area-wide duties.

1.6.5. Facilitated cooperation among and agreement between local governmental bodies for specific purposes, interrelated development actions, and for the adoption of common policies with respect to issues and problems which are common to its members.

1.7. Amendment. The Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford and the County of Stanislaus, at this time, desire to amend that certain joint powers agreement of June 5, 2001, as subsequently amended on December 12, 2007, April 5, 2016 and January 26, 2017 and enter into this Amended and Restated Agreement in order to establish the duties and powers of the STANISLAUS COUNCIL OF GOVERNMENTS.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

2. STATEMENT OF PURPOSE

The member Cities and the County have joined together to establish the Stanislaus Council of Governments for the following purposes:

2.1. Area-Wide Opportunities. A number of opportunities and issues within the area are either area-wide in nature or have area-wide aspects or implications, including, but not limited to transportation, air quality, land use, economic development, job creation, and the reduction of unemployment.

2.2. Need. There is a demonstrated need for the establishment of an organization of the Cities and the County within the area to provide a forum for study and development of recommendations to area-wide problems of mutual interest and concern to the Cities and the County and to facilitate the development of policies and action recommendations for the solution of problems.

2.3. Independent Review. The Cities and the County wish to create an area-wide organization which will independently review and make comments to the member Cities and the County regarding projects which receive state or federal funding.

2.4. Elected Officials. The Cities and the County believe that an area-wide planning organization, governed solely by elected officials from the Cities and the County, with a staff independent of any City or the County, is best suited for area-wide planning and review.

2.5. Area-Wide Problems. The Cities and the County, working together through this organization, can exercise initiative, leadership, and responsibility for solving area-wide problems.

2.6. Allocation of Resources. The Cities and the County share common area-wide problems and issues, and at the same time, have different needs and priorities and are affected in different ways by these common area-wide problems and issues. The resources of StanCOG shall be allocated in a manner so that the needs of any portion of the area are not ignored, recognizing, however, that resources are limited and that not all needs can be met, nor all portions of the area assisted equally at any one time.

3. ESTABLISHMENT OF STANISLAUS COUNCIL OF GOVERNMENTS

3.1. Continued Public Entity. Upon the effective date of this Agreement, the Parties hereto hereby continue the STANISLAUS COUNCIL OF GOVERNMENTS, as a public entity separate and distinct from its member entities, as the agent to exercise the common powers provided for in this Agreement and to administer or otherwise execute this Agreement.

3.2. Continuation of Duties. StanCOG is the successor entity to the Area Association of Governments established in 1971, insofar as its predecessor entity has been designated, and insofar as legally authorized, it shall continue to function, without interruption in its duties, as:

3.2.1. The Local Transportation Authority (LTA) as designated by the Stanislaus County Board of Supervisors, pursuant to the Local Transportation Authority and Improvement Act set forth at California Public Utilities Code Sections 180,000, et seq.

3.2.2. The Area-wide Planning Organization (APO) as designated by the U.S. Department of Housing and Urban Development (HUD);

3.2.3. The Metropolitan Planning Organization (MPO) as designated by the U.S. Department of Transportation; pursuant to Title 23 of United States Code, Section 134 (23 USC 134) and Title 49 of the Unites States Code, Section 5303(b)(2).

3.2.4. The Regional Transportation Planning Agency (RTPA) as designated by the Secretary of Business and Transportation Agency of the State of California; pursuant to California Government Code Sections 65080, et seq.

3.2.5. The regional planning representative, as designated by the parties hereto, for the purpose of acting upon any appropriate proposals which may be presented to the StanCOG Policy Board of Directors for consideration, or which the StanCOG Policy Board of Directors may elect to take up, and for transmission of proposed recommendations to Federal, State, and local agencies, including, but not limited to the member entities of StanCOG.

3.2.6. The Congestion Management Agency (CMA) as designated by the Stanislaus County Board of Supervisors, pursuant to California Government Code Sections 65088, et seq.

3.2.7. The Abandoned Vehicle Authority (AVA) as designated by the Stanislaus County Board of Supervisors, pursuant to California Vehicle Code, Section 22710(a).

4. COOPERATION

The Parties to this Agreement pledge full cooperation and agree to assign representatives to serve as official members of the StanCOG Policy Board or any committee or subcommittee thereof, which members shall act for and on behalf of their Cities or the County in any and all matters which shall come before StanCOG, subject to any necessary and legal approvals of their acts by the legislative bodies of the Cities and the County.

5. MEMBER AGENCIES.

StanCOG shall be composed of the County of Stanislaus and the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford, together hereinafter referred to as the Member Agencies.

6. BOARD AND VOTING

6.1. Board. The Stanislaus Council of Governments shall be governed by a Board of Directors, herein referred to as the StanCOG Policy Board, the members of which shall be appointed by the Member Agencies as follows.

6.1.1. Five members of the Board of Supervisors of the County of Stanislaus, with each member having one vote.

6.1.2. Three members from the Modesto City Council, with each member having one vote.

6.1.3. One (1) member from each of the City Councils of Ceres, Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford (with the Mayor an eligible member), and each member having one (1) vote.

6.1.4. A representative or his or her alternate must be present to vote.

6.2. Appointment and Term of Office. Members shall be appointed by the governing body of each Party and shall serve at the pleasure of their appointing body or until their respective successors are appointed. The term of office of each representative and alternate representative, should the alternate be an elected official, shall correspond with his or her term of office on the legislative body he or she represents. If a vacancy occurs, it shall be filled by a new appointment made by the appropriate Member Agency.

6.3. Alternate Representatives. Each Member Agency shall designate at least one alternate representative. Said alternates need not be elected officials of the member, however, the County Chief Executive Officer and the Modesto City Manager are not eligible to be designated as alternates. Members may designate more than one alternate for each representative, as deemed prudent by that member. To be eligible to cast the vote of the member, alternates must be designated, and notice of said designation given to the StanCOG Executive Director, at least twenty-four (24) hours prior to the first meeting at which that alternate is to attend on behalf of the Member Agency's designated Representative.

6.4. Quorum and Majority Requirements. The presence of at least one (1) representative, or in the absence of a representative his or her alternate, from a majority of the Member Agencies, shall constitute a quorum. A quorum shall be necessary for the purpose of conducting official business. A two-thirds majority of those present shall be required to approve all expenditures. For all other business, a majority vote of those present shall be sufficient. A roll call vote shall be conducted at the request of any representative.

6.5. Meeting Time and Place. The Stanislaus Council of Governments shall establish a time and place for regular Policy Board meetings. All meetings shall be conducted in accordance with the Ralph M. Brown Act, California Government Code, section 54950 et seq.

7. EXECUTIVE COMMITTEE

7.1. Executive Committee. The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the County Board of Supervisors, to be appointed by and serve at the pleasure of the County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the pleasure of the City of Modesto and; Two representatives from among the other cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio

two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

7.2. Powers of Executive Committee. The Executive Committee shall have such powers as are not inconsistent with this Agreement and as delegated to it by the StanCOG By-laws or the StanCOG Policy Board.

7.3. Alternate Representatives. Each representative of the Member Agency that sits on the Executive Committee shall designate at least one alternate representative in the manner set forth in Section 6.3, except that each alternate shall be a member of the StanCOG Policy Board.

8. MANAGEMENT AND FINANCE COMMITTEE.

8.1. Management and Finance Committee. The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

8.2. The Management and Finance Committee shall be operated in accordance with the Bylaws of the Policy Board attached hereto as Exhibit A.

9. SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL

9.1. Social Services Transportation Advisory Council. The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.
2. One representative of potential transit users who are handicapped.
3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.
4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.
5. One representative of a local social service provider for persons of limited means.
6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

9.2. The Social Services Transportation Advisory Council shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Council attached hereto as Appendix I.

10. CITIZENS ADVISORY COMMITTEE

10.1. Citizens Advisory Committee. The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

10.2. The Citizens Advisory Committee shall be operated in accordance with the Bylaws of the Citizens Advisory Committee attached hereto as Appendix II.

11. BICYCLE / PEDESTRIAN ADVISORY COMMITTEE

11.1. Bicycle / Pedestrian Advisory Committee. The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

11.2. The Bicycle / Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle / Pedestrian Advisory Committee attached hereto as Appendix III.

12. VALLEY VISION STANISLAUS STEERING COMMITTEE

12.1. Valley Vision Stanislaus Steering Committee. The Valley Vision Stanislaus Steering Committee shall be comprised of twenty-one (21) residents of Stanislaus County, one (1) from each of the Member Agencies, and one representative from: Citizens Advisory Committee, Policy Board, LAFCO, Health, Agriculture, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.

12.2. The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee attached hereto as Appendix IV.

13. MEASURE L OVERSIGHT COMMITTEE

13.1. Measure L Oversight Committee. The Measure L Oversight Committee shall be comprised of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure

L Oversight Committee shall not be members of any other Local Transportation Authority or StanCOG committee(s).

13.2. The Measure L Oversight Committee shall be operated in accordance with the Bylaws of the Measure L Oversight Committee attached hereto as Appendix V.

14. POWERS AND FUNCTIONS

14.1. Specific Functions. The Stanislaus Council of Governments shall have the common power of the Parties hereto to plan, establish, administer, and operate an independent area planning organization and in the exercise of that power the Stanislaus Council of Governments is authorized in its own name to:

14.1.1. Employ an Executive Director as the chief administrative officer of Stanislaus Council of Governments.

14.1.2. Employ agents and employees and contract for professional services.

14.1.3. Make and enter into contracts.

14.1.4. Acquire, hold and convey real and personal property, including the power to acquire property by eminent domain.

14.1.5. Undertake the planning, design, environmental clearance and construction of transportation and other projects.

14.1.6. Cooperate with other agencies, counties and other local public agencies and participate in joint projects as necessary.

14.1.7. Incur debts, obligations and liabilities.

14.1.8. Accept contributions, grants or loans from any public or private agency or individual, or the United States, the State of California or any department, instrumentality, or agency thereof, for the purpose of financing its activities.

14.1.9. Invest money that is not needed for immediate necessities, in the same manner and upon the same conditions as other local entities in accordance with Section 53601 of the California Government Code.

14.1.10. Have appointed members and ex-officio members of the Stanislaus Council of Governments serve without compensation from the Stanislaus Council of Governments, except that members of the StanCOG Policy Board may be reimbursed for all

reasonable expenses and costs relating to attendance at Stanislaus Council of Governments meetings or other Stanislaus Council of Governments business.

14.1.11. Sue and be sued, in its own name only, but not in the name or stead of any Member Agency.

14.1.12. Exercise any and all other powers as may be provided for in California Government Code Section 6547.

14.1.13. The Stanislaus Council of Governments is hereby designated by the parties to this Agreement as the regional review agency for the purposes of acting on any appropriate proposals which may be presented to it for consideration, and as the sole regional planning representative for transmission of proposed recommendations to the U.S. Department of Housing and Urban Development or such other agency of the Federal Government or State Government as may be designated to receive such recommendations from the Council, and as the area-wide planning organization (APO) for the County of Stanislaus as such APO is defined in pertinent State and/or Federal directives and regulations.

14.1.14. File, within 30 days of the effective date of this Agreement, a Notice of the Agreement with the office of the California Secretary of State, pursuant to California Government Code, section 6503.5

14.1.15. Do all other acts reasonable and necessary to carry out the purposes of this Agreement.

14.2. Limitation. The powers to be exercised by the Stanislaus Council of Governments are subject to such restrictions upon the manner of exercising such powers as are imposed upon the County in the exercise of similar powers.

14.3. Funds. StanCOG shall be held strictly accountable for all funds received, held and disbursed by it.

15. BYLAWS

15.1. Bylaws. The Bylaws of the Stanislaus Council of Governments shall be those attached to this Agreement marked "Exhibit A" and incorporated herein by reference. Amendments to all or a portion of the Bylaws may be made in the manner prescribed in the Bylaws.

16. EXECUTIVE DIRECTOR

16.1. Powers and Duties. The Executive Director shall be selected by, and shall serve at the pleasure of and upon the terms prescribed by the Stanislaus Council of Governments Policy Board. The powers and duties of the Executive Director are:

16.1.1. To serve as the chief administrative officer of StanCOG and to be responsible to the StanCOG Policy Board for the proper administration of all affairs.

16.1.2. To appoint, supervise, suspend, discipline or remove StanCOG employees subject to those policies and procedures, from time to time, adopted by the StanCOG Policy Board.

16.1.3. To supervise and direct the preparation of the annual budget for the StanCOG and be responsible for its administration after adoption by the StanCOG Policy Board.

16.1.4. To formulate and present to the StanCOG Policy Board plans for StanCOG activities and the means to finance them.

16.1.5. To supervise the planning and implementation of all StanCOG activities.

16.1.6. To attend all meetings of the StanCOG Policy Board and act as the secretary to the StanCOG Policy Board.

16.1.7. To prepare and submit to the StanCOG Policy Board periodic financial reports and, as soon as practicable after the end of each fiscal year, an annual report of the activities of StanCOG for the preceding year.

16.1.8. To have custody and charge of all StanCOG property other than money and securities.

16.1.9. To transmit to the Executive Director's successor all books and records of StanCOG in his or her possession.

16.1.10. To perform such other duties as the StanCOG Policy Board may require in carrying out the policies and directives of the Stanislaus Council of Governments Board.

17. TREASURER

17.1. Treasurer. The StanCOG Finance Director, or his/her designee, shall be the Treasurer of StanCOG.

17.2. Duties. The Treasurer shall:

17.2.1. Receive and receipt all money of StanCOG and place it in a designated financial institution approved by the StanCOG Policy Board to the credit of StanCOG.

17.2.2. Be responsible upon the Treasurer's official bond for the safekeeping and disbursement of all StanCOG money held by the Treasurer.

17.2.3. Pay, when due, out of money of StanCOG, all sums payable on outstanding bonds and coupons of StanCOG.

17.2.4. Pay any sums due from the StanCOG, from the StanCOG funds held by the Treasurer or any portion thereof, upon warrants of the Auditor-Controller designated herein.

17.2.5. Verify and report in writing as soon as possible after the first day of July, October, January, and April of each year to the StanCOG the amounts of monies the Treasurer holds for the StanCOG, the amount of receipts since the Treasurer's last report, and any interest accrued to those funds.

18. AUDITOR-CONTROLLER

18.1. Auditor-Controller. The StanCOG Finance Director, or his/her designee, shall be the Auditor -Controller for StanCOG.

18.2. Duties. The Auditor-Controller shall:

18.2.1. Draw warrants to pay demands against StanCOG when the demands have been approved by the StanCOG Policy Board and/or the StanCOG Executive Director. The Auditor -Controller shall be responsible on his/her official bond for the Auditor-Controller's approval of disbursements of StanCOG money.

18.2.2. Keep and maintain records and books of account on the basis of generally accepted accounting practices. The books of account shall include records of assets, liabilities, and contributions made by each Party to this Agreement.

18.2.3. Make available all the financial records of StanCOG to a certified public accountant or public accountant contracted by StanCOG to make an annual independent audit of the accounts and records of StanCOG. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the California Government Code and shall conform to generally accepted auditing standards.

18.3. Approvals. The Executive Director of the StanCOG and the Chairman of StanCOG Policy Board shall together have the power to approve to the auditor demands against StanCOG. The Vice-Chairman of StanCOG Policy Board shall be substituted in the absence or vacancy of either of the above officials.

19. FINANCING

19.1. Allocation of Financing. Each member shall contribute to the financial support of StanCOG. Each city's share of financial support shall be determined by the percentage its population has to the County as a whole. The County's share of financial support shall be determined by the percentage the population of the unincorporated areas of the County have to the County as a whole. Population is to be determined by the latest United States Decennial Census or later California State Department of Finance figures.

19.2. Annual Dues. The Policy Board may provide for annual dues to be paid by each member agency.

19.3. Fiscal Year. The fiscal year of StanCOG shall commence on July 1 of each year and shall terminate on June 30 of the following year. Each member shall deposit its share of financial support with the Treasurer of StanCOG no later than August 1 of each year.

19.4. Support from Member Agencies. A member agency in the exercise of the reasonable discretion of its governing body, may provide support for StanCOG, its staff, and its professional consultants, including providing quarters, janitorial services and maintenance, supplies, printing and duplication, postage, telephone services, transportation services, and the professional and technical assistance as may be agreed upon from time to time by StanCOG and the respective member agencies. All assistance shall be provided on an at-cost basis.

19.5. Other Support and Fees. The Stanislaus Council of Governments shall apply for available state federal, regional, and local support funds, and shall make new and additional applications from time to time as appropriate. If deemed necessary, the Stanislaus Council of Governments Board may also establish and collect filing and processing fees from non-members in connection with matters to be considered by it.

19.6. Measure L. In its role as the Stanislaus County Local Transportation Authority, StanCOG shall be empowered to levy and expend tax revenues authorized in the Stanislaus County Transportation Authority Ordinance #16-01, Measure L: Local Roads First Transportation Funding Measure, and approved as Measure L on November 8, 2016 by the voters of Stanislaus County. This empowerment shall exist so long as Ordinance #16-01, as may be amended, is in effect and shall terminate when all Ordinance #16-01 taxes have been levied and expended.

20. BOND REQUIREMENTS

20.1. Bond Requirement. The Executive Director and such other persons employed by the Stanislaus Council of Governments as may be designated by the Stanislaus Council of Governments Policy Board, shall file with the Stanislaus Council of Governments Policy Board an official fidelity bond in a penal sum determined by the Stanislaus Council of Governments Board as security for the safekeeping of the Stanislaus Council of Governments' property entrusted to the employee. However, if the Executive Director or other such persons

designated are already bonded by another agency, no additional bonding shall be required by this section. Premiums for any bonds required under this section shall be paid by the Stanislaus Council of Governments.

21. PARTIES LIABILITY

21.1. The debts, liabilities, and obligations of StanCOG shall not be debts, liabilities, or obligations of the Parties to this Agreement either singly or collectively.

22. ASSIGNABILITY

22.1. Assignability. With the approval of, and upon the terms agreed upon by, the governing body of each Party to this Agreement, all or any of the rights and property subject to this Agreement may be assigned to further the purpose of this Agreement. Provided, however, no right or property of StanCOG shall be assigned without compliance with all conditions imposed by any state or federal entity from which Stanislaus Council of Governments has received financial assistance.

23. WITHDRAWAL OF A PARTY

23.1. Notice. A Party to this Agreement may, at any time, withdraw from the Stanislaus Council of Governments, following 90 days notice to StanCOG and all other Member Agencies of StanCOG, by resolution of intent to withdraw adopted by the governing board of the withdrawing Party.

23.2. Effect of Withdrawal. Upon the effective date of such withdrawal such member shall cease to be bound by this Agreement, but shall continue to provide financial support through the approved percentage of planning funds provided to StanCOG, as Transportation Planning Agency under the provisions of Section 99233.2 of the Transportation Development Act. StanCOG assets representing any accumulated capital contribution of the withdrawing Party shall remain subject to StanCOG control, depreciation and use without compensation to the withdrawing party until termination of this Agreement and distribution of StanCOG assets.

23.3. Resumption of Membership. Any member agency which has withdrawn from StanCOG in accordance with the provisions of this Section 21 may resume its membership upon thirty (30) days' written notice to the then members, which notice may be waived by a majority vote of the StanCOG Policy Board.

24. TERMINATION AND DISSOLUTION

24.1. No Specific Term. This Agreement shall continue in force without specific term.

24.2. Termination. If, at any time, those Cities and County which are members of StanCOG contain less than 55% of the population residing within the area of Stanislaus County, based upon the latest available population estimates by the California Department of Finance, and there are less than a majority of local governments remaining as Member Agencies of StanCOG, StanCOG shall be deemed disestablished and this Agreement shall cease to be operative except for the purpose of payment of any obligations theretofore incurred.

24.3. Distribution of Assets. If this Agreement is terminated, all real and personal property owned by StanCOG shall be distributed to the Federal, State, or local funding agency or party to this Agreement that supplied the property or whose funding provided for the acquisition of the property unless other distribution is provided by law. Should the origin of any real or personal property be undeterminable, that property shall be disbursed to the Parties to this Agreement in proportion to the size of the jurisdiction as delineated in the latest California Department of Finance estimate of population.

24.4. Continues in Effect until Distribution. This Agreement shall not terminate until all property has been distributed in accordance with this provision.

25. RETURN OF SURPLUS FUNDS

25.1. Return of Surplus Funds. Upon termination of this Agreement, any surplus money on hand shall be returned, pro rata, to the Federal, State, or local agency or the party to this Agreement that provided the funds.

26. ADDITIONAL MEMBERS

26.1. Additional Members. In addition to the Cities identified in this Agreement, any city within Stanislaus County which may hereafter be incorporated and which desires to participate in the activities of StanCOG may do so by executing this Agreement without the prior approval or ratification of the named Parties to this Agreement and shall thereafter be a Party to this Agreement and be bound by all terms and conditions of this Agreement as of the date it executes this Agreement.

27. SUCCESSORS AND ASSIGNS

27.1. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the Parties.

28. SEVERABILITY

28.1. Severability. Should any part, term, portion, or provision of this Agreement be finally decided to be in conflict with any law of United States or the State of California, or otherwise be unenforceable or ineffectual, the validity of the remaining parts, terms, portions, or provisions shall be deemed severable and shall not be affected thereby, provided such remaining

portions or provisions can be construed in substance to constitute the Agreement which the Member Agencies intended to enter into in the first instance.

29. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which when executed will be deemed to be an original and all of which, taken together, will be deemed to be one and the same instrument.

30. TITLES AND HEADING.

The Section titles and the headings of this Agreement are for convenience only and shall not be used in interpreting this Agreement.

31. EFFECTIVE DATE OF AGREEMENT

31.1. Effective Date. This Agreement shall become effective upon ratification by resolution of the Stanislaus County Board of Supervisors and each of the city councils of the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford. From and after said date the agreements made establishing the Stanislaus Area Association of Governments dated May 11, 1971 and May 20, 1974, and the Agreement Establishing the Stanislaus Council of Governments dated June 5, 2001, as amended December 12, 2007, April 5, 2016 and January 26, 2017 shall be superseded, replaced and terminated by this Agreement and shall be of no further force and effect.

32. AMENDMENTS

32.1. This Agreement may be amended upon ratification by resolution of 75% of the member agencies representing 75% of the population of the County of Stanislaus as determined by the most recent Decennial Census. For this purpose each incorporated city shall represent those people residing within its city limits and the Stanislaus County Board of Supervisors shall represent those people who reside in the unincorporated areas of the County.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates shown in the respective signature blocks.

STANISLAUS COUNTY BOARD OF SUPERVISORS

By:_____
Vito Chiesa
Chairman

ATTEST:

By:_____
Elizabeth A. King
Clerk of County Board of Supervisors

Approved as to Legal Form:

By:_____
John P. Doering
County Counsel

CITY OF CERES

By:_____
Chris Vierra
Mayor

ATTEST:

By:_____
Diane Nayares-Perez
City Clerk

Approved as to Legal Form:

By:_____
Tom Hallinan
City Attorney

CITY OF HUGHSON

By:_____
Jeramy Young
Mayor

ATTEST:

By:_____
Susana Diaz
City Clerk

Approved as to Legal Form:

By:_____
Daniel J. Schroeder
City Attorney

CITY OF MODESTO

By:_____
Ted Brandvold
Mayor

ATTEST:

By:_____
Stephanie Lopez
City Clerk

Approved as to Legal Form:

By:_____
Adam U. Lindgren
City Attorney

CITY OF NEWMAN

By:_____
Bob Martina
Mayor

ATTEST:

By:_____
Mike Maier
City Clerk

Approved as to Legal Form:

By:_____
Nubia Goldstein
City Attorney

CITY OF OAKDALE

By:_____
Pat Paul
Mayor

ATTEST:

By:_____
Kathy Teixeira, CMC
City Clerk

Approved as to Legal Form:

By:_____
Tom Hallinan
City Attorney

CITY OF PATTERSON

By:_____
Deborah M. Novelli
Mayor

ATTEST:

By:_____
Maricela Vela
City Clerk

Approved as to Legal Form:

By:_____
Tom Hallinan
City Attorney

CITY OF RIVERBANK

By:_____
Richard D. O'Brien
Mayor

ATTEST:

By:_____
Annabelle H. Aguilar, CMC
City Clerk

Approved as to Legal Form:

By:_____
Tom Hallinan
City Attorney

CITY OF TURLOCK

By:_____
Gary Soiseth
Mayor

ATTEST:

By:_____
Jennifer Land
City Clerk

Approved as to Legal Form:

By:_____
Phaedra A. Norton
City Attorney

CITY OF WATERFORD

By:_____
Michael Van Winkle
Mayor

ATTEST:

By:_____
Miranda Lutzow
City Clerk

Approved as to Legal Form:

By:_____
Corbett J. Browning
City Attorney

EXHIBIT "A"

STANISLAUS COUNCIL OF GOVERNMENTS
AMENDED AND RESTATED BYLAWS

RECITALS:

WHEREAS, it is deemed prudent to amend and restate the Bylaws of The Stanislaus Council of Governments. These Amended Bylaws, dated _____, shall supersede the previous Bylaws as amended April 10, 1974; July 10, 1974; November 10, 1976; December 12, 2007; April 5, 2016; and January 26, 2017.

ARTICLE I
NAME

This joint powers agency shall be known as the STANISLAUS COUNCIL OF GOVERNMENTS ("StanCOG") and shall exercise its powers within the geographical area of the County of Stanislaus as set forth in the joint powers agreement entered into by the County and the Cities ("Party or collectively "Parties") establishing StanCOG.

ARTICLE II
MEETINGS

Section 1: Regular and Special Meetings.

A. The StanCOG Policy Board shall hold a regular meeting on the third Wednesday of each month, at 6:00 p.m., or at a time, specified by the StanCOG Policy Board. Such regular meetings shall be for considering reports of the affairs of StanCOG and for transacting such other business as may be properly brought before the meeting. Any regular meeting may be rescheduled on an individual basis as to date, time and place, by motion of the StanCOG Policy Board, in the event of a conflict with holidays, Director's schedules, or similar matters, or, in the event of a lack of a quorum, as specified below. Notice of regular meetings shall be given to each representative and alternate representative at least ten (10) days prior to each meeting.

B. Special meetings may be called in accordance with the California Ralph M. Brown Act. Special meetings may be called by the Chairperson. No business except that specified in the notice shall be discussed at a special meeting.

C. All meetings shall be conducted in accordance with the Ralph M. Brown Act.

Section 2: Closed Sessions.

A. All information presented in closed session shall be confidential. Ex-Officio non-voting members shall not be permitted to attend closed sessions.

B. Under Government Code Section 54956.96, StanCOG adopts a joint powers agency limited disclosure policy as follows:

1. All information received by the legislative body of the local agency member in a closed session related to the information presented to StanCOG in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has directed financial or liability implications for that local agency to the following individuals:

a) Legal counsel of that member local agency for purposes of obtaining advise on whether the matter has direct financial or liability implications for that member local agency.

b) Other members of the legislative body of the local agency present in a closed session of that member local agency.

2. Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

Section 3: Cancellation of Meetings.

The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board may cancel any regular or special meeting of StanCOG except upon objection by any representative.

Section 4: Notice of Meetings.

A. Notice of regular meetings shall be in accordance with the Ralph M. Brown Act. The StanCOG Executive Director or the Chairperson of the StanCOG Policy Board shall direct the publication of notices of all meetings, public hearings, etc., as required by the California Government Code. Such notices shall specify the place, the day, and the hour of the meeting and accompanying the notice shall be a copy of the agenda for that meeting.

B. In the case of special meetings, the written notice shall specify the specific nature of the business to be transacted and shall be in accordance with the Ralph M. Brown Act.

Section 5: Committee Meetings.

Except as herein or otherwise provided, the Standing Committees of StanCOG shall meet on the call of their Chairperson. Notice of committee meetings shall be in accordance with the Ralph M. Brown Act.

Section 6. Quorum.

A quorum for conducting all matters of business shall be the presence of at least one (1) representative, or the alternate, from a majority of the Member Agencies. A two-thirds majority of those present shall be required to approve all expenditures.

Section 7. Voting.

A. Voting shall only be conducted at properly noticed meetings where a quorum has been established and members are physically present, except as provided in Government Code Section 54953 for teleconferencing.

B. Voting shall be by voice, show of hands, or roll call vote. Any Director may request a roll call vote.

C. In all cases, a vote to "abstain" shall be counted as an "aye" vote unless there is a majority vote to defeat the motion and then the vote to abstain shall be counted as a "no" vote.

Section 8: Lack of a Quorum.

A. If less than a quorum of the Directors are present at any properly called regular, adjourned regular, special, or adjourned special meeting, the member(s) who are present may adjourn the meeting to a time and place specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was to have been held within 24 hours after adjournment.

B. If all the members are absent from any regular or adjourned regular meeting, the Executive Director may so adjourn the meeting and post the order or notice of adjournment as provided, and additionally shall cause a written notice of the adjournment to be given in the same manner as for a notice of a special meeting.

C. If the notice or order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for the regular meeting of StanCOG.

Section 9. Agenda.

Any Director or the Executive Director may cause an item to be placed on the agenda.

Section 10. Adjournment.

Except as provided in Section 8 above, a meeting may be adjourned by the presiding officer's own action; however, any Director may object to such adjournment by the presiding officer and then a motion and action is required in order to adjourn the meeting in accordance with Robert's Rules of Order.

ARTICLE III
CONDUCT OF MEETINGS

Section 1: General Conduct.

Except as herein or otherwise provided, ROBERTS RULES OF ORDER shall govern all proceedings of StanCOG. In any event, all proceedings and conduct of the meetings shall be in full compliance with the State of California Government Code.

Section 2. Decorum

All Directors, and staff, shall conduct themselves in accordance with Robert's Rules of Order and in a civil and polite manner toward other board members, employees, and the public. Using derogatory names, interrupting the speaker having the floor, or being disorderly or disruptive, are prohibited actions. If any meeting is willfully interrupted by any individual so as to render the orderly conduct of that meeting infeasible, that individual may be removed from the meeting. If any group or groups of persons willfully interrupts a meeting so as to render the orderly conduct of that meeting infeasible, the presiding officer, or a majority of the Policy Board, may clear the meeting room in accordance with Government Code Section 54957.9.

Section 3: Voting Authorization.

All votes shall be cast by the person or persons authorized to do so by the member which they represent. Such authorization shall be made known to the Executive Director of StanCOG at least twenty-four hours prior to the meeting. No proxy, absentee, or fractional votes may be cast.

ARTICLE IV
EXECUTIVE SESSIONS

Section 1: Executive Sessions.

Executive sessions shall be held in conformance with the Government Code of the State of California.

ARTICLE V
OFFICERS

Section 1: Chair.

A. The representatives of StanCOG shall elect from among their members a Chair of the Policy Board. The Chair shall serve a one-year term of office beginning at the first regular meeting of each calendar year. The Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Chair shall preside at all meetings of the Policy Board and such other meetings approved by the Policy Board.

C. The Chair shall serve as the official spokesperson for the Policy Board.

D. The Chair shall appoint such committees and other working groups as prescribed by the Policy Board.

E. The Chair shall designate Directors or others to represent the Policy Board at various meetings, hearings, and conferences.

F. The Chair shall perform such other duties as necessary to carry out the work of the Policy Board or as prescribed by law.

Section 2: Vice-Chair.

A. The representatives of StanCOG shall elect from among their members a Vice-Chair of the Policy Board. The Vice-Chair shall serve a one-year term of office beginning at the first regular meeting in each calendar year. The Vice-Chair may serve more than one (1) term if re-elected by the Policy Board.

B. The Vice-Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair.

Section 3: Absences.

In the absence of both the Chair and the Vice-Chair, a majority of the Policy Board shall select a Director to serve as Chair Pro Tem.

Section 4: Secretary.

The Executive Director shall serve as the Secretary of the StanCOG Policy Board. The Secretary shall maintain a public record of the Policy Board's resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of StanCOG.

Section 5: Vacancy.

Upon a vacancy occurring in the office of the Chair, the Vice-Chair shall assume the office of Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair the representatives shall elect, from among their members, a Vice-Chair to serve the balance of the unexpired term.

ARTICLE VI
COMMITTEES

Section 1: Standing Committees.

The Standing Committees of StanCOG shall be:

A. Executive Committee.

The Executive Committee shall consist of five (5) members of the StanCOG Policy Board: Two of the representatives from the Stanislaus County Board of Supervisors, to be appointed by and serve at the pleasure of the Stanislaus County Board of Supervisors; One of the representatives from the City of Modesto, to be appointed by and to serve at the pleasure of the City of Modesto City Council, and; Two representatives from among the other Cities, said representatives to be chosen each year by the Policy Board members representing the cities other than Modesto, and serve at the pleasure of these other cities. The Chairperson and Vice-Chairperson of the Policy Board shall be ex officio two of the five members of the Executive Committee, representing their respective Member Agencies, and shall serve as the Chairperson and Vice-Chairperson of the Executive Committee.

The Executive Committee shall be operated in accordance with the Bylaws of the Policy Board.

B. Management and Finance Committee.

The Management and Finance Committee shall consist of the Chief Administrative Official for the County of Stanislaus, or his or her designee; and the City Manager/Administrator for the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford.

The Management and Finance committee shall be operated in accordance with the Bylaws of the Policy Board.

C. Social Services Transportation Advisory Council.

The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who is handicapped.

3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.

4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

The Social Services Transportation Advisory Committee shall be operated in accordance with the Bylaws of the Social Services Transportation Advisory Committee.

D. Citizens Advisory Committee.

The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Citizens Advisory Council shall be operated in accordance the Bylaws of the Citizens Advisory Council.

E. Bicycle / Pedestrian Advisory Committee .

The Bicycle/Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County, one (1) from each of the Member Agencies.

The Bicycle/Pedestrian Advisory Committee shall be operated in accordance with the Bylaws of the Bicycle/Pedestrian Advisory Committee.

F. Valley Vision Stanislaus Steering Committee.

The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members which shall consist of Tier I and Tier II members as follows:

Tier 1 Members: One representative (Planning Director or his/her designee) from each of the ten (10) Member Agencies (Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, Waterford, and Stanislaus County); one (1) representative (Executive Officer or his/her designee) from LAFCO; one (1) representative from the Policy Board.

Tier II Members: One representative may be appointed as needed from each of the following: Citizens Advisory Committee, Health Industry, Agriculture Industry, Environment/Conservation, Economic Development, Building Industry, Transit User/Provider, Education and Environmental Justice.

The Valley Vision Stanislaus Steering Committee shall be operated in accordance with the Bylaws of the Valley Vision Stanislaus Steering Committee.

G. Measure L Oversight Committee.

Measure L Oversight Committee. The Measure L Oversight Committee shall be comprised of one representative from each of the following jurisdictions: City of Ceres, City of Hughson, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, City of Waterford and Stanislaus County. Members of the Measure L Oversight Committee shall not be members of any other Local Transportation Authority or StanCOG committee(s).

The Measure L Oversight Committee shall be operated in accordance with the Bylaws of the Measure L Oversight Committee attached hereto as Appendix V.

Section 2: Special Committees.

The Chair of the Policy Board or Directors may appoint additional committees as may be necessary or desirable.

ARTICLE VII
FINANCIAL DETERMINATIONS

Section 1: Withdrawal.

A member of StanCOG that withdraws from StanCOG shall not have its financial contribution refunded.

Section 2: Newly Incorporated Cities.

Any newly incorporated city which becomes a member of StanCOG after the commencement of a fiscal year shall not be required to contribute financially to StanCOG until the subsequent fiscal year, providing that the said newly incorporated city becomes a member of StanCOG within one (1) year of its incorporation date.

Section 3: Other Political Entities.

Any other political entity which becomes a member of StanCOG after the commencement of a fiscal year shall contribute to StanCOG that amount which it would have contributed had it been a member at the commencement of the fiscal year.

ARTICLE VIII
REFERRALS

StanCOG may accept by letter or resolution referrals for study and report from any duly constituted advisory or legislative body or their representatives. Reports will be made and returned to the referring body within a reasonable time.

ARTICLE IX
REPORTS

StanCOG shall render a written report on its activities at the end of each fiscal year of operation to each legislative body which is a Member Agency of StanCOG.

ARTICLE X
INITIATIVE

StanCOG may, upon its own initiative, institute action to carry out any routine or special study or project.

ARTICLE XI
COORDINATION

It is the policy of StanCOG to establish technical and advisory liaison with all other agencies and bodies seeking to improve the quality of planning, health, safety, welfare and governmental services for the Stanislaus Regional Area.

ARTICLE XII
TRANSMITTAL OF PLANNING INFORMATION

StanCOG hereby approves as a regular operating procedure the transmittal of planning information to the individual Boards of Supervisors, City Councils, County and City Planning Commissions, the California State Office of Planning, and any other duly constituted regional area, metropolitan, or other Planning Commission which may request in writing such information.

ARTICLE XIII
AMENDMENTS

Section 1: These Bylaws may be amended by a two-thirds vote of those representatives voting at a Regular Meeting of the StanCOG Policy Board.

Section 2: Amendments to these Bylaws may be proposed by any representative of StanCOG.

Section 3: In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing by the Secretary to the representatives and alternate representatives at least fifteen (15) days prior to the meetings.

APPENDIX I

STANISLAUS COUNCIL OF GOVERNMENTS
SOCIAL SERVICES TRANSPORTATION ADVISORY COUNCIL

BYLAWS

ARTICLE I
FUNCTION

Section 1: The Social Services Transportation Advisory Council (SSTAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board and have the following responsibilities:

1. Annually participate in the identification of transit needs in the jurisdiction, including unmet transit needs that may exist within the jurisdiction of the Stanislaus Council of Governments, and that may be reasonable to meet by establishing or contracting for new public transportation or specialized transportation services or by expanding existing services.

2. Annually review and recommend action by StanCOG for the area within StanCOGs jurisdiction which finds by resolution, that:

   A. there are no unmet transit needs; or

   B. there are no unmet transit needs that are reasonable to meet; or

   C. there are unmet transit needs, including needs that are reasonable to meet.

3. Advise StanCOG on any other major transit issues, including the coordination and consolidation of specialized transportation services.

ARTICLE II
MEMBERSHIP

Section 1: The Social Services Transportation Advisory Council shall consist of the following members who are residents of Stanislaus County:

1. One representative of potential transit users who is 60 years of age or older.

2. One representative of potential transit users who is handicapped.

3. Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.

4. Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.

5. One representative of a local social service provider for persons of limited means.

6. Two representatives from the local consolidated transportation service agency, designated pursuant to Subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

7. Up to two (2) additional representatives, if desired by StanCOG and appointed by the Executive Committee.

Section 2: A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 3: Any qualified resident of Stanislaus County may apply for membership on the Social Services Transportation Advisory Council. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Social Services Transportation Advisory Council shall be valid for a period of two years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Executive Committee of StanCOG shall appoint, from the list of applicants, the members of the Social Services Transportation Advisory Council.

ARTICLE III
TERM OF OFFICE

Section 1: Of the initial appointments to the Social Services Transportation Advisory Council, one-third of them shall be for a one-year term, one-third shall be for a two-year term, and one-third shall be for a three-year term.

Section 2: Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed for additional three-year terms.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Social Services Transportation Advisory Council, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Social Services Transportation Advisory Council will be expected to attend the meetings of the Council on a regular basis. Any member of the Council who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Council.

ARTICLE VI
REMOVAL

The Executive Committee of StanCOG may, at any time, recommend the removal of any member of the Social Services Transportation Advisory Council. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Social Services Transportation Advisory Council shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be for one year.

Section 2: The Social Services Transportation Advisory Council shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Social Services Transportation Advisory Council shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Social Services Transportation Advisory Council and shall provide the Social Services Transportation Advisory Council with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the StanCOG Policy Board, the members of the Social Services Transportation Advisory Council shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support StanCOG deems necessary for the successful functioning of the Social Services Transportation Advisory Council.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Social Services Transportation Advisory Council present and voting at a regular meeting of the Social Services Transportation Advisory Council, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members present and voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing to the members of the Social Services Transportation Advisory Council at least fifteen (15) days prior to the meeting at which a vote is to be taken.

APPENDIX II

STANISLAUS COUNCIL OF GOVERNMENTS
CITIZENS ADVISORY COMMITTEE BYLAWS

ARTICLE I
FUNCTION

Section 1: The Citizens Advisory Committee (CAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on matters related to transportation from the public's perception and transportation activities affecting the general public.

ARTICLE II
MEMBERSHIP

Section 1: The Citizens Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Citizens Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Policy Board's Executive Committee shall appoint from the list of applicants the members of the Citizens Advisory Committee.

Section 5: When making Citizen's Advisory Committee appointments, the Policy Board's Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The

Executive Committee shall also consider obtaining a balance of views and a cross-section of county interests.

ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Citizens Advisory Committee will be expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year, may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Executive Committee may, at any time, recommend the removal of any member of the Citizens Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The Citizens Advisory Committee shall elect from among its membership a Chair, and a Vice-Chair. The term of office shall be one year.

Section 2: The Citizens Advisory Committee shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board.

The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the StanCOG fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Citizens Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Citizens Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the Committee with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the Committee present and voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted in writing to the members of the committee at least fifteen (15) days prior to the meeting at which a vote is to be taken.

APPENDIX III

STANISLAUS COUNCIL OF GOVERNMENTS
BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE BYLAWS

ARTICLE I
FUNCTION

The Bicycle and Pedestrian Advisory Committee (BPAC) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on all matters related to bicycle and pedestrian needs or concerns and advise on the development of StanCOG's Non-motorized Transportation Plan.

ARTICLE II
MEMBERSHIP

Section 1: The Bicycle and Pedestrian Advisory Committee shall be comprised of ten (10) residents of Stanislaus County. A quorum shall constitute one-half (1/2) plus one (1) of the current membership.

Section 2: The ten members of the Committee shall consist of one representative from each of the following jurisdictions:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

Section 3: Any resident of Stanislaus County may apply for membership on the Bicycle and Pedestrian Advisory Committee. The Secretary of StanCOG shall maintain a current list of all applicants. Each application for membership on the Committee shall be valid for a period of two (2) years. After this time, the applicant's name may be removed from the list of applicants.

Section 4: The Policy Board's Executive Committee shall appoint from the list of applicants the members of the Bicycle and Pedestrian Advisory Committee.

Section 5: When making Bicycle and Pedestrian Advisory Committee appointments, the Policy Board's Executive Committee shall attempt to fill vacancies on the Committee by appointing members from an agency or jurisdiction that is not already represented on the Committee. The Executive Committee shall also consider obtaining a balance of views and a

cross-section of county interests.

Section 6: The following agencies are invited to have members attend meetings of the BPAC and share their expertise, as non-voting members.

- Various City agencies having an interest in non-motorized transportation
- Stanislaus County [Department of Public Works, Traffic Engineering, or related departments]
- California Department of Transportation [CalTrans]
- Stanislaus County-based bicycling or pedestrian organizations

Section 7: Any appointment term shall commence as of the date of appointment.

ARTICLE III
TERM OF OFFICE

Section 1: Each appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any member of the Committee serve on the Committee longer than eight (8) consecutive years.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee, in consultation of the Committee members.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Bicycle and Pedestrian Advisory Committee are expected to attend the meetings of the Committee on a regular basis. Any member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any member of the Bicycle and Pedestrian Advisory Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The BPAC shall elect from among its membership a Chair, and a Vice-Chair. The term of office for each shall be one year.

Section 2: The BPAC shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Bicycle and Pedestrian Advisory Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Bicycle and Pedestrian Advisory Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the BPAC with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the BPAC voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the BPAC at least fifteen (15) days prior to the meeting at which a vote is to be taken.

APPENDIX IV

STANISLAUS COUNCIL OF GOVERNMENTS

VALLEY VISION STANISLAUS STEERING COMMITTEE BYLAWS

ARTICLE I
FUNCTION

The Valley Vision Stanislaus Steering Committee (VVS) shall be a standing committee of the Stanislaus Council of Governments. The Committee shall advise the StanCOG Policy Board on issues related to the development of the Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP).

ARTICLE II
MEMBERSHIP

Section 1: The Valley Vision Stanislaus Steering Committee shall be comprised of up to twenty-one (21) members. A quorum shall consist of one-half (1/2) plus one (1) of the current membership.

Section 2: The twenty-one (21) members of the Committee shall consist of Tier I and Tier II members.

Tier I Members:

One representative (Planning Director or his/her designee) from each of the 10 Member Agencies:

City of Ceres	City of Hughson
City of Modesto	City of Newman
City of Oakdale	City of Patterson
City of Riverbank	City of Turlock
City of Waterford	Stanislaus County

One representative (Executive Director or his/her designee) from LAFCO

One representative from the Policy Board

Tier II Members:

One representative may be appointed as needed from each of the following:

- Citizens Advisory Committee
- Health Industry
- Agriculture Industry
- Environment/Conservation
- Economic Development
- Building Industry
- Transit User/Provider
- Education
- Environmental Justice

ARTICLE III
TERM OF OFFICE

Section 1: Tier I appointments shall not be subject to term restrictions or limits. Each Tier II appointment to the Committee shall be for a term of four (4) years.

Section 2: In no case shall any Tier II member of the Committee serve on the Committee longer than eight (8) consecutive years.

Section 3: Any appointment term shall commence as of the date of appointment.

ARTICLE IV
MEETINGS

Section 1: The Policy Board shall establish a regular place and time for meetings of the Committee.

Section 2: The Executive Director may designate agenda items for any meetings of the Committee. The members of the Committee may also designate agenda items for consideration by the Committee.

ARTICLE V
ATTENDANCE

The members of the Valley Vision Stanislaus Steering Committee are expected to attend the meetings of the Committee on a regular basis. Any Tier II member of the Committee who has three consecutive un-notified absences, four consecutive notified absences, or five absences in any one calendar year may be dismissed from the Committee.

ARTICLE VI
REMOVAL

The Policy Board Executive Committee may, at any time, recommend the removal of any Tier II member of the Valley Vision Stanislaus Steering Committee. A majority vote of the members of the Policy Board Executive Committee shall be required to approve any removal.

ARTICLE VII
OFFICERS, RULES, AND PROCEDURES

Section 1: The VVS shall elect from among its membership a Chair, and a Vice-Chair. The term of office for each shall be one year.

Section 2: The VVS shall adopt rules and procedures for its meetings. These rules and procedures shall be subject to approval by the StanCOG Policy Board. The Committee shall conduct all proceedings in conformity with Robert's Rules of Order and the Brown Act.

Section 3: All references to "year" shall refer to the California fiscal year, July 1 through June 30.

ARTICLE VIII
STAFF

The Executive Director of StanCOG, or his or her appointee, shall serve as the Secretary of the Valley Vision Stanislaus Steering Committee and shall provide the Committee with appropriate staff assistance.

ARTICLE IX
FINANCING

Section 1: Except as specifically provided by the Policy Board, the members of the Valley Vision Stanislaus Steering Committee shall receive no compensation for their service.

Section 2: The Policy Board shall provide the VVS with the financial support deemed necessary for the successful functioning of the Committee.

ARTICLE X
AMENDMENT OF BYLAWS

Changes or amendments to these Bylaws shall be approved by two-thirds (2/3) of the members of the VVS voting at a regular meeting of the Committee, and shall be subject to the majority approval of the Stanislaus Council of Governments Policy Board members voting at a regular meeting of the StanCOG Policy Board. In no case shall a vote on a proposed amendment be conducted unless the proposed amendment has been submitted, in writing, to the members of the VVS at least fifteen (15) days prior to the meeting at which a vote is to be taken.

APPENDIX V

STANISLAUS COUNCIL OF GOVERNMENTS

MEASURE L OVERSIGHT COMMITTEE BYLAWS

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-239

RESOLUTION APPROVING AN AGREEMENT WITH GOODWIN CONSULTING GROUP, IN AN AMOUNT NOT TO EXCEED $58,500, FOR A COMPREHENSIVE CAPITAL FACILITIES FEE PROGRAM UPDATE, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in 1987 the City established an impact fee program known as the Capital Facilities Fees Program (CFF Program), and

WHEREAS, the CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan build-out, and

WHEREAS, the CFF Program has been updated periodically to reflect the changes in land values, projects and costs, and

WHEREAS, the last comprehensive update to the CFF Program occurred in 2003 and a limited review and update occurred in 2011, and

WHEREAS, the City is in the process of completing a General Plan Amendment, and

WHEREAS, the City Council has convened a multidisciplinary Comprehensive Fees Task Force to review and align all development-related fees with the goals and policies of the City's General and Strategic Plans, and

WHEREAS, the Comprehensive Fees Task Force was tasked with providing policy direction on a comprehensive update of the CFF Program, and

WHEREAS, staff requires assistance with the development of an updated CFF Program, and

WHEREAS, Goodwin Consulting Group (GCG) is a Sacramento-based firm that has prepared development impact fee nexus studies for cities, counties, special districts, and school districts throughout California and they are very familiar with the needs of the community, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the agreement is for professional services and, therefore, exempt from the formal bidding requirements of Modesto Municipal Code 8-3.203, and

Whereas, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the State law requirement of monitoring the fee program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Goodwin Consulting Group, in an amount not to exceed $58,500, for a Comprehensive Capital Facilities Fees Program Update.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-240

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING OF MODESTO, CA FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE CLARATINA AVENUE WIDENING - MCHENRY TO COFFEE PHASE 2 PROJECT, IN AN AMOUNT NOT TO EXCEED $800,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $80,000 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT OF $880,000 AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, City of Modesto, desires to widen and improve the existing Claratina Avenue from McHenry Avenue to Coffee Road, and

WHEREAS, the Claratina Avenue Widening, McHenry Avenue to Coffee Road Phase 1 project design is already underway, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the formal biding requirements, and

WHEREAS, staff proceeded through a RFP process pursuant to Administrative Directive 3.1 and the City solicited for proposals for Plans, Specifications, and Estimates for final design of the Phase 2 Project on March 24, 2017 in compliance with Modesto Municipal Code section 8-3.401 – 8-3.404, and

WHEREAS, three proposals were received, evaluated and ranked, and

WHEREAS, O'Dell Engineering demonstrated in both their proposal and interview, an in-depth understanding of the project most consistent with the City's vision, and

WHEREAS, the City entered into negotiations with the top ranked firm, O'Dell Engineering on May 18, 2017, and

WHEREAS, O'Dell Engineering has agreed to a contract for professional services in the amount of $800,000 for the identified scope of services and an additional $80,000 for additional services as needed, to provide the final PS&E design for the Phase 2 Project, and

WHEREAS, Staff recommends approval of the agreement with O'Dell Engineering for the Claratina Avenue Widening, McHenry Avenue to Coffee Road-Phase 2 Project, and

WHEREAS, the Director of Community and Economic Development and the Acting City Manager have recommended that the bid of $800,000 received from O'Dell Engineering be accepted as fair and reasonable and the contract be awarded to O'Dell Engineering of Modesto, CA, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the fact that this project is fully funded by CFF funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with O'Dell Engineering of Modesto, CA for consultant services for the preparation of plans, specifications and estimates (PS&E) for the Claratina Avenue Widening, McHenry Avenue to Coffee Road – Phase 2 Project in an amount not to exceed $800,000 for the identified scope of services, plus $80,000 for additional services (if needed) for a total amount of $880,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Grewal, Madrigal
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-241

RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT ASSET MANAGEMENT LLC (PFMAM), BALTIMORE, MD, TO REDUCE THEIR FEES FOR SERVICE BY A TOTAL OF UP TO $13,000 ANNUALLY AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDED AGREEMENT

WHEREAS, Municipal Code Section 2-3.401 defines the Finance Department as being responsible for the deposit and investment of City funds in accordance with a sound treasury management, and

WHEREAS, the City Council, on December 15, 2015, by Resolution No. 2015-492, approved a five-year agreement with Public Financial Management Asset Management LLC (PFMAMA), Baltimore, MD with three (3) one-year extension options to enhance the City's investment portfolio of over $290 million in fiduciary capacity with oversight by the Director of Finance, and

WHEREAS, on July 5, 2016, City Council adopted the 100 Days Committee Recommendations and directed the City staff to prepare a plan to implement these recommendations, and

WHEREAS, the 100 Days Committee Recommended actions included direction to staff to review all existing vendor contracts and to negotiate possible fee reductions, and

WHEREAS, City staff discussed fee reduction options with PFMAM and based upon the City's long-term relationship with PFMAM, the vendor offered to reduce its fees retroactively through July 1, 2016, and

WHEREAS, the current contract has service costs of approximately $168,000 annually and the amendment to the contract provided by PFMAM will reduce the current service costs of the annual investment service fees to $155,000, which will generate a savings to the City of up to $13,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the amendment to an agreement with Public Financial Management Asset Management (PFMAM), Baltimore, MD,

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the amended agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-242

RESOLUTION ESTABLISHING THE CALCULATION FOR THE APPROPRIATION LIMIT FOR THE FISCAL YEAR 2017-2018 ANNUAL BUDGET

WHEREAS, Proposition IV of the California State Constitution requires the City to establish an appropriation limit calculation each fiscal year, and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by state and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the **attached** schedule shows the preferred price and population factors to be used and the appropriations limit with the recommended factors in calculating the limit are the price factor of "state growth in per capita income" and the population factor of "growth rate in the city limits of Modesto", and

WHEREAS, a copy of said report is on file with the City of Modesto Finance Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit calculation is hereby established as shown on **Schedule A, attached** hereto, and made a part hereof.

BE IT FURTHER RESOLVED that the Acting Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SCHEDULE A

FISCAL YEAR 2017-18

PROPOSITION 4

APPROPRIATION LIMIT CALCULATION

FY 2016-2017 Appropriation Limit		$408,440,336
Adjustment Factors		
Per Capita Personal Income Change	3.69%	
Population Change (Modesto)	1.32%	
Per Capita converted to a ratio	1.0369	
Population converted to a ratio	1.0132	
Calculation of factor for FY 2017-2018	1.0506	
Adjustment		$20,667,081
FY 2017-2018 Appropriation Limit		$429,107,417

Article XIIIB places a limit on most, but not all, government revenue sources. The limit applies to appropriations from proceeds of taxes from both the general fund and special funds of government entities. Proceeds of taxes include tax revenues, interest earnings on invested tax revenues, and any revenues collected by a regulatory license fee or user charge in excess of the amount needed to cover the cost of providing the regulation, product, or service.

Appropriations from nontax revenues, including the City's enterprise funds, are not subject to the limit.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-243

RESOLUTION APPROVING AWARD OF PROPOSAL AND AGREEMENT WITH PERFECTMIND INC., BURNABY, BC FOR THE PURCHASE AND INSTALLATION OF A RECREATION COURSE REGISTRATION AND FACILITY MANAGEMENT SOFTWARE FOR THE PARKS, RECREATION, AND NEIGHBORHOODS DEPARTMENT (PRND) AND AUTHORIZING THE ACTING CITY MANAGER OR HIS DESIGNEE, TO EXECUTE A FIVE YEAR CONTRACT AT AN ESTIMATED COST OF $100,210 AND AUTHORIZING THE PRND TO PURCHASE CERTAIN HARDWARE UPGRADES AND SOFTWARE INTEGRATION COSTS IN AN AMOUNT NOT TO EXCEED $22,758

WHEREAS, the City of Modesto, Parks, Recreation and Neighborhoods Department (PRND) has a long and rich tradition of offering recreation services and facilities to the citizens of Modesto, registering thousands of participants for recreation courses, and reserving nearly 10,000 bookings in City our parks and recreation facilities each year, and

WHEREAS, these courses and facility bookings provide our citizens with quality of life enrichment, and provide a valuable impact on our neighborhoods, and

WHEREAS, in 2001, the City of Modesto upgraded an aging recreation support system with a then state-of-the-art recreation management solution called CLASS, and

WHEREAS, in 2014, CLASS was acquired by The Active Network, LTD, and

WHEREAS, in 2016, The Active Network LTD informed the City of Modesto that CLASS would be discontinued as of November 2017, and

WHEREAS, the City of Modesto needs to find a replacement system that can meet the needs of our city for the next decade or more, and

WHEREAS, in November 2016, the City Manager authorized the Purchasing division to issue a formal Request for Proposals (RFP) for the purchase of a Recreation Course Registration and Facility Management Software estimated at $100,000, and

WHEREAS, the Purchasing Division issued RFP 1617-17 on December 6, 2016, and

WHEREAS, prospective proposers were noticed online of the proposal opportunity, four companies responded, provided responsive and responsible proposals, and

WHEREAS, based on being ranked highest in total evaluation criteria the evaluation committee recommends the award of proposal for the purchase of a Recreation Course Registration and Facility Management Software to PerfectMind Inc, North Vancouver, BC for an estimated total of expense of $100,210, and

WHEREAS, the initial purchase, implementation and training for the first year is $34,000, and

WHEREAS, PerfectMind Inc's annual licensing fee, included in the contract, remains fixed for five (5) years at a rate of $13,242 per year represents approximate savings of $7,000 per year, and

WHEREAS, the software upgrade will also require additional hardware purchases and software integration not to exceed $22,758, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid and the award of proposal for the purchase and installation of a PerfectMind Inc, North Vancouver, BC for an estimated total initial cost of $100,210 conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, not moving forward with purchase of replacement software is not a fiscally responsible option, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the need to have recreation booking/registration software that meets the needs of the City of Modesto and failure to move forward with the purchase and implementation of a new software risks the loss of facility rental and course registration revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby

approves the award of proposal to PerfectMind Inc, North Vancouver, BC for the purchase and installation of a Recreation Course Registration and Facility Management Software for the Parks, Recreation, and Neighborhoods Department.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute a five year contract, in a form approved by the City Attorney, in the amount of approximately $100,210.

BE IT FURTHER RESOLVED that the Parks, Recreation and Neighborhoods Department is authorized to purchase peripheral hardware upgrades in an amount not to exceed $22,758.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-244

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016/2017 OPERATING BUDGET TO APPROPRIATE FUNDING IN THE AMOUNT OF $70,000 TO BE TRANSFERRED INTO A PROJECT FROM VARIOUS PRN COST CENTERS WITHIN GENERAL FUND IN ORDER TO FULLY FUND THE FIRST YEAR OF THE AGREEMENT WITH PERFECTMIND INC., BURNABY, BC, TO PURCHASE HARDWARE UPGRADES AND SOFTWARE INTEGRATION COSTS

WHEREAS, certain budgetary transactions are necessary in the amount of $70,000, in order to fund the first year of the agreement with PerfectMind Inc, purchase hardware upgrades and software integration costs, and

WHEREAS, funding will be transferred into a project from Fiscal Year 2016-17 various PRN cost centers within General Fund, budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 General Fund budget in the amount of $70,000, in order to fund the first year of the agreement with PerfectMind Inc, purchase hardware upgrades and software integration costs as shown **in Exhibit A.**

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Cost Center	Amount
33030: PRN – Recreation Administration	$40,000
33040: PRN – Guest Services	$5,000
33130: PRN – Sports and Aquatics Services	$25,000
Total to Appropriate to Project	**$70,000**

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-245

Print

RESOLUTION APPROVING THE INSTALLATION OF ANGLED PARKING ALONG THE WEST SIDE OF 15TH STREET BETWEEN F STREET AND G STREET IN THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 2016-265

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the Council, by resolution, to establish angled parking in the City of Modesto, and

WHEREAS, staff is requesting that Resolution No. 2016-265, which established the prior approved angled parking list in the City of Modesto, be rescinded, and

WHEREAS, staff received a request from business owners to install angled parking along the west side of 15th Street between F Street and G Street, to provide additional parking spaces for customers visiting their businesses and others along 15th Street, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that angled parking can be accommodated on the west side of 15th Street between F Street and G Street without creating a hazard and without impeding traffic flow, and

WHEREAS, the Healthy Economy Committee considered the additional angled parking on 15th Street at its May 10, 2017 meeting and supported staff's recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. ANGLED PARKING. Angled parking in the City of Modesto is hereby approved and established at the following locations:

- 4th Street, between E Street and G Street (west side)
- 6th Street, Sierra Drive to north property line of New Bethany Missionary Baptist Church (west side)
- 8th Street, between J Street and K Street (east side)
- 8th Street, between H Street and I Street (west side)
- 8th Street, between L Street and Jefferson Street (east side)
- 10th Street, between F Street and G Street (east side)
- 10th Street, between G Street and H Street (east side)
- 10th Street, between I Street and J Street (both sides)
- 13th Street, between H Street and L Street (east side)
- 13th Street, between F Street and G Street (east side)
- 15th Street, between F Street and G Street (west side)
- 15th Street, between H Street and K Street (east side)
- 16th Street, between I Street and J Street (east side)
- 18th Street, between G Street and H Street (west side)
- F Street, between 9th Street and 10th Street (north side)
- F Street, between 10th Street and 11th Street (both sides)
- I Street, between 9th Street and 12th Street (both sides)
- J Street, between 7th Street and 8th Street (north side)
- K Street, between 415 K Street and 6th Street (north side)
- Coldwell Avenue, between Tully Road and College Avenue
- Elm Street, between Jefferson Street and Washington Street
- Jefferson Street, between Elm Street and Laurel Street

- Sierra Drive, between F Street and 4th Street (north side)
- Sierra Drive, between 5th Street and 6th Street (both sides)

2. The Public Works Director, or his designee, is hereby directed to implement the installation of angled parking along the west side of 15th Street between F Street and G Street.

3. Resolution No. 2016-265 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-246

Print

RESOLUTION APPROVING A TWO YEAR AGREEMENT WITH THREE, ONE YEAR EXTENSION OPTIONS WITH MOORE AND ASSOCIATES, VALENCIA, CA, TO PROVIDE MARKETING SERVICES FOR THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM, FOR A TOTAL OF $375,000 OVER THE ENTIRE TERM OF THE AGREEMENT AND EXTENSION OPTIONS, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, a Request for Proposals (RFP) was issued soliciting proposals from qualified firms on February 21, 2017, and

WHEREAS, Moore & Associates of Valencia, CA, submitted a proposal that was determined to be reasonable and cost effective, and

WHEREAS, an evaluation panel reviewed and evaluated all proposals, and evaluated best and final offers, and

WHEREAS, after such evaluation the panel scored Moore & Associates highest utilizing the scoring criteria included in the RFP and recommend award of the contract to Moore & Associates, and

WHEREAS, the RFP conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203 and staff recommends awarding the contract to the lowest responsive and responsible proposal submitted by Moore & Associates, Valencia, CA, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86, implementing a spending freeze in order to maintain the fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of Moore & Associates, Valencia, CA, and approves a two

year agreement, with three one-year extension options, to provide transit marketing services to the City of Modesto Transit services, for a total of $375,000 over the entire term of the agreement and extension options.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-247

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING, INC., MODESTO, CA, FOR DESIGN SERVICES FOR THE JENNINGS PLANT ENTRANCE IMPROVEMENTS PROJECT, IN AN AMOUNT NOT TO EXCEED $154,385 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $15,439 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A MAXIMUM TOTAL AMOUNT OF $169,824, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the existing entrance to the Jennings Wastewater Treatment Plant (Jennings Plant) has limited line of sight while negotiating the bend along Jennings Road, and

WHEREAS, in addition, the Phase 2 Tertiary Treatment Project resulted in the relocation of the compost facility to an area adjacent to the existing exit road, and

WHEREAS, the new treatment facilities and relocation of the compost facility has increased the volume of plant traffic and the existing southern exit road will be converted into a two-lane entrance/exit road, and

WHEREAS, the existing entrance will be gated off and used for emergency access only, and

WHEREAS, in addition to the onsite improvements, Jennings Road will also be improved from Taylor Road to Monte Vista Avenue, and

WHEREAS, the Jennings Road corridor is quite hazardous as posted speed limits are routinely ignored and the road floods considerably during rain events, and

WHEREAS, the proposed design will evaluate different options for the entrance and exit improvements, including a traffic signal on Jennings Road as well as non-signalized turning lanes, and

WHEREAS, City staff will coordinate with the County to determine the safest and most cost effective improvements, and

WHEREAS, City staff is recommending the use of a consultant to increase project delivery efficiencies, and

WHEREAS, on September 13, 2016, by Resolution 2016-356, Council approved a prequalified list of local consultants for Civil Engineering Services for Capital Improvement Program (CIP) projects, and

WHEREAS, in accordance with City Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, Utilities staff issued a Request for Proposal (RFP) to prequalified local firms for Civil Engineering Services for the Jennings Plant Entrance Improvements Project, and

WHEREAS, one proposal was received on April 20, 2017, and was reviewed by a selection committee that consisted of the City's Wastewater/Storm Drain Engineering Division, and

WHEREAS, the selection committee determined that O'Dell Engineering, Inc. (O'Dell) was responsive and qualified to provide engineering design services for the Jennings Plant Entrance Improvements, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Project management and administration; 2) City coordination (meetings with City staff); 3) Perform field topographic survey; 4) Provide analysis of the existing storm drain system and provide hydraulic calculations; and 5) Prepare the construction documents (plans and specifications), and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the project is already approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, it is needed to provide safe and reliable utility facilities, and it will not require a budget transfer from reserves to provide the required services, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, However, staff proceeded through a RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with O'Dell Engineering for Engineering Design services for the Jennings Plant Entrance Improvements Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Design Services for the Jennings Plant Entrance Improvements Project, in an amount not to exceed $154,385 for the identified scope of services, plus $15,439 for additional services, if needed, for a maximum total amount of $169,824.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-248

RESOLUTION APPROVING THE CONTRACT DOCUMENTS FOR THE BUS MAINTENANCE FACILITY IMPROVEMENTS CANOPY STRUCTURE PROJECT, ACCEPTING THE BID, AWARDING A CONSTRUCTION CONTRACT TO DOCON, INC., OF CERES, CA IN THE AMOUNT OF $530,000, AND AUTHORIZING THE ACTING CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, Contract Documents have been prepared for the Bus Maintenance Facility Improvements Canopy Structure Project, and the Acting City Manager authorized City staff to solicit the Project for bids, and

WHEREAS, City staff solicited the Project in conformance of Section 1307 of the City's Charter, and

WHEREAS, the bids received for the Bus Maintenance Facility Improvements Canopy Structure Project were publicly opened at 11:00 a.m. on May 30, 2017, and

WHEREAS, the Acting City Manager recommends the bid of $530,000 received from Docon, Inc., of Ceres, California, be accepted as the lowest responsible bidder and responsive bid and the contract be awarded to Docon, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Contract Documents for the Bus Maintenance Facility Improvements Canopy Structure Project, accepts the bid and awards the construction contract to Docon, Inc. of Ceres, California, in the amount of $530,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or designee, is hereby authorized to execute the contract in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-249

Print

RESOLUTION APPROVING THE HIRING OF CERTAIN VACANT POSITIONS ESSENTIAL TO THE OPERATIONS OF THE CITY AS CONTAINED IN ATTACHMENT A AND RESCINDING COUNCIL RESOLUTION NO. 2017-86

WHEREAS, on February 28, 2017 Council adopted Resolution No. 2017-86 instituting a Citywide hiring and promotion/advancement freeze of all city positions, excluding the hiring of the 22 police officer position previously authorized by the Council and other essential positions as approved by City Council ; and

WHEREAS, Resolution No 2017-86 also required all purchases that have been budgeted in FY 2016/17, but not yet implemented, require City Manager's Office (CMO) approval; and

WHEREAS, the City Manager has clarified that Resolution No. 2017-86 requires cost containment measures be applied to all non-essential items and staff has been directed to only purchase goods or services which are essential for the continued operation of the City, regardless of the cost of the item or if it had been previously budgeted or not; and

WHEREAS, staff has taken actions to implement the provision of this resolution; and

WHEREAS, staff estimates that the hiring freeze in FY16-17 resulted in cost savings to the City of $2,160,000, of which $572,000 was realized in the General Fund; and

WHEREAS, exceptions to the hiring freeze of certain essential positions was approved by Council by Resolution Nos. 20017-114, 115, 116, 140, 141, and 142; and

WHEREAS, the cost of filling these budgeted positions for the remainder of FY16-17 was estimated at $630,000, of which $132,000 was paid from the General Fund; and

WHEREAS, staff has provided justification for hiring certain other positions contained in **Attachment A** and seeks to fill these positions; and

WHEREAS, the positions included on **Attachment A** are considered essential to City operations; and

WHEREAS, the positions included on **Attachment A** have eligibility lists and can be filled immediately, and

WHEREAS, staff has prepared the FY17-18 Budgets and has reduced costs and eliminated non-essential items; and

WHEREAS, Departments were asked to present reductions lists to Mayor and Acting City Manager identifying impacts of decreasing costs by 5%, 10%, and 15%; and

WHEREAS, budget staff and the Acting City Manager performed a line-by-line review of department budgets and requested clarification on the necessity of various items. Non-essential costs were eliminated from the budget presented to the Effective Government Committee in May 2017; and

WHEREAS, because of the increased scrutiny during the budget process, staff believes the FY17/18 Operating and Capital Budgets only contain essential costs and positions; and

WHEREAS, because of these actions staff believes the hiring and purchasing freeze should be suspended and staff should be allowed to follow routine operating procedures related to procurement and hiring; and

WHEREAS, staff intends to provide regular report backs to Council and the Effective Government Committee throughout the year as various estimates in the 17/18 Budget become known and recommend appropriate actions to ensure the fiscal sustainability of the City into the 2018/19 fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds that certain essential vacant positions justified on **Attachment A** are excluded from the hiring freeze, and

BE IT FURTHER RESOLVED that the Council rescinds Council Resolution No. 2017-86, and

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

City of Modesto
Vacant Positions

Dept.	FTE	OPN	FUND#	CC#	Vacant Position	Status/Comments	Date of Vacancy	Days Open	Justification
CED	1.00	0193	1130	14010	Sr. Community Program Development Specialist	Carol Averell resigned 06/24/16	06/24/16	359	Staff is requesting to under-filled with a Community Development Program Specialist I/II. This position is critical for federally funded (CDBG, HOME & ESG) programs and projects; monitoring of the City's sub-grantees; affordable housing projects; etc. Without adequate staffing and oversight, the City could be at risk of losing a portion of its HUD entitlement funds and/or required to use General Fund monies to reimburse HUD for ineligible programs and projects. Additionally, this position is needed to perform the functions of the Collaborative Applicant (CA) for the Stanislaus Community System of Care (CSOC). This position will be funded by the City's Community Development Block Grant entitlement funds and Continuum of Care funds. There will be no General Fund impact.
CED	1.00	0195	1130	14020	Housing Rehabilitation Specialist II	Gregory Williams retired 04/03/17	04/03/17	80	This position is a critical component needed to the high volume of requests for homeowner rehabilitation grants and loans. Provides service to qualifying households, approval of grants and loans; assists the City in meeting CDBG timeliness threshold with HUD; assists with HUD-required monitoring activities of affordable housing projects; assists with current and future HUD-funded affordable housing projects and could lead current and future HUD-funded capital projects (i.e. ADA Ramps and Curb cuts, affordable housing projects, public infrastructure improvements, Senior Center Kitchen Rehabilitation, etc.). There will be no General Fund impact.
CED	1.00	0787	4700	14940	Building Maintenance Technician	Klayton Rasmussen rls from prob 03/18/16	03/18/16	455	The BMT is critical in serving the facility maintenance needs of the MCP. The facility HVAC system, fountain, hot water heater and other critical equipment must operate efficiently in order to have successful events, which generate revenue.
CED	1.00	0676	4700	14945	Production Technician	Charles McKeever deceased 04/19/17	04/19/17	64	The production technician is 100% funded from fee revenue. The production technician is responsible for all audi visual needs of clients. This is a highly specialized skill. We are currently using outside vendors during our low booking period. When the season picks up in the fall, a full time position will be necessary to serve the needs of the clients.
CLERK	1.00	0472	5120	05030	Admin Office Assistant I	Tonya Shockley rls from prob 01/13/17	01/13/17	160	No GF impact. ISF Mail Room Allocated. Position picks up mail and delivers to: City Hall, Centre Plaza, Corp Yard, Neighborhood Center at Marshall Park, Treatment Plant, Dryden, Muni, Cop Shop, MPD, Museum, Airport, Creekside and Senior Center. Provides coverage for other position due to illness and vacation, or when off-site to drop-off/pick-up locations throughout the City, including the post office
FIN	0.00	0261	0100	12110	Financial Analyst III	UF:Calogero Maniscalco promoted 05/17/16			This position was originally underfilled during the probationary period. Now the employee performs all essential functions of the position with minimal oversight and should be compensated at this level.
FIN	1.00	0263	0100	12110	Senior Financial Analyst	Gloria Garza resigned 04/25/17	04/25/17	58	This position handles the accounting of the City's $300 million investment portfolio and oversees the long-term debt payment/accounting/ continuing disclosure requirements. It is acritical position to ensure all debt obligations are met and to handle all of the audit requirements for the CFDs. The City's fiscal audit started in early May and critical deadlines will be approaching in early August. If these deadlines are not met, it could impact issuance of the City's audit report and the GFOA Certificate in Excellence for Financial Reporting program.

City of Modesto
Vacant Positions

Dept.	FTE	OPN	FUND#	CC#	Vacant Position	Status/Comments	Date of Vacancy	Days Open	Justification
FIN	1.00	0041	0100	12510	Purchasing Manager	Mark Averell resigned 02/19/16	02/19/16	484	This position is a critical management position. Duties include overseeing all procurement activities as required by the Modesto Municipal Code (MMC) and supervising two buyer positions. The Purchasing Manager has been held vacant since February 2016 while the City conducted a reengineering study of the division to determine best practices, improve efficiencies and to eliminate unnecessary assignments. While the consultant's report is still in draft stage, it is anticipated that the study will recommend hiring a Purchasing Manager. In the interim, the Acting Finance Director and the Buyer (acting out of her classification) have executed the duties of the Purchasing Manager. In addition, temporary help was used to assist in performing duties within the division. MMC 8-3.202 outlines the duties of the Purchasing Manager. The MMC requires the City to maintain a central purchasing system in which the Purchasing Manager oversees the contracting and purchasing of supplies, equipment, materials and contractual services, except for professional services. The Purchasing Manager ensures good and acceptable purchasing practices are followed throughout the City. This positon also ensures compliance with State laws and regulations with regard to procurement. Failure to fill this position has resulted in longer timelines to perform competitive procurement processes thus complicating department operations. It has also resulted in less day-to-day oversight of processes and certain backlogs.
MFD	1.00	0095	0100	18210	Fire Battalion Chief (Unrep)	Hugo Patino Jr retired (IDR) 04/14/17	04/14/17	69	The BC position is a critical position that is currently being filled by a Captain in the Acting BC role. The City is currently paying overtime to fill the Captain's position. Filling this position is essential and highly critical to ensure compliance with the requested GF reductions/vacancy holds that have been incorprated int the FY17/18 Budget.
PR&N	1.00	0066	0100	33030	Recreation Supervisor	Ashley Weaver promoted "out" 11/01/16	11/01/16	232	This position is vital to the daily oversight and operations within the Recreation Division as it is responsible for sports and aquatic programming, facility management, contract classes, and will assume increased responsibility in the area of neighborhood engagement. It is vital to department operations to ensure that the resulting vacancy is filled expeditiously. The current inability to fill this position results in an inefficient operational struxture and makes communications difficult due to span of control of existing management structure.
MPD	1.00	0898	0100	19320	Police Community Services Officer II	Stephany Valadez resigned 04/27/17	04/27/17	56	The position is being temporarily filled by a CSO previously assigned to Patrol/Telephone Reporting Unit. Filling this vacancy will allow the temporary employee to return to essenital public service duties in the other areas of the department
MPD	1.00	0413	0100	19420	Police Clerk II	Claudia Duarte ris fr prob 11/29/16	11/29/16	204	The position perform critical records management duties. Duties are currently performed though overtime and continued reliance on temporary staff resulting in inefficiencies and making the department susceptible to risk due to turnover of temp staff.
PW	1.00	0637	4480	53150	Equipment Operator	Emmanuel Schiling transferred out 02/21/17			Position in Street Sweeping and is vital to keeping sweeping operations on schedule. This position is currently being filled by someone from Green Waste, which is burdening that program. Without this position, trying to maintain current level of service could result in overtime. Even with that overtime, this labor that is being used for sweeping operations is not enough to maintain the normal service we provide to the community. The benefit of this position will result in more curb miles being swept and more loads of waste being removed from the streets. This has a direct impact on the city by reducing plugged storm drains that lead to flooding. By not filling this position, these hours will need to be made up by others on staff and from other departments in the form of overtime and will still impact our ability to serve the citizens of Modesto.
PW	1.00	1330	4540	53472	Administrative Services Technician II	New Allocation FY 15/16	06/30/15	713	This position coordinates the technology systems for the Avail system which tracks bus activity and relays that information to the public, and the Safety Vision video surveillance system on the board the buses. The Avail system also provides critical data required for route planning and FTA reporting. This position would be intimately involved with the technology, and be the liaison between all affected groups, generating cohesion and success with the technology. If this position was not filled, there is an increased risk of technology systems failure or the providing bad information to the public. This becomes increasingly critical as the City implements real-time bus location information to the public.

City of Modesto
Vacant Positions

Dept	FTE	OPN	FUND#	CC#	Vacant Position	Status/Comments	Date of Vacancy	Days Open	Justification
PW	1.00	0384	4891	56010	Administrative Services Technician II	Annette Byrne trans out 1/12/16	01/12/16	521	This position will be tasked with assisting with the overall technical data tracking and field research for AB 341 and AB 1826, the Mandatory Commercial Recycling Ordinance and the Mandatory Organics Recycling laws. The City has been put on a State compliance order due to our inability to complete collect all of the necessary information because of the shortage in staff and the increase in workload. It is crucial that we have a technical person who can help research and do field observations to collect and analyze this data, waste auditing, contacting businesses as needed, and evaluate the information necessary for the Recycling Coordinator and the Solid Waste Enforcement Officer to bring the business into compliance.This position would also assume some grant responsibilities: Researching the new grants, doing administrative tracking for the various grant databases, and writing grant reports. Additionally, the position assists the Solid Waste Manager with the budget, Council agenda reports, garbage rate reviews, administrative backup, and tracking all solid waste legislation to brief the Solid Waste Manager. This position would be responsible for analyzing building plans, approving and tracking the building permitting approvals for the garbage enclosures, communicating with the applicants, and maintaining the Cal Green program and forms per AB 1876. 4. This position would assist solid waste code enforcement with administrative and technical responsibilities to ensure compliance with related laws, codes, ordinances and legislation.
PW	1.00	0557	4890	56030	Equipment Mechanic	Charles Ross Middleton resigned 04/14/17	04/14/17	69	Since this position has been vacated, the Corportation Yard Shop has assumed duties for extremely high maintenance equipment which impairs ability of existing staff to service repairs at the Compost Site or to maintain their aging equipment. It alsi impacts workloads of existing staff at the Corportation Yard Shop. Without this position, Dtate mandated safety BIT inspections required every 90 days on all of our medium and heavy duty fleet vehicles could suffer and place the City at risk for liability. Fleet Services typically keeps up with day to day demand with little to no overtime. By not filling this position, these hours will need to be make up by others on staff in the form of overtime. A continued vacancy in this position may result in increased down time for equipment needing service and shorter service life of the equipment that we have, requiring earlier than anticipated replacement, adversely affecting the solvency of the replacement funds. Sending vehicle repairs to outside for-profit vendors to keep up with workload is a costly alternative that would be inevitable if the positon is not filled. The City would see increased economic benefits in equipment longevity, safety and compliance as well as reduced outsourcing costs by filling this vacancy.
UTIL	1.00	0140	1300	42010	Sr. Civil Engineer	Tamorah Bryant trans out 12/13/16	12/13/16	190	Professional staff required to meet Capital Project delivery schedules for regulatory compliance, advanced level position that directs all activities within the Engineering Division's work group and is responsible to ensuring that the City's capital improvement project work plan is implemented.
UTIL	1.00	0287	1300	42020	Administrative Analyst II	Natalie Nevitt resigned 04/13/17	04/13/17	70	This vacancy is an essential position in the Construction Administration performimg construction contract-related work functions, including change order processing, labor compliance reporting, data input and monitoring, and project closeouts
UTIL	1.00	0657	4210	44312	Utilities Plant Operator II	Gary McElhaney retired 06/07/17	06/07/17	16	State Certification required per Title 23, Division 3, SWRCB and Regional Water Quality Control Boards, Chapter 26 needed to perform the regulatory duties to ensure all water quality objectives are met.
UTIL	1.00	1248	4210	44312	Utilities Plant Operator II	Ryan Williams resigned 12/03/16	12/03/16	200	State Certification required per Title 23, Division 3, SWRCB and Regional Water Quality Control Boards, Chapter 26 needed to perform the regulatory duties to ensure all water quality objectives are met.
UTIL	1.00	1249	4210	44312	Utilities Plant Operator II	New Allocation FY14/15	07/01/14	1072	State Certification required per Title 23, Division 3, SWRCB and Regional Water Quality Control Boards, Chapter 26 needed to perform the regulatory duties to ensure all water quality objectives are met.
UTIL	1.00	0757	4210	44314	Maintenance Worker II	Nathan Holt resigned 06/08/17	06/08/17	15	Approved staffing plan required per Title 23, Division 3, Chapter 26 SWRCB Office of Operator Certification Regulations

City of Modesto
Vacant Positions

Dept.	FTE	OPN	FUND#	CC#	Vacant Position	Status/Comments	Date of Vacancy	Days Open	Justification
UTIL	1.00	0502	4100	45040	Senior Utilities Services Worker	Albert Coito Jr retired 07/10/17	07/10/17	-17	State certification required per Title 22, Division 4 of the California Code of Regulations, needed to perform the regulatory duties to ensure all water quality objectives are met.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-250

RESOLUTION DIRECTING THE CITY CLERK TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY OF MODESTO AT THE NEXT REGULAR MUNICIPAL ELECTION A CERTAIN MEASURE RELATING TO A PROPOSED ORDINANCE ALLOWING FOR THE IMPOSITION OF A CANNABIS BUSINESS TAX OF UP TO 10% ON GROSS RECEIPTS OF CANNABIS BUSINESSES WITHIN THE CITY OF MODESTO

WHEREAS, the City Council of the City of Modesto desires to place before the voters a ballot measure to enact an ordinance allowing the City Council to implement an excise tax on cannabis businesses within the City; and

WHEREAS, revenues from a cannabis business tax would go into the City's general fund and could be used for any legitimate government purpose; and

WHEREAS, the City of Modesto is committed to fiscal prudence, responsibility, and self-reliance; and

WHEREAS, pursuant to Elections Code Section 9222, the City Council may submit to the qualified voters of the City a proposition without a petition therefore, by ordinance or resolution; and

WHEREAS, the City Council desires to submit to the qualified voters of the City a measure asking whether to enact an ordinance allowing for the City Council to implement, by resolution, a cannabis business tax of up to 10% on gross receipts of all cannabis businesses within the City; and

WHEREAS, the City Council, pursuant to Resolution 2017-69, called for a general municipal election to be held on and consolidated with the November 7, 2017 general election and for the Stanislaus County Elections Department to conduct such

election on behalf of the City of Modesto and therefore the Council now desires to include this measure on the ballot at said election.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Pursuant to California Elections Code section 9222 and Section 2(b) of California Constitution Article XIIIC, the City Council of the City of Modesto proposes to and does hereby, by its own motion, submit to the qualified voters of the City of Modesto, a measure to amend the Modesto Municipal Code via ordinance, as set forth in **Attachment A** to this Resolution. The ordinance shall not take effect unless approved by a simple majority of voters voting on the measure at the November 7, 2017 election. The ordinance specifies that the rate of the cannabis business tax may be up to 10%, as set by City Council resolution, of the gross receipts of any cannabis business within the City. The City of Modesto shall collect the tax from cannabis businesses and place all revenues within the General Fund.

2. In the sample ballot/voter information pamphlet for the November 7, 2017 election shall be printed the full text of the ordinance, which is **attached** as **Exhibit A**, and included herein by reference.

3. On the ballot to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question:

MEASURE ___

Cannabis Business Tax Shall the City of Modesto adopt an ordinance establishing a cannabis business tax on all cannabis businesses within the City, up to 10% of gross receipts of each business, potentially generating approximately one million dollars or	Yes No	☐ ☐

more in revenues annually for general City services, including neighborhood safety, maintaining parks and recreation, and job creation, with all revenues remaining local, and which continues until repealed by the City Council or the voters?		

4. The City Council hereby orders the City Clerk to submit said measure to the voters at the General Election on November 7, 2017.

5. Pursuant to Elections Code section 12101 et seq., the City Clerk of the City of Modesto is hereby authorized to prepare all required notices related to the ballot measure and to publish such notices as required by law in *The Modesto Bee*, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

6. The Stanislaus County Elections Department is hereby authorized to canvass the returns of the Regular Municipal Election.

7. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Elections Department of the County of Stanislaus, and the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions. The Board of Supervisors is hereby requested to consolidate the election on the measure with the November 7, 2017 election.

8. The approval of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The excise tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a

government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060 review under CEQA is not required.

9. This Resolution must be approved by a two-thirds (2/3) vote of all members of the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Mayor Brandvold
NOES:	Councilmembers:	Ridenour, Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

CITY OF MODESTO
CITY COUNCIL
ORDINANCE NO. XX-2017

AN ORDINANCE AMENDING THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 11, "CANNABIS BUSINESS TAX" TO CHAPTER 2, "TAXATION" OF TITLE 8, "FINANCE, REVENUE AND TAXATION"

WHEREAS, in 1996 the California voters approved Proposition 215, "The Compassionate Use Act," which provides that qualified patients may obtain and use marijuana for medical purposes with a physician's recommendation and will not be subject to certain criminal penalties under state law; and

WHEREAS, in 2003, the state Legislature enacted Senate Bill 420, the "Medical Marijuana Program Act," as a supplement to The Compassionate Use Act, which allows cities to adopt and enforce rules consistent with the Medical Marijuana Program Act; and

WHEREAS, in 2015, the state Legislature enacted the Medical Marijuana Regulation and Safety Act, which creates a regulatory, permitting, and oversight structure for the medical marijuana industry at the state level but does not impede on land use and police powers of local governments; and

WHEREAS, the City Council of the City of Modesto desires to impose a tax on all cannabis businesses that may operate within Modesto if future land use regulations allow for such businesses; and

WHEREAS, California Constitution Article XIIIC, Section 2(b), provides that no local government may impose a general tax unless and until that tax is submitted to the electorate and approved by a majority votes; and

WHEREAS, the tax imposed by this Ordinance is an excise tax on the privilege of conducting business within the City and will only become effective if approved by a majority of the City' voters at the November 7, 2017 municipal election.

NOW, THEREFORE, the City Council of the City of Modesto does ordain as follows:

SECTION 1. Voter Approval. This Ordinance shall impose a general tax, as defined by Article XIIC, Section 1(a) of the California Constitution and Government Code section 53723, on cannabis businesses, and therefore must be approved by a majority of voters voting on the tax. Approval of this Ordinance is therefore subject to and conditioned upon the approval by the voters of the imposition of the general tax imposed by this Ordinance. This Ordinance shall not take effect if a majority of the voters voting in the election on this Ordinance do not vote in favor of it.

SECTION 2. Amendment of Code. Article 11, "CANNABIS BUSINESS TAX," of Chapter 2, "Taxation" of Title 8, "Finance, Revenue and Taxation" of the Modesto Municipal Code is added to read as follows:

Article 11

CANNABIS BUSINESS TAX

Sections:

8-2.1101 Purpose of article.

8-2.1102 Tax imposed.

8-2.1103 Definitions.

8-2.1104 Other licenses, permits, taxes, fees or charges.

8-2.1105 Payment of tax does not authorize unlawful business.

8-2.1106 Registration with tax administrator.

8-2.1107 Payment – Location.

8-2.1108 Amount of business tax owed.

8-2.1109 Payment – Time limits.

8-2.1110 Payments and communications made by mail – Proof of timely submittal.

8-2.1111 Payment – When taxes deemed delinquent.

8-2.1112 Notice not required by City.

8-2.1113 Payment – Penalty for delinquency.

8-2.1114 Waiver of penalties.

8-2.1115 Refunds – Credits.

8-2.1116 Refunds and procedures.

8-2.1117 Exemptions – Application – Issuance conditions.

8-2.1118 Exemptions – General.

8-2.1119 Enforcement – Duties of tax administrator and police chief.

8-2.1120 Rules and regulations.

8-2.1121 Apportionment.

8-2.1122 Audit and examination of records and equipment.

8-2.1123 Tax deemed debt to City.

8-2.1124 Lien – Recordation.

8-2.1125 Warrant for collection of tax.

8-2.1126 Seizure and sale.

8-2.1127 Successor's and assignee's responsibility.

8-2.1128 Deficiency determinations.

8-2.1129 Tax assessment – authorized when – nonpayment – fraud.

8-2.1130 Tax assessment – notice requirements.

8-2.1131 Tax assessment – hearing – application and determination.

8-2.1132 Tax assessment – appeal.

8-2.1133 Conviction for article violation – taxes not waived.

8-2.1134 Violation deemed misdemeanor – penalty.

8-2.1135 Effect of state and federal reference/authorization.

8-2.1136 Remedies cumulative.

8-2.1137 Amendment or repeal.

8-2.1101 Purpose of article.

This article shall be known as the "cannabis business tax" and is enacted solely to raise revenue for the general governmental purposes of the City. All of the proceeds from the tax imposed by this article shall be placed in the City's general fund and used for the usual current expenses of the City. The cannabis business tax under the provisions of this article is not a sales or use tax and shall not be calculated or assessed as such. The cannabis business tax shall not be separately identified or otherwise specifically assessed or charged to any member, customer, patient, or caretaker.

8-2.1102 Tax imposed.

There is established and imposed a cannabis business tax on every such business operating in the City at the rate set forth in this article.

8-2.1103 Definitions.

The definitions set forth in this section shall govern the application and interpretation of this Article 11.

(A) "Business" shall include all activities engaged in or caused to be engaged in within the City, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

(B) "Employee" means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, or commission .

(C) "Engaged in business" means the commencing, conducting, operating, managing or carrying on of a cannabis business and the exercise of corporate or franchise powers, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities. A person shall be deemed engaged in business within the City if:

(1) Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;

(2) Such person or person's employee owns or leases real property within the City for business purposes;

(3) Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;

(4) Such person or person's employee regularly conducts solicitation of business within the City;

(5) Such person or person's employee performs work or renders services in the City on a regular and continuous basis;

(6) Such person or person's employee utilizes the streets within the City in connection with the operation of motor vehicles for business purposes.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business."

(D) "Evidence of doing business" means whenever any person shall, by use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, represent that such person is engaged in cannabis business in the City, then these facts may be used as evidence that such person is engaged in business in the City.

(E) "Fraud" means any intentional deception, misrepresentation and/or intentional non-payment of taxes to the City.

(F) "Gross receipts," except as otherwise specifically provided, means the total amount actually received or receivable from all sales from the cannabis business, including membership dues and fees; the total amount or compensation actually received or receivable for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, memberships, wares or merchandise; discounts, rents, royalties, fees, commissions, dividends, and gains realized from trading in stocks or bonds, however designated. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever, except that the following shall be excluded therefrom:

(1) Cash discounts allowed and taken on sales;

(2) Credit allowed on property accepted as part of the purchase price and which property may later be sold, at which time the sales price shall be included as gross receipts;

(3) Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

(4) Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

(5) Receipts from investments where the holder of the investment receives only interest and/or dividends, royalties, annuities and gains from the sale or exchange of stock or securities solely for a person's own account, not derived in the ordinary course of a business;

(6) Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;

(7) Cash value of sales, trades or transactions between departments or units of the same business;

(8) Transactions between a partnership and its partners;

(9) Receipts from services or sales in transactions between affiliated corporations. An affiliated corporation is a corporation:

(a) The voting and nonvoting stock of which is owned at least eighty percent by such other corporation with which such transaction is had; or

(b) Which owns at least eighty percent of the voting and nonvoting stock of such other corporation; or

(c) At least eighty percent of the voting and nonvoting stock of which is owned by a common parent corporation which also has such ownership of the corporation with which such transaction is had;

(10) Transactions between a limited liability company and its member(s), provided the limited liability company has elected to file as a Subchapter K entity under the Internal Revenue Code and that such transaction(s) shall be treated the same as between a partnership and its partner(s) as specified in subsection (E)(9);

(11) Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business, shall not be excluded when in excess of one dollar;

(12) Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the finance department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.

"Gross receipts" subject to the cannabis business tax shall be that portion of gross receipts relating to business conducted within the City.

(G) "Cannabis" means all parts of the plant Cannabis sativa L., Cannabis indica, and Cannabis ruderalis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant, whether crude or purified; and every compound, manufacture, oil, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including food products containing cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and Section 19300.5 of the California Business and Professions Code.

(H) "Cannabis business" means any business activity which entails the distribution, delivery, dispensing, exchanging, bartering or sale of either medical or non-medical cannabis, including but not limited to, cultivating, planting, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, labeling, storing, packaging, wholesale, testing, and/or retail sales of cannabis, products including cannabis, and any ancillary products in the City, whether or not carried on for gain or profit and specifically excludes legal personal cultivation activities allowed under State law and City ordinances.

(I) "Cannabis business tax," "business tax," or "cannabis tax" means the tax due for engaging in cannabis business in the City pursuant to this article.

(J) "Medical Cannabis" means cannabis authorized in strict compliance with Health & Safety Code Sections 11362.5, 11362.7 et seq., as such sections may be amended from time to time.

(K) "Non-medical cannabis" means cannabis authorized in strict compliance with any state law pertaining to cannabis that is not medical cannabis.

(L) "Person" means, without limitation, any natural individual, organization, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and nonprofit), cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.

(M) "Operator" shall mean any person conducting, operating, or maintaining in whole or in part as principal, agent, officer, employee or independent contractor, any cannabis business or medical marijuana business as defined in this chapter, taxable under this article.

(N) "Sale" means and includes any sale, exchange, or barter.

(O) "Tax administrator" or "administrator" means the Director of Finance or such other administrator designated by the City manager to administer this article.

8-2.1104 Other licenses, permits, taxes, fees or charges.

Nothing contained in this article shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any license or permit required by, under or by virtue of any provision of any other title or chapter of this code or any other ordinance or resolution of the City or under any applicable state or federal law, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or chapter of this code or any other ordinance or resolution of the City.

8-2.1105 Payment of tax does not authorize unlawful business.

(A) The payment of a business tax required by this article, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this code and all other applicable laws, nor to carry on any cannabis business in any building or on any premises in the event that such building or premises are situated in a zone or locality in which the conduct of such cannabis business is in violation of any law.

(B) No taxes paid under the provisions of this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any ordinance of the City.

8-2.1106 Registration with tax administrator.

(A) Each operator of any cannabis business operating in the City shall register the business with the tax administrator and obtain from him or her a cannabis business tax license prior to the commencement of any business operations, which shall be at all times posted in a conspicuous place on the premises.

(B) The license shall, among other things, state the following:

1. The name of the business;

2. The address of the business;

3. The date upon which the license shall expire.

8-2.1107 Payment – location.

The tax imposed under this article shall be paid to the administrator in lawful money of the United States at the offices of the Director of Finance in Modesto, California. "Lawful money" shall mean any coin, currency or negotiable instrument, exchangeable for said coin or currency, which the United States Congress or State of California has declared to be a national legal tender. The City may impose a fee for processing the negotiable instrument.

8-2.1108 Amount of business tax owed.

(A) Every person engaged in cannabis business in the City shall pay, for the privilege of operating a cannabis business in the City, a business tax at a rate of up to ten percent (10%) of gross receipts. The tax under this article shall not be imposed on cannabis businesses unless and until the City Council, by resolution, takes action to set a tax rate not to exceed ten percent (10%) of gross receipts.

(B) Notwithstanding the maximum tax rate of ten percent (10%) of gross receipts established under subsection (A), the City Council may, in its discretion, at any time by resolution, implement a lower tax rate for all cannabis businesses or establish differing tax rates for different categories of cannabis businesses, as defined in such resolution, subject to the maximum rate of ten (10%) percent of gross receipts. The City Council

may, by resolution, also increase any such tax rate from time to time, not to exceed the maximum tax rate of ten percent (10%) of gross receipts established under subsection (A).

(C) In establishing different tax rates for different categories of cannabis businesses pursuant to subsection (B), the City Council may enact a rate using a basis other than gross receipts. By way of example only and without imposing any limitation on the basis of the tax rate for a category of cannabis business, the rate may be based upon the square footage of the building used by or number of employees of a cannabis business. If the City Council establishes a tax rate for a cannabis business on a basis other than gross receipts, in no event shall that tax paid by a cannabis business in that category exceed ten percent (10%) of the business's gross receipts.

8-2.1109 Payment – time limits.

The business tax imposed by this article shall be due and payable as follows:

(A) Each person owing a tax under this article shall, on or before the fifteenth (15^{th}) day of the close of the calendar month in which the tax is due, or at the close of any reporting period which may be established by the tax administrator, prepare a tax statement to the administrator of the total gross receipts and the amount of tax owed for the preceding calendar month. At the time the tax statement is filed, the full amount of the tax owed for the preceding calendar month shall be remitted to the administrator. A tax statement is due following each calendar month, even if there are no taxes due.

(B) All tax statements shall be completed on forms provided by the administrator.

(C) Tax statements and payments for all outstanding taxes owed to the City are immediately due to the administrator upon cessation of business for any reason.

(D) The administrator may establish longer reporting periods for any licensee if the administrator deems it necessary in order to insure collection of the tax and the administrator may require further information in the tax statement.

8-2.1110 Payments and communications made by mail – proof of timely submittal.

Whenever any payment, statement, report, request or other communication received by the administrator is received after the time prescribed by this chapter for the receipt thereof, but is in an envelope bearing a postmark showing that it was mailed on or prior to the date prescribed in this article for the receipt thereof, or whenever the administrator is furnished substantial proof that the payment, statement, report, request or other communication was in fact deposited in the United States mail on or prior to the date prescribed for receipt thereof, the administrator may regard such payment, statement, report, request or other communication as having been timely received. If the due date falls on Saturday, Sunday or a holiday, the due date shall be the next regular business day on which the City Hall building at 1010 10th Street, Modesto, CA 95353 is open. Any payment or correspondence sent via electronic communication will be deemed received upon receipt by the City.

8-2.1111 Payment – when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this article, the taxes required to be paid pursuant to this article shall be deemed delinquent if not paid on or before the due date specified in Section 8-2.1109.

8-2.1112 Notice not required by City.

The administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this article, and failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this article.

8-2.1113 Payment – penalty for delinquency.

(A) Any person who fails or refuses to pay any business tax required to be paid pursuant to this article on or before the due date shall pay penalties and interest as follows:

(1) A penalty equal to twenty-five percent (25%) of the amount of the tax in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax; and

(2) An additional penalty equal to twenty-five percent (25%) of the amount of the tax if the tax remains unpaid for a period exceeding one calendar month beyond the due date, plus interest on the unpaid tax and on the unpaid penalties.

(3) In addition to the penalties imposed, any person who fails to remit any tax imposed by this article shall pay interest at the rate of one and one-half percent (1.5%) per month or fraction thereof on the amount of tax, exclusive of penalties, from the last day of the month following the monthly period for which the amount or any portion thereof should have been paid until the date of payment.

(4) Full payment of the tax owed is to be made to the City, except in cases where an alternate payment agreement is reached with the administrator.

(5) The penalties stated herein are cumulative and may be imposed singularly and/or in addition to other legal remedies for nonpayment available to the City.

(B) Whenever a check is submitted in payment of a business tax and the check is subsequently returned unpaid by the bank upon which the check is drawn, and the check is not redeemed prior to the due date, the taxpayer will be liable for the tax amount due plus the return check fee; penalties and interest as provided for in this section; and any amount allowed under state law.

(C) The cannabis business tax due shall be that amount due and payable from the first date on which the person was engaged in cannabis business in the City, together with applicable penalties and interest calculated in accordance with subsection (A).

(D) Any person whose cannabis business tax is delinquent by at least sixty calendar days may be subject to revocation of a City use permit or other City permit associated with the subject cannabis business.

8-2.1114 Waiver of penalties.

The administrator may waive the first and second penalties imposed upon any person if:

(A) The person provides evidence satisfactory to the administrator that failure to pay timely was due to circumstances beyond the control of the person and occurred,

notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent business tax and accrued interest owed the City prior to applying to the administrator for a waiver.

(B) The waiver provisions specified in this subsection shall not apply to interest accrued on the delinquent tax and a waiver shall be granted only once during any twenty-four-month period.

(C) A request for relief from the first and second penalties must be filed in writing within thirty days of the date the remittance was due to the City, but no later than ten (10) days of the City's notice to the operator of the delinquent remittance.

8-2.1115 Refunds – credits.

(A) No refund shall be made of any tax collected pursuant to this article, except as provided in Section 8-2.1116.

(B) No refund of any tax collected pursuant to this article shall be made because of the discontinuation, dissolution or other termination of a business.

(C) Any person entitled to a refund of taxes paid pursuant to this article may elect in writing to have such refund applied as a credit against such person's business taxes for the next calendar month.

8-2.1116 Refunds and procedures.

(A) Whenever the amount of any business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City under this article, it may be refunded to the claimant who paid the tax; provided, that a written claim for refund is filed with the administrator within one year of the date the tax was originally due and payable.

(B) The administrator or the administrator's authorized agent shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall

be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the administrator to do so.

(C) In the event that the business tax was erroneously paid and the error is attributable to the City, the entire amount of the tax erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, the City shall retain an amount from the refund reasonably calculated to cover expenses in verifying the error.

8-2.1117 Exemptions – application – issuance conditions.

Any person desiring to claim exemption from the payment of the tax set forth in this article shall make application upon forms prescribed by the administrator and shall furnish such information and make such affidavits as may be required by the administrator.

8-2.1118 Exemptions – general.

Except as may be otherwise specifically provided in this article, the terms hereof shall not be deemed or construed to apply to any person when imposition of the tax upon that person would violate the Constitution of the United States or that of the state of California or preemptive federal or state law.

8-2.1119 Enforcement – duties of tax administrator and police chief.

It shall be the duty of the administrator to enforce each and all of the provisions of this article, and the police chief shall render such assistance in the enforcement of this article as may from time to time be required by the administrator.

8-2.1120 Rules and regulations.

For purposes of apportionment as may be required by law and for purposes of administration and enforcement of this article generally, the administrator, with the concurrence of the City attorney, may from time to time promulgate administrative rules and regulations.

8-2.1121 Apportionment.

(A) None of the tax provided for by this article shall be applied so as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States or the state of California.

(B) If any case where a business tax is believed by a taxpayer to place an undue burden upon interstate commerce or be violative of such constitutional clauses, the taxpayer may apply to the administrator for an adjustment of the tax. It shall be the taxpayer's obligation to request in writing for an adjustment within one year after the date of payment of the tax. If the taxpayer does not request in writing within one year from the date of payment, then taxpayer shall be conclusively deemed to have waived any adjustment for that year and all prior years.

(C) The taxpayer shall, by sworn statement and supporting testimony, show the method of business and the gross volume of business and such other information as the administrator may deem necessary in order to determine the extent, if any, of such undue burden or violation. The administrator shall then conduct an investigation, and shall fix as the tax for the taxpayer an amount that is reasonable and nondiscriminatory, or if the tax has already been paid, shall order a refund of the amount over and above the tax so fixed. In fixing the tax to be charged, the administrator shall have the power to base the tax upon a percentage of gross receipts or any other measure which will assure that the tax assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the tax as prescribed by this article.

(D) Should the administrator determine that the gross receipt measure of tax to be the proper basis, the administrator may require the taxpayer to submit a sworn statement of the gross receipts and pay the amount of tax as determined by the administrator.

8-2.1122 Audit and examination of records and equipment.

(A) The administrator shall have the power to audit and examine all books and records of persons engaged in cannabis business including both state and federal income tax returns, California sales tax returns, or other evidence documenting the gross receipts of persons engaged in cannabis business, and, where necessary, all equipment of any person engaged in cannabis business in the City for the purpose of ascertaining the amount of

business tax, if any, required to be paid by the provisions hereof, and for the purpose of verifying any statements or any item thereof when filed by any person pursuant to the provisions of this article. If such person, after written demand by the administrator, refuses to make available for audit, examination or verification such books, records or equipment as the administrator requests, the administrator may, after full consideration of all information within his or her knowledge concerning the cannabis business and activities of the person so refusing, make an assessment in the manner provided in Sections 8-2.1126 through 8-2.1128 of any taxes estimated to be due.

(B) It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this article to keep and preserve, for a period of at least four years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the administrator shall have the right to inspect at all reasonable times.

(C) The City may recoup the costs, expenses, and fees associated with any audit, including, but not limited to, investigation costs, audit expenses, internal staff costs, administrative overhead, third-party contractor costs and fees, and attorneys' fees.

8-2.1123 Tax deemed debt to City.

The amount of any tax, penalties and interest imposed by the provisions of this article shall be deemed a debt to the City and any person carrying on any cannabis business without first having paid such tax shall be jointly and severally liable to the City in an action in the name of the City in any court of competent jurisdiction for the amount of the applicable tax, penalties and interest imposed on such business and for attorneys' fees in the enforcement of this article. The City may collect amounts owed through any legal means, such as special assessments, real property liens, personal property liens, attachments, charging orders, garnishments,Franchise Tax Board Intercepts, and seizures of business property.

8-2.1124 Lien – recordation.

If any amount required to be paid to the City under the ordinance codified in this article is not paid when due, the administrator, upon expiration of the second delinquency period referenced in Section 8-2.1113(A)(2), may, within four years after the amount is due, record in the office(s) of the county recorder(s) of any county in the state of California a certificate specifying the amount of tax, penalties and interest due, the name and address of the operator liable for the same and the fact that the administrator has complied with all provisions of this article in the determination of the amount required to be paid. From the time of the recording, the amount required to be paid together with penalties and interest shall constitute a lien upon any and all real property in any county owned by the operator or thereafter acquired by the operator. The lien shall have the force, effect and priority of a judgment lien and shall continue for ten (10) years from the time of filing of the certificate unless sooner released or otherwise discharged.

8-2.1125 Warrant for collection of tax.

At any time within four years after any operator is delinquent in the payment of any amount herein required to be paid off after the last recording of a certificate of lien under Section 8-2.1124, the administrator may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the City under this article. The warrant shall be directed to any sheriff, qualified law enforcement officer, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution. The administrator may pay or advance to the sheriff, law enforcement officer, marshal or constable the same fees, commissions and expenses for his or her services as are provided by law for similar services pursuant to a writ of execution.

8-2.1126 Seizure and sale.

At any time within four years after any operator is delinquent in the payment of any amount, the administrator may forthwith collect the amount in the following manner: The administrator shall seize any property, real or personal, of the operator and sell the property, or a sufficient part of it, at public auction to pay the amount due together with

any penalties and interest imposed for the delinquency and any costs incurred on account of the seizure and sale. Any seizure made to collect taxes due shall be only of property of the operator not exempt from execution under the provisions of the California Code of Civil Procedure.

8-2.1127 Successor's and assignee's responsibility.

If any operator, while liable for any amount under this article, sells, assigns or otherwise transfers the business, whether voluntarily or involuntarily, the operator's subsequent successor, assign or other transferee, or other person or entity obtaining ownership or control of the business, shall satisfy any tax liability owed to the City associated with the business. Failure to do so for the benefit of the City will result in the successor being personally liable to the City for the full amount of the tax liability, which includes interest and penalties.

The successor operator, assign, purchaser, transferee, or other person or entity seeking to obtain ownership or control of the business shall notify the administrator of the date of transfer at least thirty days prior to the transfer date; or if the agreement to sell, transfer, or otherwise dispose of the business was made less than thirty days prior to the date of transfer, notice shall be provided immediately.

The successor operator, assign, purchaser, transferee, or other person or entity who obtains ownership or control of the business shall be deemed to have complied with the requirement of this section to satisfy the unpaid tax liability if that person or entity complies with the requirements of California Revenue and Taxation Code Section 7283.5 by withholding from the purchase price an amount sufficient to cover the tax liability, or by otherwise paying the tax liability until the administrator provides a "Tax Clearance Certificate" showing that it has been paid and stating that no amount is due through the date of transfer.

The administrator, within ninety days of receiving a written request from a successor operator, assign, purchaser, transferee, or other person or entity who obtains or attempts to obtain ownership or control of the business, may issue a "Tax Clearance Certificate" stating either the amount of tax liability due and owing for the business, or stating that there is no tax liability due and owing for the business. The administrator may also

request financial records from the current or former owner or operator to conduct an audit of the tax that may be due and owing. After completing the audit within ninety days after the date that the records were made available, the administrator may issue a tax clearance certificate within thirty days of completing the audit, stating the amount of the tax liability owed, if any. If the City determines that the records provided for an audit are insufficient, the administrator may rely on the facts and information available to estimate any tax liability associated with the property. The administrator may issue a tax clearance certificate stating the amount of the tax liability, if any, based on such facts and information available. A written application for a hearing on the amount assessed on the tax clearance certificate must be made within ten (10) days after the serving or mailing of the certificate. The hearing provision of Section 8-2.1131 shall apply. If an application for a hearing is not made within the time prescribed, the tax clearance certificate shall serve as conclusive evidence of the tax liability associated with the property as of the date specified on the certificate.

8-2.1128 Deficiency determinations.

If the administrator is not satisfied that any statement filed as required under the provisions of this article is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Sections 8-2.1129 through 8-2.1131.

8-2.1129 Tax assessment – authorized when – nonpayment – fraud.

(A) Under any of the following circumstances, the administrator may make and give notice of an assessment of the amount of tax owed by a person under this article at any time:

(1) If the person has not filed any statement required under the provisions of this article;

(2) If the person has not paid any tax due under the provisions of this article;

(3) If the person has not, after demand by the administrator, filed a corrected statement, or furnished to the administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this article; or

(4) If the administrator determines that the nonpayment of any business tax due under this article is due to fraud, a penalty of forty percent of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this article.

(B) The notice of assessment shall separately set forth the amount of any tax known by the administrator to be due or estimated by the administrator, after consideration of all information within the administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this article, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

8-2.1130 Tax assessment – notice requirements.

The notice of assessment shall be served upon the person either by handing it to him or her personally, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the administrator for the purpose of receiving notices provided under this article; or, should the person have no address registered with the administrator for such purpose, then to such person's last known

address. For the purposes of this section, a service by mail is complete at the time of deposit in the United States mail.

8-2.1131 Tax assessment – hearing – application and determination.

Within ten (10) days after the date of service, the person may apply in writing to the administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the administrator shall become final and conclusive. Within thirty days of the receipt of any such application for hearing, the administrator shall cause the matter to be set for hearing before him or her not later than thirty-five days after the receipt of the application, unless a later date is agreed to by the administrator and the person requesting the hearing. Notice of such hearing shall be given by the administrator to the person requesting such hearing not later than five days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the administrator should not be confirmed and fixed as the tax due. After such hearing the administrator shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 8-2.1130 for giving notice of assessment. The amount determined to be due shall be payable after fifteen days unless appealed.

8-2.1132 Tax assessment – appeal.

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, penalties, or any amount determined to be owed, may appeal the decision in accordance with the procedure established by Chapter 4 of Title 1 of this Code.

8-2.1133 Conviction for article violation – taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this article or of any state law requiring the payment of all taxes.

8-2.1134 Violation deemed misdemeanor – penalty.

Any person violating any of the provisions of this article, or any regulation or rule passed in accordance herewith, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.

8-2.1135 Effect of state and federal reference/authorization.

(A) Unless specifically provided otherwise, any reference to a state or federal statute in this article shall mean such statute as it may be amended from time to time; provided, that such reference to a statute herein shall not include any amendment thereto, or to any change of interpretation thereto by a state or federal agency or court of law, with the duty to interpret such law, to the extent that such amendment or change of interpretation would, under California law, require voter approval of such amendment or interpretation, or to the extent that such change would result in a tax decrease. To the extent voter approval would otherwise be required or a tax decrease would result, the prior version of the statute, or interpretation thereof, shall remain applicable; for any application or situation that would not require voter approval or result in a decrease of a tax, provisions of the amended statute, or new interpretation thereof, shall be applicable to the maximum possible extent.

(B) To the extent that the City's authorization to collect or impose any tax imposed under this article is expanded as a result of changes in state or federal law, no amendment or modification of this article shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the authorization up to the full amount of the tax imposed under this article.

8-2.1136 Remedies cumulative.

All remedies and penalties prescribed by this article or which are available under any other provision of law or equity, including but not limited to the California False Claims Act (Government Code Section 12650 et seq.) and the California Unfair Practices Act (Business and Professions Code Section 17070 et seq.), are cumulative. The use of one or

more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this article.

8-2.1137 Amendment or repeal.

This article of the Modesto Municipal Code may be repealed or amended by the City Council without a vote of the people. However, as required by Chapter XIIIC of the California Constitution and Government Code section 53750(h), voter approval is required for any amendment provision that would increase the rate of any tax levied pursuant to this article beyond the maximum amount of ten percent (10%) of a cannabis business's gross receipts or revise the methodology by which the tax is calculated, if the revision would result in an increased tax being levied on any cannabis business. The people of the City of Modesto affirm that the following actions shall not constitute an increase of the rate of a tax:

(A) The restoration of the rate of the tax to a rate that is no higher than the maximum ten percent (10%) tax rate set by this article, if the City Council has previously acted to reduce the rate of the tax;

(B) The City Council's adoption of an resolution, as authorized by Section 8-2.1108(A), to raise the tax rate provided the tax rate is not raised to a rate higher than ten percent (10%) of a cannabis business's gross receipts;

(C) An action that interprets or clarifies the methodology of calculating the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this article;

(D) The establishment of a class of persons that is exempt or excepted from the tax or the discontinuation of any such exemption or exception (other than the discontinuation of an exemption or exception specifically set forth in this article); or

(E) The collection of the tax imposed by this article, even if the City had, for some period of time, failed to collect the tax.

SECTION 3. CEQA.

The approval of this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The Cannabis Business Tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the City would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analysis is not required.

SECTION 4. Severability.

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article. The City Council hereby declares that it would have passed the ordinance codified in this Article, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Article would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date.

The City Clerk shall certify the adoption of this Ordinance, and the City Clerk shall cause this Ordinance or a summary thereof to be published as required by law. If this Ordinance is approved by a majority of the voters as set forth in Section 1 of this Ordinance, it shall take effect immediately upon certification of the election results by the City Council.

APPROVED by the following vote of the People of the City of Modesto at the November 8, 2016 election: _____ % voting in favor; and

ADOPTED this ___ day of _____ 2017 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

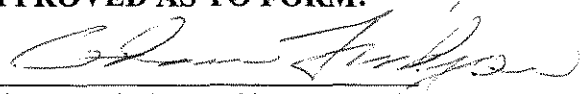
APPROVED:

_____
Ted Brandvold, Mayor

ATTEST:

_____
Stephanie Lopez, City Clerk

APPROVED AS TO FORM:



Adam U. Lindgren, City Attorney

350.1007 2810837.9

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the ? day of ?, 2017, Councilmember ? moved its final adoption, which motion being duly seconded by Councilmember ?, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED: _____
TED BRANDVOLD, Mayor

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

Effective Date: _____, 2017

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-251

Print

RESOLUTION DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THE BALLOT MEASURE ENTITLED "CANNABIS BUSINESS TAX" TO THE CITY ATTORNEY FOR THE PURPOSE OF PREPARING AN IMPARTIAL ANALYSIS OF SAID MEASURE

WHEREAS, the Modesto City Council had directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 7, 2017, a ballot measure requesting the enactment of an ordinance allowing the City Council to implement a cannabis business tax of up to 10% on gross receipts of cannabis businesses entitled "Cannabis Business Tax."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the City Clerk of the City of Modesto is hereby directed pursuant to California Elections Code Section 9280 to transmit a copy of said measure to the City Attorney, who is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Mayor Brandvold
NOES:	Councilmembers:	Ridenour, Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-252

RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNATED MEMBER OF THE CITY COUNCIL, TO FILE WRITTEN ARGUMENTS IN FAVOR OF OR IN OPPOSITION TO THE BALLOT MEASURE ENTITLED "CANNABIS BUSINESS TAX"

WHEREAS, the Modesto City Council had directed the City Clerk to submit to the voters at the next regular municipal election to be held on November 7, 2017, a ballot measure requesting the approval of an ordinance allowing the City to implement an excise tax of up to 10% on gross receipts of cannabis businesses within the City, which is entitled "Cannabis Business Tax."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the City Clerk of the City of Modesto is hereby directed pursuant to California Elections Code Section 9282 and 9827, [the Mayor or his designated City Council Member] is hereby authorized to prepare and file written arguments in favor of the proposed measure, not to exceed 300 words each, on behalf of the City Council. At the Mayor's discretion, the argument may be signed by up to five representatives of bona fide associations or individual voters who are eligible to vote. In the event that an argument is filed against the measure, [the Mayor or his designated City Council Member] is also authorized to prepare and file a rebuttal argument on behalf of the City Council, which may be signed up to five representatives of bona fide associations or individual voters who are eligible to vote.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Mayor Brandvold
NOES:	Councilmembers:	Ridenour, Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-253

Print

RESOLUTION APPROVING THE MAYOR'S FINAL BUDGET MODIFICATIONS, BUDGET PRINCIPLES, AND FINANCIAL POLICIES AS OUTLINED IN THE MAYOR'S FINAL BUDGET MODIFICATION MESSAGE FOR FISCAL YEAR 2017-2018

WHEREAS, as part of the City of Modesto's Final Proposed Budget for FY 2017-2018, the Mayor included his Final Budget Modifications and Budget Principles for the Council's consideration, and

WHEREAS, each year the City Council's Effective Government Committee makes recommendations regarding the upcoming Fiscal Year Operating Budget and Capital Improvement Program, and

WHEREAS, in the development of the FY 2017-2018 Operating Budget, the Effective Government Committee reviewed and recommended for City Council consideration the **attached** Proposed Budget, Budget Principles, and Financial Policies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Final Proposed Budget inclusive of the Mayor's Final Budget Modifications, the Budget Principles, and Financial Policies as shown in **Attachments 5 and 6** and **Exhibit 5**, which are incorporated by reference herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Kenoyer
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF
MODESTO
CALIFORNIA

Mayor's Final Budget Modifications

May 31, 2017

As Mayor, I have the duty to prepare and deliver to the City Council the Mayor's Final Budget Modifications for the draft budget under Modesto City Charter Section 1303.

Under our City Charter, the Mayor has specific duties related to the budget such as this message.

This year, Acting City Manager Joe Lopez and I undertook a more collaborative approach to creating the new draft budget. Like past years, City departments made their budget requests for the upcoming fiscal year. I requested that each City department present their proposed budgets along with three levels of innovative cost saving reductions. Each department was to plan for 5%, 10%, and 15% reductions. I made it clear to each City Department that the costs savings were not an effort to reduce City staffing levels, but rather an attempt to eliminate waste and increase efficiencies.

This planning for significant reductions was important due to the severe effect on the City budget we will start seeing next year with much larger contributions from the City to the State of California's pension system that our City retirees and employees are a part of.

I would like to thank the City staff for their efforts. Each department's proposal was reviewed by the Acting City Manager and me. Tough choices were made and I thank the Acting City Manager for his thoroughness in reviewing the many departmental budget proposals as well as their cost savings proposals.

The Acting City Manager and I agreed on the adjustments included in the draft budget. While there was some "one time" money included in this year's budget we were able to produce a balanced budget without reducing current staffing levels.

This year, most City Councilmembers were able to attend, and participate in, the budget hearings. Consequently, the draft budget being presented to the City Council can largely be called a collaborative effort.

Because we had an improved budget process, I feel no need to provide modifications to this year's proposed budget before it is presented to the City Council.

While our City budget process improved from last year, our budget reality is entering rough waters. This year's budget process required us to close a $17,000,000.00 deficit between expected revenues and budget requests – without seeing the full effect of the increased monies we will have to send to Sacramento to pay for pensions. Difficult budget years are on the horizon. The City will have very little discretionary money in upcoming years.

One disappointment I would like to express is the slow implementation of the recommendations made by the 100-Day Committee and embraced by the City Council. We need to speed up the assessment and implementation of these measures. Business as usual in City government is no longer enough.

As Mayor, my continuing goal is to re-prioritize our City budget in order to supplement public safety resources without tax increases. Tax increases should be a last resort.

I am always open to better ideas on how to achieve our goals and will always be happy to receive any input from you: the City Councilmembers entrusted by the citizens and taxpayers with these important decisions. Of course, I welcome additional input from City staff, members of the 100-Day Committee, and any other concerned citizen, taxpayer, or group in our community.

While it will be difficult, I remain confident that by working together, the City Council, our Acting City Manager, all City employees, the 100-Day Committee and all concerned citizens and taxpayers we can achieve long-term financial sustainability of our City for our taxpayers and for City operations.

With respect,

Ted Brandvold, Mayor
City of Modesto

Recommended Budget Principles

1. Annually Adopt a Structurally Balanced Budget
A structurally balance budget means on-going revenues and on-going expenditures are in balance with on-going revenues meeting or exceeding expenditures during the same time period. If a structural imbalance occurs, a plan must be developed and implemented to bring the budget back into balance.

2. Use of One-Time Resources
Once brought into balance, one-time revenues (excess reserves about reasonable risk calculations, revenue spikes, prior year budget savings, sale of property, etc) shall not be used for current or new on-going operating costs. Examples of appropriate uses of one-time revenues include early retirement of debt, capital expenditures without significant operating or maintenance costs, and other non-reoccurring expenditures.

3. Budget Revisions
New programs, services, or staffing requests are considered in light of the Council's priorities and shall include a spending offset at the time of the request so that the request has a net-zero impact on the budget.

4. Reserves
All City funds must maintain an adequate reserve level and/or ending fund balance as determined annually as appropriate for each fund. For the General Fund, the contingency reserve amount, which is a flat $7 million, shall be maintained. Any use of the General Fund contingency reserve will require a majority vote of the Council.

5. Debt Issuance
Long-term General Fund debt will not be incurred to support on-going operating costs (other than debt service) unless such issuance achieves net operating cost savings and such savings can be independently verified. All General Fund debt issuances shall identify a method of repayment or have a dedicated revenue source.

6. Employee Compensation
Recognizing that employees are the City's major resource, negotiations for employee compensation shall focus on the total compensation costs (e.g. increases in salary, steps, and benefit costs) while considering the City's fiscal condition, revenue growth, and changes in the cost of living.

7. Capital Improvement Projects
Capital Improvement Projects shall not proceed for projects with annual operating and maintenance costs in the General Fund without City Council certification that funding will be available in the applicable year of the cost impact. Certification shall demonstrate that the entire cost of the project, including operating and maintenance costs, will not require a decrease in the City's core services.

8. Fees and Charges
The development of fees and fee increases shall be utilized where appropriate to assure fee program costs are fully recovered by fee revenue.

9. Grants
Staff will seek out, apply for, and effectively administer grants that address the City's priorities, policy objectives, and provide an overall positive benefit to the City. Before a grant is pursued, staff shall provide a detailed fiscal analysis addressing both the immediate and long-term costs and benefits of the grant. With the exception of pilot projects, one-time grant revenues shall not be used to begin or support the costs of on-going programs.

10. General Plan
The General Plan is the primary long-term fiscal planning tool. Recommendations to create new development capacity beyond the existing General Plan shall be analyzed to ensure that capital improvements and operating/maintenance costs are within the City's financial capabilities.

11. Performance Measurement
All requests for funding shall include performance measure data so funding requests can be reviewed and approved in light of anticipated service level outcomes.

FY 2017-2018 Fund Summary

Fund	Fund Name	Fiscal Year Operating Expense	Adopted New CIP Expense	M.Y. Operating Expense (Balance @ 4.6.17 + New Request)	CIP Transfer OUT	Transfers OUT	Proposed Reductions	FY17-18 Total Proposed Expense	Fiscal Year Operating Revenue	New CIP Revenue (including Transfers In)	MY Operating Revenue (Balance @ 4.6.17 + New Request)	Transfers IN	Proposed Reductions	FY17-18 Total Proposed Revenue
0100	General Fund	$130,259,789	$0	$401,150	$0	$6,342,939	($8,217,363)	$128,786,514	$118,176,920	$0	$0	$651,640	$1,030,000	$119,858,560
0130	Revenue Clearing Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
0140	Utility Suspense Account	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
0150	Misc Rec System Suspense Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
0180	Fire Department Unrestricted Non-Capital Proje	$0	$0	$67,316	$0	$0	$0	$67,316	$0	$0	($132,913)	$72,000	$0	($60,913)
0190	Police Fund - Smart Deposits	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1100	Grants - ARRA CDBG NSP1 Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1101	Grants - ARRA CDBG NSP2 Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1130	Grants - CDBG Direct Program	$3,666,132	$0	$0	$0	$0	($14,182)	$3,651,950	$3,703,065	$0	$0	$0	$0	$3,703,065
1131	Grants - CDBG NSP Entitlement	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1139	CDBG Direct Program Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$2,513	$0	$0	$0	$0	$2,513
1140	CDBG Rental Rehab Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1150	Grants - RLF Housing Loan Program	$0	$0	$915,813	$0	$0	$0	$915,813	$0	$0	$1,050,000	$0	$0	$1,050,000
1151	Grants - RLF Direct Services	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1152	Public Service Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1155	Grants - RLF Program Income	$0	$0	$0	$0	$0	$0	$0	$75,000	$0	$0	$0	$0	$75,000
1160	Housing Economic Development Fund	$0	$0	$200,335	$0	$0	$0	$200,335	$0	$0	$251,720	$0	$0	$251,720
1170	Grants - HOME Program	$2,615,394	$0	$1,826,581	$0	$0	$0	$4,441,975	$78,450	$0	$1,959,558	$0	$0	$2,038,008
1180	Grants - Emergency Shelter Program	$179,467	$0	$0	$0	$0	$0	$179,467	$179,655	$0	$0	$0	$0	$179,655
1185	Community System of Care (CSoC)	$253,667	$0	$0	$0	$0	$0	$253,667	$248,000	$0	$0	$0	$0	$248,000
1190	Grants - HUD Section 108 Loan	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1200	Downtown Improvement District Fund	$173,249	$0	$0	$0	$783	$0	$174,032	$176,010	$0	$0	$0	$0	$176,010
1210	Downtown Modesto Community Benefit District	$15,710	$0	$0	$0	$0	$0	$15,710	$0	$0	$0	$0	$0	$0
1300	Capital Improvement Support	$1,707,822	$0	$0	$0	$0	($23,497)	$1,684,325	$2,377,989	$0	$0	$0	$0	$2,377,989
1309	Capital Improvement Support - Fleet Replac	$0	$0	$0	$0	$0	$0	$0	$2,314	$0	$0	$0	$0	$2,314
1310	Solid Waste Special Revenue Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1319	Solid Waste Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1320	Education and Government Cable	$286,013	$0	$0	$0	$1,285	$0	$287,298	$142,360	$0	$0	$142,360	$0	$284,720
1321	Public Educational Governmental (PEG) Fund	$225,000	$0	$0	$0	$0	$0	$225,000	$400,000	$0	$0	$0	$0	$400,000
1330	Developers Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1340	Grants - Operation Block Grants	$0	$0	$401,049	$0	$0	$0	$401,049	$0	$0	$52,475	$0	$0	$52,475
1341	Grants - Operation Grants Reimbursed	$851,404	$0	$1,033,835	$0	$0	$0	$1,885,239	$0	$0	$1,596,111	$80,000	$0	$1,676,111
1342	Grants - Police	$1,297,076	$0	$694,964	$0	$0	$0	$1,992,040	$897,076	$0	$622,702	$400,000	$0	$1,919,778
1343	CalHome Loan Program	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1345	Grants - ARRA Public Safety	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1350	Outside Litigation	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1351	Elections Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1353	Grants - Public Works (ARRA)	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1360	Carpenter Road Landfill	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1370	Green Waste Diversion Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1379	Pruned Refuse Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1380	Non-Capital Parks Fund (Non-Grant)	$0	$0	$93,382	$0	$0	$0	$93,382	$0	$0	$23,510	$0	$0	$23,510
1510	LTF - Street and Roads Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1520	LTF - Non-Motorized Fund	$0	$0	$30,148	$0	$138,248	$0	$168,396	$0	$0	$0	$0	$0	$0
1600	Traffic Safety Fund	$303,965	$0	$0	$0	$1,766	$0	$305,731	$408,760	$0	$0	$0	$0	$408,760
1610	Traffic Offender Fund	$170,496	$0	$0	$0	$756	($1,307)	$169,945	$162,347	$0	$0	$0	$0	$162,347
1700	Surface Transportation Fund	$9,618,693	$0	$0	$0	$42,656	($55,099)	$9,606,250	$98,204	$0	$0	$9,544,285	$0	$9,642,489
1709	Surface Transportation Fleet Replacement	$0	$0	$0	$0	$0	$0	$0	$321,267	$0	$0	$0	$0	$321,267
1710	Prop 1B - Streets Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1720	Streets LTF Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1730	Gas Tax Fund	$0	$0	$0	$0	$8,419,285	$0	$8,419,285	$0	$0	$0	$0	$0	$0
1740	Garbage Franchise Fees - Streets Fund	$0	$0	$0	$0	$1,000,000	$0	$1,000,000	$0	$0	$0	$0	$0	$0
1750	Surface Transportation Fund - MOE	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
1800	Economic Development/Strategic Plan Fund	$0	$0	$639,199	$0	$0	$0	$639,199	$0	$0	($6,850)	$0	$0	($6,850)
1850	Disability Access and Education Fund	$15,000	$0	$0	$0	$0	$0	$15,000	$13,549	$0	$0	$0	$0	$13,549
1906	RDA Low and Mod Income Housing Fund	$0	$0	$3,323	$0	$0	$0	$3,323	$0	$0	$0	$0	$0	$0
1910	RDA Successor Agency Administration Fund	$23,322	$0	$0	$0	$0	$0	$23,322	$0	$0	$0	$0	$0	$0
2100	Public Financing Authority	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2140	Public Financing Authority COP's Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
2150	Public Financing Authority 98 & 07 Bonds	$4,358,500	$0	$0	$0	$0	$0	$4,358,500	$30,492	$0	$0	$4,570,809	$0	$4,601,301
2903	RDA Successor Agency Debt Service Fund	$2,208	$0	$0	$0	$1,328,698	$0	$1,330,906	$0	$0	$0	$0	$0	$0
3100	Capital Grants - PRN	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3120	Special Fund for Capital Outlay	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3130	Parks Fund	$0	$49,000	$0	$0	$0	$0	$49,000	$0	$0	$0	$0	$0	$0
3140	Capital Grants - CIP Projects	$0	$682,793	$0	$0	$0	$0	$682,793	$0	($193,929)	$0	$138,248	$0	($55,681)
3150	Capital Grants - Parks CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3160	Capital Grants - Streets CIP Projects	$0	$0	$187,955	$0	$0	$0	$187,955	$0	$0	$418,773	$0	$0	$418,773
3200	Village One CFD Fund	$560,874	$0	$0	$0	$0	$0	$560,874	$550,000	$0	$0	$0	$0	$550,000

FY 2017-2018 Fund Summary

Fund	Fund Name	Fiscal Year Operating Expense	Adopted New CIP Expense	M.Y. Operating Expense (Balance @ 4.6.17 + New Request)	CIP Transfer OUT	Transfers OUT	Proposed Reductions	FY17-18 Total Proposed Expense	Fiscal Year Operating Revenue	New CIP Revenue (including Transfers In)	MY Operating Revenue (Balance @ 4.6.17 + New Request)	Transfers IN	Proposed Reductions	FY17-18 Total Proposed Revenue
3210	Kiernan Business Park West CFD Fund	$39,838	$0	$0	$0	$0	$0	$39,838	$0	$0	$0	$0	$0	$0
3211	Kiernan Business Park South CFD Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3212	Kiernan Business Park East CFD Fund	$78,149	$0	$0	$0	$0	$0	$78,149	$70,000	$0	$0	$0	$0	$70,000
3220	Infrastructure Financing Program Administration	$941,281	$0	$7,219	$0	$22,422	($12,561)	$958,361	$820,474	$0	$8,449	$0	$0	$828,923
3225	Hetch Hetchy CFD Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3230	Village One Annexation #3 Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3235	North Beyer #2 CFD Fund	$69,540	$0	$0	$0	$0	$0	$69,540	$60,000	$0	$0	$0	$0	$60,000
3240	Fairview Village CFD Fund	$164,642	$0	$0	$0	$0	$0	$164,642	$180,000	$0	$0	$0	$0	$180,000
3241	Fairview Village CFD Fund - CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3242	Fairview Village CFD - Debt Service Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3245	Fairview Village CFD - 2014 Debt Service Refu	$283,996	$0	$0	$0	$0	$0	$283,996	$0	$0	$0	$0	$0	$0
3250	North Beyer Park CFD	$10,483	$0	$0	$0	$0	$0	$10,483	$0	$0	$0	$0	$0	$0
3260	Enterprise Park 1998 CFD Fund	$17,648	$0	$0	$0	$0	$0	$17,648	$0	$0	$0	$0	$0	$0
3265	NorthPointe CFD Special Revenue Fund	$30,101	$0	$0	$0	$0	$0	$30,101	$0	$0	$0	$0	$0	$0
3270	Carver/Bangs Pelandale/Snyder CFD Fund	$86,909	$0	$0	$0	$0	$0	$86,909	$160,000	$0	$0	$0	$0	$160,000
3275	Coffee/Claratina CFD Fund	$109,934	$0	$0	$0	$0	$0	$109,934	$50,000	$0	$0	$0	$0	$50,000
3280	Pelandale/Snyder CFD Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3290	Village One #2 CFD Fund	$574,737	$0	$0	$0	$0	$0	$574,737	$550,000	$0	$0	$0	$0	$550,000
3291	Village One #2 CFD Fund - CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3292	Village One #2 CFD 2004 Debt Service	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3294	Village One #2 CFD 2014 Debt Fund	$1,831,259	$0	$0	$0	$0	$0	$1,831,259	$1,900,000	$0	$0	$0	$0	$1,900,000
3410	Streets Capital Facility Fee Fund	$0	$754,880	$271,272	$0	$0	$0	$1,026,152	$0	$0	$0	$0	$0	$0
3420	Public Transportation Capital Facility Fee Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3430	Air Quality Capital Facility Fee Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
3440	Police Department Capital Facility Fee Fund	$0	$0	$0	$0	$327,000	$0	$327,000	$0	$0	$0	$0	$0	$0
3450	Fire Department Capital Facility Fee Fund	$0	$0	$0	$0	$105,000	$0	$105,000	$0	$0	$0	$0	$0	$0
3460	Parks Capital Facility Fee Fund	$0	$2,450,000	$0	($193,929)	$0	$0	$2,256,071	$300,000	$0	$0	$0	$0	$300,000
3470	General Government Capital Facility Fee Fund	$0	$0	$0	$0	$86,000	$0	$86,000	$65,000	$0	$0	$0	$0	$65,000
3480	Capital Facility Fees Administration Fund	$138,012	$0	$39,917	$0	$595	$0	$178,524	$80,000	$0	$0	$0	$0	$80,000
3510	Securities for Future Improvements	$0	$0	$66,397	$0	$0	$0	$66,397	$0	$0	$0	$0	$0	$0
3800	McHenry Mansion Restoration	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4000	Parking Fund	$1,388,025	$0	$0	$0	$6,050	($8,611)	$1,385,464	$1,309,523	$0	$0	$0	$0	$1,309,523
4009	Parking Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$13,911	$0	$0	$0	$0	$13,911
4100	Water Fund	$55,593,957	$0	$1,902,560	$0	$3,638,589	($261,590)	$60,873,516	$69,212,614	$0	$293	$53,500	$0	$69,266,407
4101	Water Fund Development Fees	$0	$0	$0	$0	$0	$0	$0	$808,000	$0	$0	$0	$0	$808,000
4109	Water Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$550,279	$0	$0	$0	$0	$550,279
4112	Water PCE Mitigation Fund	$130,000	$0	$429,832	$0	$0	$0	$559,832	$0	$0	($36,623)	$0	$0	($36,623)
4130	Water 2008 Water Refunding Revenue COP 20	$2,574,260	$0	$0	$0	$0	$0	$2,574,260	$19,850	$0	$0	$2,574,260	$0	$2,594,110
4140	Water - Grants	$36,080	$0	$0	$0	$0	$0	$36,080	$0	$0	$0	$36,080	$0	$36,080
4150	Water Fund - Del Este - MID	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4151	Del Este - MID Service Area DF	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4160	Water Fund - Del Este - Non-MID	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4161	Del Este - Non-MID Service Area DF	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4170	Water Fund - Rate Stabilization Reserve	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4180	Water Fund - CIP Projects	$0	$45,214,240	$0	$0	$0	$0	$45,214,240	$0	$0	$0	$0	$0	$0
4181	Fairview Water Improvements - CIP Projects	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4210	Sewer Operations Fund	$34,342,817	$26,671,636	$131,375	$0	$850,907	($321,360)	$61,675,175	$53,505,142	$200,000	($7,323)	$378,000	$0	$54,075,819
4211	Wastewater Developmental Fees Fund	$0	$0	$747,424	$0	$0	$0	$747,424	$585,500	$0	($848,576)	$0	$0	($263,076)
4212	Wastewater PCE Mitigation Fund	$0	$0	$223,132	$0	$0	$0	$223,132	$0	$0	$0	$0	$0	$0
4219	Wastewater Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$429,990	$0	$0	$0	$0	$429,990
4220	FY 1993 Sewer COP Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4230	FY 1997 Sewer Revenue Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4235	Sewer NVRRWP (North Valley Regional Recyc	$1,500	$0	$0	$0	$0	$0	$1,500	$0	$0	$0	$0	$0	$0
4240	2006 Wastewater Revenue Bonds	$628,758	$0	$0	$0	$0	$0	$628,758	$0	$0	$0	$628,758	$0	$628,758
4241	2015 Wastewater Refunding Private Placemen	$2,773,207	$0	$0	$0	$0	$0	$2,773,207	$0	$0	$0	$0	$0	$0
4245	State Revolving Loan (Teritary Treatment Fund	$8,245,565	$0	$0	$0	$0	$0	$8,245,565	$0	$0	$0	$0	$0	$0
4270	Refunding Revenue Bonds	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4310	Airport Operating Fund	$1,124,178	$0	$0	$0	$4,449	($17,429)	$1,111,198	$946,559	$0	$0	$0	$0	$946,559
4319	Airport Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$13,304	$0	$0	$0	$0	$13,304
4320	Special Aviation Fund	$0	$0	$30,737	$0	$0	$0	$30,737	$0	$0	$159,531	$0	$0	$159,531
4330	County Aircraft Tax Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
4480	Storm Drainage Fund	$7,059,116	$469,000	$0	$0	$28,126	($9,696)	$7,546,546	$6,037,540	$100,000	$0	$700,000	$0	$6,837,540
4489	Storm Drain Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$406,541	$0	$0	$0	$0	$406,541
4510	Bus Fixed Route Fund	$0	$537,434	$1,190,733	$0	$0	$0	$1,728,167	$0	$242,908	$531,636	$0	$0	$774,544
4520	Bus Service Fund - DAR	$3,643,636	$0	$0	$0	$16,397	$0	$3,660,033	$3,643,465	$0	$0	$0	$0	$3,643,465
4530	Transportation CTR Fund	$871,146	$0	$0	$0	$4,027	$0	$875,173	$871,146	$0	$0	$0	$0	$871,146
4540	Bus Fixed Route Max Operations Fund	$16,486,017	$0	$0	$0	$86,148	($39,437)	$16,532,728	$16,495,374	$0	$0	$30,467	$0	$16,525,841
4549	Bus Fixed Route Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$7,775	$0	$0	$0	$0	$7,775

FY 2017-2018 Fund Summary

Fund	Fund Name	Fiscal Year Operating Expense	Adopted New CIP Expense	M.Y. Operating Expense (Balance @ 4.6.17 + New Request)	CIP Transfer OUT	Transfers OUT	Proposed Reductions	FY17-18 Total Proposed Expense	Fiscal Year Operating Revenue	New CIP Revenue (including Transfers In)	MY Operating Revenue (Balance @ 4.6.17 + New Request)	Transfers IN	Proposed Reductions	FY17-18 Total Proposed Revenue
4550	Bus Fixed Route - Altern Transport Fund	$114,398	$0	$0	$0	$338	$0	$114,736	$114,398	$0	$0	$1,500	$0	$115,898
4560	Bus Fixed Route - Bus Purchases	$4,208	$0	$0	$0	$0	$0	$4,208	$4,034	$0	$0	$0	$0	$4,034
4600	Golf Fund	$2,273,209	$0	$80,730	$0	$14,677	$0	$2,368,616	$317,453	$0	$10,753	$741,352	$0	$1,069,558
4605	Golf Kemper Fund	$1,040,596	$0	$0	$0	$0	$0	$1,040,596	$2,255,000	$0	$0	$0	$0	$2,255,000
4700	Community Center Operations Fund	$1,532,442	$0	$0	$0	$5,720	($11,867)	$1,526,295	$845,700	$0	$0	$690,069	$0	$1,535,769
4709	Centre Plaza Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$5,701	$0	$0	$0	$0	$5,701
4710	Centre Plaza FF&E Fund	$0	$0	$0	$0	$32	$0	$32	$0	$0	$0	$0	$0	$0
4890	Compost Fund	$1,818,008	$0	$0	$0	$6,629	($40,275)	$1,784,362	$1,724,000	$0	$0	$0	$0	$1,724,000
4891	Solid Waste Fund	$1,335,199	$0	$0	$0	$5,488	($21,076)	$1,319,609	$1,010,271	$0	$0	$0	$0	$1,010,271
4892	Green Waste Fund	$6,467,685	$0	$0	$0	$104,592	($92,240)	$6,480,037	$4,847,024	$0	$0	$0	$0	$4,847,024
4893	Carpenter Road Landfill (Enterprise)	$136,052	$0	$0	$0	$5,001	$0	$141,053	$555,002	$0	$0	$0	$0	$555,002
4895	Waste to Energy Distribution Fund	$32,186	$0	$786,638	$0	$1,535	$0	$820,357	$5,000	$0	$968,968	$0	$0	$973,968
4899	Solid Waste Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$400,777	$0	$0	$0	$0	$400,777
4910	Abatement and Public Nuisance Fund	$0	$0	$611,306	$0	$0	$0	$611,306	$0	$0	($134,484)	$0	$0	($134,484)
5100	Central Services Fund	$57,381	$0	$0	$0	$0	$0	$57,381	$30,000	$0	$0	$0	$0	$30,000
5110	Inventory Purchases Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5119	Inventory Purchases Fleet Replace Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5120	Mail Services ISF Fund	$253,865	$0	$0	$0	$0	($3,844)	$250,021	$183,012	$0	$0	$0	$0	$183,012
5129	Mail Services ISF Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$45	$0	$0	$0	$0	$45
5230	Information Technology Fund	$8,872,729	$0	$0	$0	$142,360	($1,460,565)	$7,554,524	$6,629,434	$0	$0	$1,249,028	$0	$7,878,462
5231	Technology Investment Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5239	Information Tech Fleet Replace Fund	$0	$0	$0	$0	$0	$0	$0	$1,074	$0	$0	$0	$0	$1,074
5310	Insurance - Administration Fund	$707,283	$0	$0	$0	$0	($9,247)	$698,036	$0	$0	$0	$740,723	$0	$740,723
5319	Insurance Admin Fleet Replace Fund	$0	$0	$0	$0	$0	$0	$0	$6	$0	$0	$0	$0	$6
5320	Insurance - Workers Compensation Fund	$5,059,460	$0	$0	$0	$370,362	$0	$5,429,822	$5,918,103	$0	$0	$0	$0	$5,918,103
5330	Insurance - Liability Insurance Fund	$3,053,959	$0	$0	$0	$296,289	$0	$3,350,248	$2,791,000	$0	$0	$0	$0	$2,791,000
5340	Insurance - Property Insurance Fund	$575,000	$0	$0	$0	$74,072	$0	$649,072	$640,000	$0	$0	$0	$0	$640,000
5350	Insurance - Dental Insurance Fund	$1,520,100	$0	$0	$0	$0	$0	$1,520,100	$1,470,000	$0	$0	$0	$0	$1,470,000
5360	Insurance - Health Fund	$15,000,000	$0	$0	$0	$0	$0	$15,000,000	$14,025,085	$0	$0	$0	$0	$14,025,085
5370	Insurance - Disability Fund	$283,269	$0	$0	$0	$0	$0	$283,269	$284,767	$0	$0	$0	$0	$284,767
5380	Insurance - Other Employee Fund	$428,702	$0	$0	$0	$0	$0	$428,702	$335,157	$0	$0	$0	$0	$335,157
5390	Insurance - Vision Fund	$293,172	$0	$0	$0	$0	$0	$293,172	$293,172	$0	$0	$0	$0	$293,172
5400	Fleet Management Fund	$6,381,388	$0	$0	$0	$0	($38,002)	$6,343,386	$279,976	$0	$0	$0	$0	$279,976
5409	Fleet Management Fleet Replace Fund	$3,233,204	$0	$0	$0	$0	$0	$3,233,204	$25,933	$0	$0	$0	$0	$25,933
5410	Fleet Equipment Replacement	$0	$0	$0	$0	$0	$0	$0	$853,056	$0	$0	$0	$0	$853,056
5510	Employee Benefits Management Fund	$17,467,724	$0	$0	$0	$0	$0	$17,467,724	$17,293,115	$0	$0	$75,000	$0	$17,368,115
5520	Employee Benefits Administration Fund	$593,535	$0	$0	$0	$0	($6,323)	$587,212	$691,482	$0	$0	$0	$0	$691,482
5800	P/R Building Services Fund	$1,671,125	$0	$0	$0	$0	($13,209)	$1,657,916	$1,582,902	$0	$0	$0	$0	$1,582,902
5809	P/R Building Services Fleet Replace Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
5810	10th Street Place Building Services	$1,048,504	$0	$0	$0	$0	($7,004)	$1,041,500	$1,048,231	$0	$0	$0	$0	$1,048,231
6100	JPA - Industrial Fire	$532,434	$0	$0	$0	$2,448	$0	$534,882	$531,935	$0	$0	$0	$0	$531,935
6200	JPA - Modesto Regional Fire Authority	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6205	JPA - MRFA Worker's Compensation Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6299	JPA - MRFA Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6301	JPA - Stanislaus Regional Water Authority	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6470	Landscape and Lighting District Shackleford	$27,292	$0	$0	$0	$0	$0	$27,292	$27,000	$0	$0	$0	$0	$27,000
6480	Landscape Assessment District #1	$18,154	$0	$0	$0	$0	$0	$18,154	$19,500	$0	$0	$0	$0	$19,500
6490	Landscape Assessment District #2	$22,654	$0	$0	$0	$0	$0	$22,654	$23,000	$0	$0	$0	$0	$23,000
6500	JPA - Tenth Street Place	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6501	JPA - Tenth Street Place Reserve Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6599	JPA - Tenth Street Place Fleet Replace Fund	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
6600	JPA - Stanislaus Drug Enforcement Agency	$3,252,358	$0	($0)	$0	$15,048	($3,761)	$3,263,645	$3,264,664	$0	$0	$0	$0	$3,264,664
6700	JPA - Tuolumne River Regional Park (TRRP)	$403,867	$0	$0	$0	$26,363	$0	$430,230	$430,005	$0	$0	$0	$0	$430,005
6710	JPA - TRRP Special Revenue Fund - CIP	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$25,000	$0	$25,000
6799	TRRP Fleet Replacement Fund	$0	$0	$0	$0	$0	$0	$0	$7,154	$0	$0	$0	$0	$7,154
Total		**$381,369,513**	**$76,828,983**	**$13,014,321**	**($193,929)**	**$23,523,079**	**($10,689,547)**	**$483,852,420**	**$357,879,126**	**$348,979**	**$6,487,710**	**$23,523,079**	**$1,030,000**	**$389,268,894**

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-254

Print

RESOLUTION AMENDING THE POSITION ALLOCATION FOR FISCAL YEAR 2017-18 AS ADOPTED IN THE OPERATING BUDGET.

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 28, 2016, as part of the Annual Budget of the City of Modesto for Fiscal Year 2016-2017, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, (Pay Period beginning June 27, 2017), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Position Allocation and the Fiscal Year 2017-18 Operating Budget for various departments as follows:

1. Allocate one (1) Executive Assistant (Unrepresented) in the Auditor Division of the City Auditor Office.
2. Freeze one (1) Deputy City Manager in the Administration Division of the City Manager Office.

3. Remove the Limited Term (LT 06/30/16) designation from one (1) Events Coordinator in the Convention & Visitor's Bureau Division of the Community & Economic Development Department.
4. Remove the Limited Term (LT 06/30/16) designation from one (1) Administrative Office Assistant III in the Convention & Visitor's Bureau Division of the Community & Economic Development Department.
5. Freeze one (1) Senior Planner in the Planning Division of the Community & Economic Development Department.
6. Allocate one (1) Homeless Management Information System (HMIS) Technician in the HMIS Division of the Community & Economic Development.
7. Allocate one (1) Homeless Management Information System (HMIS) Program Coordinator in the HMIS Division of the Community & Economic Development.
8. Remove two (2) Storeskeeper in the Central Stores Division of the Finance Department.
9. Remove one (1) Senior Storeskeeper in the Central Stores Division of the Finance Department.
10. Reallocate one (1) Account Clerk II to one (1) Account Clerk II (Confidential) in the Accounting Division of the Finance Department.
11. Reallocate one (1) Financial Analyst I/II to one (1) Financial Analyst III in the Accounts Receivable Division of the Finance Department.

12. Reallocate one (1) Senior Customer Services Account Clerk to one (1) Account Technician in the Accounts Receivable Division of the Finance Department.
13. Reallocate one (1) Customer Services Account Clerk I/II to one (1) Account Clerk I/II in the Accounts Receivable Division of the Finance Department.
14. Freeze one (1) Senior Human Resources Analyst in the Administration Division of the Human Resources Department.
15. Move one (1) Administrative Services Officer from the Administration Division of the Human Resources Department to the Administration Division of the Information Technology Department.
16. Freeze one (1) Senior Software Analyst in the Geographic Information Systems Division of the Information Technology Department.
17. Freeze two (2) Senior Systems Technician in the Network/Data Center Division of the Information Technology Department.
18. Freeze one (1) Fire Battalion Chief in the Suppression Division of the Fire Department.
19. Hold a minimum of five (5) full-time vacancies at all times for FY 17/18 in the Fire Department.
20. Remove one (1) Administrative Analyst in the Administration Division of the Police Department.
21. Remove two (2) Police Clerk I/II in the Records and Support Division of the Police Department.

22. Reallocate seven and one-half (7.5) Police Cadet to seven and one-half (7.5) Police Cadet I/II in the Field Operations Division of the Police Department.
23. Remove one (1) Administrative Office Assistant II in the Guest Services Division of the Parks, Recreation, and Neighborhoods Department.
24. Move one (1) Head Groundskeeper from the Parks Operations Services Administration Division of the Public Works Department to the Mary Grogan Sports Complex Division of the Public Works Department.
25. Move one (1) Groundskeeper from the Parks Operations Services Administration Division of the Public Works Department to the Mary Grogan Sports Complex Division of the Public Works Department.
26. Move one (1) Senior Civil Engineer from the Engineering Design Division of the Public Works Department to the Engineering Design Division of the Community & Economic Development Department.
27. Move two (2) Associate Civil/Traffic Engineer from the Engineering Design Division of the Public Works Department to the Engineering Design Division of the Community & Economic Development Department.
28. Move one (1) Associate Engineer from the Engineering Design Division of the Public Works Department to the Engineering Design Division of the Community & Economic Development Department.
29. Move one (1) Engineering Assistant from the Engineering Design Division of the Public Works Department to the Engineering Design Division of the Community & Economic Development Department.

30. Reallocate one (1) Electrician Traffic & Buildings to one (1) Electrician Crewleader in the Electrical Division of the Public Works Department.
31. Move one (1) Operations Supervisor from the Tree Nursery Division of the Public Works Department to the Community Forestry Division of the Public Works Department.
32. Remove one (1) Operations Crewleader in the Tree Nursery Division of the Public Works Department.
33. Remove two (2) Maintenance Worker II in the Tree Nursery Division of the Public Works Department.
34. Remove one (1) Administrative Office Assistant II in the Wastewater Services Administration Division of the Utilities Department.
35. Allocate one (1) Senior Administrative Office Assistant in the Wastewater Services Administration Division of the Utilities Department.
36. Reallocate thirty-five (35) Utilities Services Worker II to thirty-five (35) Utilities Services Worker III in the Sewer Collections Division of the Utilities Department.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Kenoyer
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-255

Print

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES

WHEREAS, the City of Modesto Class Range Table for General Non-Sworn Classes Effective March 7, 2017 was adopted by Modesto City Council Resolution No. 2016-373,

WHEREAS, the City Council desires to amend **Exhibit "C"** of Resolution No. 2016-373, which approved the Class Range Table for General Non-Sworn Classes Effective March 7, 2017,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. AMENDMENT TO RESOLUTION NO. 2016-373. **Exhibit "C"** entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective March 7, 2017", of Resolution No. 2016-373, is hereby amended and replaced with the new "**Exhibit A**" **attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

   A. **Exhibit "A"** entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective June 27, 2017", is amended to:

      i. Add Electrician Crewleader to salary range 134

      ii. Add Survey Party Chief to salary range 134

2. EFFECTIVE DATE. This resolution shall become effective on and after June 27, 2017.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Kenoyer
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES
Effective **June 27, 2017**

RANGE	TITLE
103	Custodian I
106	Administrative Office Assistant I Engineering Intern
107	Administrative Office Assistant II Custodian II
110	Account Clerk I Administrative Office Assistant II Customer Services Account Clerk I Exhibits Coordinator
111	Custodian Crewleader
112	Account Clerk II Customer Services Account Clerk II
114	Administrative Office Assistant III Equipment Service Technician Storeskeeper
115	Maintenance Worker I
116	Electrician Assistant I Senior Customer Services Account Clerk
118	Electrical and Instrumentation Technician Trainee Fleet Procurement Technician Groundskeeper Production Technician Senior Administrative Office Assistant Senior Storeskeeper
119	Code Enforcement Officer I -Neighborhood Preservation Unit Maintenance Worker II Plant Mechanic Trainee Tree Trimmer
120	Assistant Buyer Customer Services Account Technician

RANGE	TITLE
	Electrician Assistant II
	Laboratory Analyst I
	Utilities Services Worker I
121	Administrative Services Technician I
	Utilities Plant Operator Trainee
	Water Resource Specialist
122	Accountant I
	Environmental Compliance Technician
	Parking Services Crewleader
123	Account Technician
	Airport Maintenance Worker
	Code Enforcement Officer II -Neighborhood Preservation Unit
	Development Services Technician I
	Engineering Assistant Trainee
	Equipment Operator
	Solid Waste Enforcement Officer
	Tree Trimmer Crewleader
124	Electrician Assistant III
	Laboratory Analyst II
	Parks Maintenance Crewleader
	Recreation Coordinator
	Utilities Services Worker II
	Water Conservation Specialist
125	Administrative Services Technician II
	Building Maintenance Technician
	Development Services Technician II
	Equipment Mechanic
	Parks Maintenance Mechanic
	Utilities Plant Operator I
126	Environmental Compliance Inspector I
	Fire Equipment Mechanic
	Head Groundskeeper
	Heavy Equipment Mechanic
	Housing Financial Specialist
	Housing Rehabilitation Specialist I
	Welder/Fabricator

RANGE	TITLE
127	Engineering Assistant I
	Plant Mechanic I
	Senior Equipment Operator
	Traffic Operations Technician
128	Building Inspector I
	Community Development Program Specialist II
	Cross Connection Specialist
	Utilities Plant Operator II
	Utilities Services Worker III
	Water Meter Technician
129	Equipment Mechanic Crewleader
	Plant mechanic II
	Senior Fire Equipment Mechanic
130	Building Maintenance Specialist
	Electrical and Instrumentation Technician
	Electrician - Traffic and Buildings
	Environmental Compliance Inspector II
	Heavy Equipment Mechanic Crewleader
	Housing Rehabilitation Specialist II
	Laboratory Analyst III
131	Airport Maintenance Crewleader
	Construction Inspector
	Engineering Assistant II
	Operations Crewleader
	Traffic Striping Crewleader
132	Building Inspector II
	Maintenance Planning Technician
	Senior Utilities Plant Operator
	Senior Utilities Services Worker
133	Senior Plant Mechanic
134	**Electrician Crewleader**
	Environmental Review Specialist
	Plans Examiner
	Senior Environmental Compliance Inspector
	Survey Party Chief

RANGE	TITLE
135	Engineering Project Coordinator Senior Construction Inspector
136	Senior Building Inspector

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-256

Print

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

WHEREAS, the City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective March 7, 2017 was adopted by Modesto City Council Resolution No. 2016-309, and

WHEREAS, the City Council desires to amend **Exhibit "B"** of Resolution No. 2016-309, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes Effective March 7, 2017, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. AMENDMENT TO RESOLUTION NO. 2016-309. **Exhibit "B"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective March 7, 2017", of Resolution No. 2016-309, is hereby amended and replaced with the new **Exhibit B attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

   A. **Exhibit "B"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 27, 2017", is amended to:

      i. Add Homeless Management Information System (HMIS) Technician to salary range 422

      ii. Add Homeless Management Information System (HMIS) Program Coordinator to salary range 426

iii. Amend Engineering Division Manager to salary range 459

2. EFFECTIVE DATE. This resolution shall become effective on and after June 27, 2017.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Kenoyer
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **June 27, 2017**

RANGE	TITLE
410	Administrative Office Assistant II (Confidential)
412	Police Clerk II (Confidential)
414	Administrative Office Assistant III (Confidential)
417	Legal Secretary I
418	Systems Technician I Senior Administrative Office Assistant (Confidential)
420	Workers' Compensation Claims Assistant
421	Administrative Services Technician I (Confidential) Legal Secretary II Executive Assistant
422	Deputy City Clerk **Homeless Management Information System (HMIS) Technician** Systems Technician II
423	Account Technician (Confidential) Custodian Supervisor Senior Legal Secretary Workers' Compensation Claims Examiner I
424	Buyer
425	Administrative Services Technician II (Confidential) Office Supervisor
426	Central Stores Supervisor Employee Benefits Coordinator Financial Analyst I **Homeless Management Information System (HMIS) Program Coordinator** Senior Systems Technician
427	Administrative Analyst I Technology Solutions Analyst I Utility Dispatch Supervisor

RANGE	TITLE
428	Animal Control Supervisor
	Human Resources Analyst I
	Workers' Compensation Claims Examiner II
429	Assistant Planner
	Parking Adjudication Program Coordinator
	Parking Services Supervisor
	Police Range and Training Center Coordinator
430	Assistant City Clerk
	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Police Civilian Supervisor
	Technology Solutions Analyst II
432	Human Resources Analyst II
	Junior Engineer
	Neighborhood Preservation Supervisor
	Senior Workers' Compensation Claims Examiner
433	Assistant Surveyor
	Associate Planner
	Water Resources Analyst
434	Compost Facility Supervisor
	Financial Analyst III
	Operations Supervisor
	Recreation Supervisor
	Recycling Program Coordinator
	Software Analyst II
	Systems Engineer II
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Customer Services Supervisor
	Emergency Medical Services Coordinator

RANGE	TITLE
	Management Analyst
	Organizational Development Coordinator
	Parks Project Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Housing Rehabilitation Supervisor
	Senior Crime and Intelligence Analyst
438	Economic Development Marketing Specialist
	Electrical Supervisor
	Plant Maintenance Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Financial Analyst
	Senior Human Resources Analyst
	Senior Software Analyst
	Senior Systems Engineer
439	Administrative Services Officer
	Associate Land Surveyor
	Associate Transportation Planner
	Electrical Supervisor – Utilities
	Senior Business Analyst
	Senior Planner
440	Associate Engineer
	Environmental Services Supervisor
	Integrated Waste Specialist
	Materials Management Superintendent/City Arborist
	Public Information Coordinator
	Utilities Services Supervisor
	Utilities Plant Operations Supervisor
441	Housing and Urban Development Supervisor
	Infrastructure Financing Program Supervisor
	Laboratory Supervisor
	Police Civilian Manager

RANGE	TITLE
442	Centre Plaza Manager
	Construction Inspection Supervisor
	Principal Information Technology Administrator
	Purchasing Manager
443	Associate Civil/Traffic Engineer
	Customer Services Manager
	Parks Planning and Development Manager
	Senior Transportation Planner
444	Building Safety Program Coordinator
	Building Inspection Supervisor
	Environmental Regulatory Compliance Manager
	Plant Maintenance Superintendent
	Recreation Program Manager
	Water Superintendent
445	Airport Manager
	Deputy Fire Marshal
	Fleet Manager
	Senior Land Surveyor
	Streets Manager
446	Accounting Manager
447	Principal Planner
	Traffic Operations Engineer
448	Recreation and Neighborhoods Services Manager
	Transit Manager
	Solid Waste Program Manager
449	Assistant Chief Building Official
	Information Technology Manager
450	Business Center Manager
	Community Development Manager
	Planning Manager
	Senior Civil Engineer
	Wastewater Collections Systems Manager
	Water Quality Control Plant Manager
	Water Systems Manager

RANGE	TITLE
451	Operations Manager
452	Traffic Engineer
453	Chief Building Official Parks Recreation & Neighborhoods Operations Manager
459	City Engineer **Engineering Division Manager**

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-257

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR PUBLIC SAFETY NON-SWORN CLASSES

WHEREAS, the City of Modesto Class Range Table Public Safety Non-Sworn Classes Effective March 7, 2017 was adopted by Modesto City Council Resolution No. 2016-374, and

WHEREAS, the City Council desires to amend **Exhibit "C"** of Resolution No. 2016-374, which approved the Class Range Table for Public Safety Non-Sworn Classes Effective March 7, 2017, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. AMENDMENT TO RESOLUTION NO. 2016-374. **Exhibit "C"** entitled "City of Modesto Class Range Table Public Safety Non-Sworn Classes Effective March 7, 2017", of Resolution No. 2016-374, is hereby amended and replaced with the new **"Exhibit C" attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

   A. **Exhibit "C"** entitled "City of Modesto Class Range Table Public Safety Non-Sworn Classes Effective June 27, 2017", is amended to:

      i. Add Police Cadet II to salary range 1107

2. EFFECTIVE DATE. This resolution shall become effective on and after June 27, 2017.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Kenoyer
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
PUBLIC SAFETY NON-SWORN CLASSES
Effective **June 27, 2017**

RANGE	TITLE
1103	Police Cadet I
1107	**Police Cadet II**
1108	Police Clerk I
1112	Police Clerk II
1115	Police Animal Control Officer Police Community Service Officer I Police Evidence and Property Technician I
1119	Police Animal Control Officer II Police Community Service Officer II Police Evidence and Property Technician II
1122	Law Enforcement Academy Recruit Police Officer Recruit
1123	Police Identification Technician I Police Technician
1126	Police Crime and Intelligence Analyst I
1127	Fire Prevention Inspector I Police Identification Technician II
1130	Police Crime and Intelligence Analyst II
1131	Fire Prevention Inspector II
1135	Senior Fire Prevention Inspector

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-258

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE THE CLASSIFICATION OF ELECTRICIAN CREWLEADER AND SURVEY PARTY CHIEF; AMEND THE TITLE OF BUSINESS CENTER MANAGER TO BUSINESS MANAGER; AND TO AMEND THE TITLE OF POLICE CADET TO POLICE CADET I/II TO CREATE A "FLEX" CLASSIFICATION

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2008-681 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classifications of Electrician Crewleader to salary range 134 and Survey Party Chief to salary range 134; to amend the title of Business Center Manager to Business Manager; and to amend the title of Police Cadet to Police Cadet I/II to create a "flex" classification with Police Cadet II to salary range 1107.

2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Kenoyer
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-259

RESOLUTION APPROVING THE CLOSURE OF THE 30 DAY PUBLIC COMMENT PERIOD AND CONDUCT A PUBLIC HEARING AND APPROVING THE CITY OF MODESTO PROGRAM YEAR 2017-2018 ANNUAL ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIP PROGRAM FUNDING RECEIVED FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE ANY RELATED PROGRAM AGREEMENTS, CONTRACTS OR OTHER DOCUMENTATION REQUIRED FOR IMPLEMENTATION OF THE PROGRAM YEAR 2017-2018 ANNUAL ACTION PLAN, AUTHORIZATION TO SUBMIT APPLICABLE DOCUMENTATION AND PROVIDE TECHNICAL ALTERATIONS, AS REQUIRED BY HUD, INCORPORATE COMMENTS RECEIVED PRIOR TO THE CLOSE OF THE PUBLIC COMMENT PERIOD, AND TO MAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISION OF THIS RESOLUTION

WHEREAS, as a U.S. Department of Housing and Urban Development (HUD) entitlement community, the City of Modesto is required to develop an Annual Action Plan that describes proposed activities funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, and

WHEREAS, the City may allocate up to fifteen percent (15%) of available CDBG funds to CDBG Public Services grants that are awarded to eligible organizations that serve low- and moderate-income residents, and

WHEREAS, the City awards ESG grants to eligible organizations that provide assistance to individuals and families experiencing homelessness and those at risk of experiencing homelessness, and

WHEREAS, HOME funds, in partnership with local nonprofit groups, fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership to low income citizens, and

WHEREAS, the populations served by these organizations further the City's priorities as described in its Fiscal Year 2015-2020 Consolidated Plan, and

WHEREAS, citizen participation is a key component of the Annual Action Plan process, and

WHEREAS, HUD regulations require the City provide ample opportunity and means for the populations served by the grants, as well as the general citizenry, to provide input on the goals and priorities and the specific type of activities to be funded in the City's Program Year 2017-2018 Annual Action Plan, and

WHEREAS, staff held eleven community meetings to assess local needs and priorities related to community services, economic development, community facilities and infrastructure, housing and fair housing, and

WHEREAS, the information obtained from the community meetings was used to prepare the Program Year 2017-2018 Annual Action Plan, and

WHEREAS, the 30-day public review period to review and comment on the draft documents opened on March 28, 2017 and will close the 30-day public comment with a public hearing at the City Council meeting on June 27, 2017, and

WHEREAS, any comments received during the public review period or during the June 27, 2017, City Council meeting will be incorporated into the final Program Year 2017-2018 Annual Action Plan that is submitted to HUD, and

WHEREAS, the estimated amount of funding anticipated for Program Year 2017-2018 is approximately $2.9 million, and

WHEREAS, there is no impact to the General Fund as these funds are received from HUD for activities specified within the Program Year 2017-2018 Annual Action Plan, and

WHEREAS, on February 23, 2017, the City's Citizens Housing and Community Development Committee recommended forwarding the Program Year 2017-2018 Annual Action Plan to the City Council for consideration and approval, and

WHEREAS, all HUD-assisted projects are required to undergo an environmental review to evaluate environmental impacts, and

WHEREAS, the analysis includes both how the project can affect the environment and how the environment can affect the project, site and end users, and

WHEREAS, an environmental review must be performed before any funds, regardless of source, are committed to a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Program Year 2017-2018 U.S. Department of Housing and Urban Development Department (HUD) Annual Action Plan for use of the Community Development Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant funds.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Acting City Manager, or his designee, is hereby authorized to submit applicable documentation and provide technical alterations, as required by HUD, negotiate and execute any related program agreements, contracts or other documentation required for

implementation of the Program Year 2017-2018 Annual Action Plan, as described in "Program Year 2017-2018 Annual Action Plan", **attached** hereto as **Exhibit A** and incorporated herein by reference, and to make the necessary steps to implement the provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

City of Modesto
Program Year 2017-2018
Annual Action Plan

Annual Action Plan
Program Year 2017-2018

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.modestogov.com
housing@modestogov.com

Committee: Citizens Housing and Community Development Committee — Approved: February 23, 2017
City Council: — Approved:

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Draft

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The 2017-2018 Annual Action Plan is a component of the City of Modesto's 2015-2020 Consolidated Plan. The Consolidated Plan serves as the City of Modesto's strategic plan for leveraging the United States Department of Housing and Urban Development's (HUD) annual entitlement allocations of three key federal grant programs: (1) Community Development Block Grant (CDBG); (2) Emergency Solutions Grant (ESG); and (3) HOME Investment Partnerships Program (HOME). The Consolidated Plan and Annual Action Plans are multi-purpose documents which serve as: 1) planning documents, 2) an application for federal funds under HUD's formula grants programs, 3) an implementation strategy, and 4) a method to allocate funds to specific projects and activities

The City of Modesto's Program Year (PY) 2017-2018 Annual Action Plan represents the third (3rd) year plan of the City of Modesto's 2015-2020 Consolidated Plan. The PY 2017-2018 AAP identifies activities to be undertaken during the program year to address community priority needs. Further, the PY 2017-2018 AAP identifies the expected resources to be available and the activities to be funded along with related activity accomplishments.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The City of Modesto has identified the following areas on which to focus funds:

- Affordable Housing
- Fair Housing
- Ending Chronic Homelessness
- Public Services
- Public Facilities Improvements
- Public Improvements

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City of Modesto funded a number of activities in the PY 2016-2017 Annual Action Plan in an attempt to address the community needs as identified in the Consolidated Plan. Through these activities, the City of Modesto continued to take an active role in promoting and producing affordable housing, addressing the social and economic needs of low- and moderate-income individuals, and serving the special needs populations within the City of Modesto.

Program Year 2016-2017 was a year of transition for the City of Modesto, specifically within the Community Development Division. During PY 2016-2017, the HUD Division experienced changes in staffing. During the program year, the Division hired a new HUD Programs Supervisor, a Housing Finance Specialist, a Senior Community Development Program Specialist, an Environmental Review Specialist, and a Community Development Program Specialist. The Division is now positioned to support the community in its effort to focus services towards furthering efforts such as affordable housing, fair housing outreach and education, ending Chronic Homelessness, expanding public services, strategic infrastructure and eligible public facility improvements.

The PY 2016-2017 AAP identified housing programs funded through the CDBG and HOME activities to assist in stabilizing neighborhoods by supporting affordable housing rehabilitation and homebuyer assistance. With new staff on board, the division is projecting to assist 36 households during the PY 2017-2018. This will enable the City of Modesto to generate housing programs activities to assist approximately 24 households with housing rehabilitation, and a total of 18with homebuyer assistance.

Under the City of Modesto's 2016-2017 CDBG and ESG Public Service program, the City provided a total of $480,608 to 15 non-profit agencies to deliver essential public services to extremely low to moderate income families and individuals. Collectively, it is projected that these organizations will have served over 10,000 individuals in PY 2016-2017.

The City of Modesto monitors all sub-recipients on a regular basis through written contacts, phone, conversations, electronic information transfers, face-to-face monitoring visits (at least once per quarter), and project file review. Monitoring is conducted to ensure statutory and regulatory requirements are being met and that information submitted to City staff is accurate and complete.

An agreement is executed with every sub-recipient which clearly states all contractual obligations, including but not limited to, the project scope of work, performance measurement standards, reporting requirements, drawdown requirements, and applicable federal rules and regulations. This monitoring process emphasizes on-site field visits, desk audits, technical assistance, and assistance to sub-recipients to ensure a good data collection and reporting system is in place. Performance of all sub-recipient activities are tracked in various categories from appropriate use of administrative funds to verifying that outputs (numbers served) and outcomes (how those served are better off after receiving the service) are being met for all awarded public service related activities and City projects.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan

The City of Modesto has traditionally held a minimum of two neighborhood meetings each year in low-income census tract areas to encourage participation of low- and moderate-income persons in conjunction with the development of its Annual Action Plan and, every five years, for the development of its Consolidated Plan.

For the 2017-2018 Annual Action Plan Cycle, staff revamped the City's Citizen Participation Process approach by targeting a minimum of one low income Census Tract Block Group within each City Council District and holding community meetings within the targeted Census Tract Block Group. This year, a total of 11 community meetings were held. The meetings were held at different times and locations in an effort to accommodate different households.

Spanish-speaking translators were available at all meetings. If a request for another language(s) translator is made at least five working days prior to a public meeting, a translator for the requested language(s) will be provided. All community input meetings were held at public buildings accessible to disabled individuals.

To obtain community input on the development of the 2017-2018 Action Plan, staff attended meetings with local focus groups and forums providing health services, social and fair housing services, including those focusing on services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, the homeless and the chronically homeless persons. Presentations to these groups outlined the eligible uses of these funds, how the funds are currently utilized, and proposed uses.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

See AP-12-Participation for a summary of comments received throughout the public comment period.

6. Summary of comments or views not accepted and the reasons for not accepting them

The City of Modesto accepted and considered all comments.

7. Summary

See AP-12-Participation for a summary of comments received throughout the public comment period

Draft

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MODESTO	Community & Economic Development Department
HOME Administrator	MODESTO	Community & Economic Development Department
ESG Administrator	MODESTO	Community & Economic Development Department

Table 1 – Responsible Agencies

Narrative

The City of Modesto is the lead agency responsible for preparation of the 2015-2020 Consolidated Plan and related Annual Action Plans and for administration of each grant program and its associated funding source(s). Primary oversight of the City of Modesto's HUD entitlement grant programs comes from the Citizens' Housing and Community Development Committee (CH&CDC). The CH&CDC is an 11-member committee appointed by the Modesto City Council and is comprised of representatives from the Modesto City Council, Planning Commission, Housing Rehabilitation Loan Committee, Human Relations Commission and several citizens-at-large. Generally, the citizens-at-large represent low-income and racial minority groups. The CH&CDC makes funding recommendations to the City of Modesto Council regarding CDBG, ESG and HOME grant programs as well as other one-time HUD-funded programs.

To avoid a perceived conflict of interest, any individual who is a member of a board of directors or is employed by an agency that applies for or receives CDBG, ESG, HOME, or other HUD funding, is ineligible to vote on funding decisions involving their respective agencies.

The CH&CDC typically meets once a month. These meetings are publicly noticed, open to the public and are typically held at Tenth Street Place, 1010 Tenth Street, Modesto, California. Public comments are both encouraged and welcomed. At least one (1) meeting is scheduled during the public comment period for the development of, or substantial amendment to, the City of Modesto's Annual Action Plan, Consolidated Plan, Annual Action Plan and Analysis of Impediments as well as the City of Modesto's Consolidated Annual Performance and Evaluation Report (CAPER).

Consolidated Plan Public Contact Information

The following are several ways in which an interested party can contact the City of Modesto staff with comments regarding the City of Modesto's PY 2017-18 Annual Action Plan:

- Telephone: (209) 577-5211
- Hearing Impaired: Dial 711, and then ask for 209-577-5211
- Email: housing@modestogov.com
- In person: City of Modesto, Community & Economic Development Department 1010 Tenth Street, 3rd Floor, Modesto, California, 95354
- Mail: City of Modesto, Community & Economic Development Department Community Development Division, P.O. Box 642, Modesto, California 95353

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

Two objectives of the City of Modesto's 2015-2020 Consolidated Plan are to 1) promote citizen participation in the development of local priority needs and objectives and 2) encourage consultation with public and private agencies to identify shared needs and solutions to persistent community problems.

The City of Modesto invites the community to provide input on the ways in which grant funds received from HUD are spent. The City of Modesto Citizen's Participation Plan outlines the ways the City of Modesto communicates with residents regarding the use and expenditure of HUD funds.

The City of Modesto continues to review and improve its delivery system by streamlining internal processes, enhancing coordination among departments and fostering collaborative working relationships with its sub-recipients and Community Housing Development Organizations (CHDOs). A few examples include:

- Memorandums of Understanding (MOUs). Staff and participating departments enter into MOUs to clearly delineate program goals and reporting requirements for each of the participating departments.
- Weekly Meetings. The Housing and Urban Development Supervisor and key staff members meet weekly to discuss the status of existing and future HUD-funded projects, develop work plans and reporting requirements and plan for upcoming meetings.
- Intra/Interdepartmental Coordination. The Housing and Urban Development Supervisor works with the Planning Division to assist with the update of the City

of Modesto's Housing Element, specifically focusing on the sections dealing with multi-family housing, affordable housing and HUD-funded housing programs and their effectiveness. Also, staff and Finance Department staff meets monthly to review various financial and reporting matters related to HUD-funded programs. Additionally, staff coordinates with various departments to ensure that capital improvement projects are on schedule and that invoices are paid in a timely manner.

- Community/Stanislaus Community System of Care (StanCSOC). On a regular basis, staff collaborates with the following organizations: the StanCSOC; the Airport Neighborhood Collaborative, the West Modesto/King-Kennedy Neighborhood Collaborative; Emergency Food and Shelter Board; United Way Impact Councils on Building Strong Neighborhoods and Safety Net.
- Sub-recipient and CHDO Outreach staff is proactively contacting its sub-recipients and CHDOs to keep them apprised of upcoming training opportunities, changes in HUD requirements, etc. Staff is also looking to schedule regular meetings with its CHDOs to discuss the status of existing and future projects.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

The PY 2017-2018 Annual Action Plan was prepared with oversight and direction from the CH&CDC. The City of Modesto conducted the following consultation efforts during the development of the PY 2017-2018 AAP:

- Consulted with key stakeholders, including representatives of the Housing Authority of Stanislaus County; non-profit organizations that provide housing services, facilities, and/or services to low- and moderate-income residents, the Focus on Prevention Stewardship Council, and neighborhood organizations.
- Consulted with the general public through workshops and public hearings.
- Attended and participated in monthly meetings held by the StanCSOC. Attended and participated in ongoing meetings related to the Focus on Prevention Initiative to coordinate services throughout the County.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

A stakeholders meeting was held on December 15, 2016, at a regularly scheduled StanCSOC. The meeting was held at the Sutter Health Memorial Medical Center at

McHenry Village 1700 McHenry Village, Suite 60B, Modesto, CA). The PY 2017-18 Annual Action Plan and priority needs were the meeting agenda. The StanCSOC meeting was attended by 58 people from the following agencies and organizations:

Housing Authority of the County of Stanislaus (HACS);

Haven's Women's Center;

Behavioral Health and Recovery Services (BHRS);

St. Vincent DePaul;

Stanislaus County;

Community Impact Central Valley (CICV);

West Modesto King Kennedy Neighborhood Collaborative;

Community Volunteers;

Turning Point Community Programs;

One Church Modesto;

TPCP Housing;

We Care Program;

San Joaquin Valley Veterans;

Health Plan of San Joaquin (HPSJ);

Disability Resource Agency for Independent Living (DRAIL);

City of Modesto;

City of Turlock;

Salvation Army Berberian Shelter;

Community Services Agency (CSA);

Parent Resource Center;

United Way/211;

Ceres Unified School District;

United Samaritans Foundation;

Project Sentinel;

Stanislaus County Probation;

Modesto Gospel Mission;

Draft

Sherriff Department;

Children's Crisis Center;

Alliance WorkNet;

Telecare;

NAMI – National Alliance on Mental Illness;

Homeless Community Member;

Family Promise;

Center for Human Services;

Aegis Treatment Center;

Habitat for Humanity;

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Consultation with the Stanislaus Community System of Care (StanCSOC) assists the City of Modesto in allocating and coordinating the prioritization and use of ESG funds with local needs. Through this process the City of Modesto is able to design programs and activities that are consistent with applicable federal and local standards and to distribute its funds efficiently.

The StanCSOC contributes by setting up the criteria for homeless programs outcomes during its contract period. The City of Modesto's consultations with the StanCSOC allows an open discussion on how to establish performance measures that benefit the City of Modesto. This allows the City of Modesto's CH&CDC and its City Council to be informed of the standards that ESG funds demand and best practice outcomes. These goals are then incorporated when negotiating contracts with sub-recipients. The Homeless Management Information System (HMIS) is essential and mandated by HUD for the coordination of services and the development of public policy. Analysis of information gathered through the HMIS is critical to the preparation of periodic reporting on homelessness and identifies the needs for services in the City of Modesto.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 1 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Housing Authority of the County of Stanislaus
	Agency/Group/Organization Type	Housing PHA Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Consulted via regular monitoring and TA visits and during StanCSOC (CoC) meetings. A new rental rehabilitation program component was added to the Home Rehabilitation program to assist affordable rental units in need of health and safety, energy efficiency, and ADA improvements.
2	**Agency/Group/Organization**	Haven Women's Center
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Needs - Victims of Domestic Violence
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

3	**Agency/Group/Organization**	STANISLAUS COUNTY
	Agency/Group/Organization Type	Other government - County
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing
4	**Agency/Group/Organization**	THE SALVATION ARMY - MODESTO CA
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy

Dra

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
5	**Agency/Group/Organization**	THE DISABILITY RESOURCE AGENCY FOR INDEPENDENT LIVING (DRAIL)
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

6	**Agency/Group/Organization**	Stanislaus County Community Services Agency
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-homeless Services-Health Other government - County
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
7	**Agency/Group/Organization**	Health Plan of San Joaquin
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Low Income Health Needs

Draft

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
8	**Agency/Group/Organization**	Turning Point Community Programs
	Agency/Group/Organization Type	Housing Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

9	**Agency/Group/Organization**	Community Impact Central Valley
	Agency/Group/Organization Type	Housing Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
10	**Agency/Group/Organization**	St. Vincent DePaul
	Agency/Group/Organization Type	Religious Organization
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy General Services

Dra

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
11	**Agency/Group/Organization**	STANISLAUS MULTI-CULTURAL COMMUNITY HEALTH COALITION WEST MODESTO
	Agency/Group/Organization Type	Services-Children Services-homeless Services-Education
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
12	**Agency/Group/Organization**	One Church
	Agency/Group/Organization Type	Religious Organization
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Veterans Anti-poverty Strategy General Services
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
13	**Agency/Group/Organization**	We Care Program -Turlock
	Agency/Group/Organization Type	Services-homeless

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
14	**Agency/Group/Organization**	San Joaquin Valley Veterans
	Agency/Group/Organization Type	Services - Veterans
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

15	**Agency/Group/Organization**	CITY OF TURLOCK
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
16	**Agency/Group/Organization**	Parent Resource Center
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children

Draft

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
17	**Agency/Group/Organization**	UNITED WAY
	Agency/Group/Organization Type	Services-Health Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
18	**Agency/Group/Organization**	United Samaritans Foundation
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy

Draft

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
19	**Agency/Group/Organization**	PROJECT SENTINEL
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
20	**Agency/Group/Organization**	Stanislaus County Probation
	Agency/Group/Organization Type	Other government - County

	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
21	**Agency/Group/Organization**	Modesto Gospel Mission
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the Stanislaus Housing and Support Services Collaborative. The Collaborative meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The Collaborative seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

22	**Agency/Group/Organization**	Stanislaus County Sheriff Department
	Agency/Group/Organization Type	Services - Victims Other government - Local Services - Law Enforcement
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy General Services
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
23	**Agency/Group/Organization**	CHILDREN'S CRISIS CENTER
	Agency/Group/Organization Type	Services-Children Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth

Draft

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
24	**Agency/Group/Organization**	Stanislaus Economic Development and Workforce Alliance
	Agency/Group/Organization Type	Services-Employment
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
25	**Agency/Group/Organization**	Telecare
	Agency/Group/Organization Type	Services-Persons with Disabilities

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
26	**Agency/Group/Organization**	National Alliance for the Mentally Ill
	Agency/Group/Organization Type	Services-Persons with Disabilities Services - Mentally Ill
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

27	**Agency/Group/Organization**	FAMILY PROMISE OF GREATER MODESTO
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
28	**Agency/Group/Organization**	Center For Human Services
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Homelessness Needs - Unaccompanied youth Homelessness Needs - Youth

Dra

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.
29	**Agency/Group/Organization**	HABITAT FOR HUMANITY
	Agency/Group/Organization Type	Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted during the formulation of the annual action plan and over the course of the year as part of the ongoing collaboration and coordination effort of the StanCSOC. The StanCSOC meets monthly at the offices of the Stanislaus County Housing Authority in Modesto. The StanCSOC seeks to improve the coordination of housing and human services to address social problems, reduce chronic homelessness, and increase the supply of affordable housing.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The public comment period was held from March 28, 2017 through June 27, 2017. Prior to the public comment period, a number of meetings were also held to inform community groups of the upcoming draft Annual Action Plan (AAP) and the programs offered by the various programs covered under the AAP. Comments received at meetings held prior and during the public comment period were considered for goal setting.

The following is a list of meetings that were held prior and during the public comment period. A summary any comments received during each meeting is included.

Draft

Citizen Participation Outreach						
	Mode of Outreach	**Target of Outreach**	**Summary of response/ attendance**	**Summary of comments received**	**Summary of comments not accepted and reasons**	**URL**
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Low Income Census Block Groups	Over 30 individuals in attendance.	February 17, 2017: Robertson Road Robertson Road Neighborhood Meeting - District 2: Census Tract 16.04 - Block Groups 1, 2, and 3:Over thirty parents in attendance requested public services assistance for ESL, Math, and Computer tutoring classes, so that they could assist their children with homework; and the parent could be positioned to attain a new job with sustainable income. An evening class between the hours of 5-7 p.m. utilizing a drop-in format to allow them to attend and get credit towards a class certificate, while still being able to coordinate work and childcare. Maybe have the class provided at HACS community center, so children could attend the PAL program on-site. Staff will reach out to respective service providers to discuss their willingness to apply for public service funds for this type of project.	Not Applicable. All comments were considered.	N/A

2	Public Meeting	Citizens Housing & Community Development Committee	This is a public meeting open to Modesto Citizens. No members of the public were in attendance.	February 23, 2017: Citizens Housing & Community Development Committee. Citywide: A public meeting was held to present CDBG and ESG public service grant recommendations to the Citizens Housing & Community Development Committee as well as to present Draft 2017-2018 Annual Action Plan recommendations. No public comments were received.	Not Applicable. All comments were considered.	.
3	Public Meeting	Citizens Housing & Community Development Committee	This is a public meeting open to Modesto Citizens. No members of the public were in attendance.	March 9, 2017: Citizens Housing & Community Development Committee. District 2/Census Tract 18/Block Group 2: A public meeting was held to present the Annual Action Plan Citizen Participation Calendar of Events to the Citizens Housing & Community Development Committee. No public comments were received.	Not Applicable. All comments were considered.	

4	Public Meeting	Stanislaus Continuum of Care		March 9, 2017: StanCSOC: Staff discussed the development of the FY 2017-2018 Annual Action Plan at the March 9, 2017 Stanislaus Continuum of Care meeting. Comments were received seeking clarification as to how the City addresses public input and engagement. Staff informed the audience that the City now conducts additional outreach and engagement via citywide public meetings along with community specific needs based public service opportunities which will impact the scope and type of public services the City will provide.	Not Applicable. All comments were considered.	
5	Public Meeting	Minorities Airport Neighborhood Collaborative		March 13, 2017: Airport Neighborhood Collaborative. District 4/Census Tract 21.00/Block Group 1: Staff discussed the development of the FY 2017-2018 Annual Action Plan at the March 13, 2017 Airport Neighborhood Collaborative Meeting. Staff provided information about public service opportunities for the 2017-2018 program year as well as updates related to the Airport Neighborhood Community Center Kitchen Project. Staff further informed the collaborative the City will seek comments from neighborhood residents regarding the specific public service need at the April 14, 2017 Community Chats meeting. Collaborative leaders were encouraged to hear the possibility for additional public service programs in the Airport Neighborhood.	Not applicable. All comments were considered.	

6	Public Meeting	Low Income Census Block Group		March 14, 2017: Steering Community Meeting Stratford at Beyer Park. District 5/Census Tract 4.04 Block Group 3Meeting attendees requested City staff meet with Modesto Neighborhood Inc. as they facilitate this community's group effort. Modesto Neighborhood Inc. is a 501(c)(3), and this group is interested in them applying for a public services grant(s) on their behalf for LMC, public services activities (Activity considerations - Neighborhood Watch funding, low-income youth scholarship program funding).This community group further requested infrastructure activities to include ADA curb cut and sidewalk improvements in the area bounded by Celeste Drive on the north, Oakdale Drive on the east, E. Briggsmore Ave on the south, and Rose Ave to the west.	Not applicable. All comments were considered.	
7	Public Meeting	Low Income Census Block Group		March 15, 2017: Orchard Park Neighborhood Alliance Meeting. District 6/Census Tract 14/Block Group 2: Meeting attendees requested City staff meet with Modesto Neighborhood Inc. as they group facilitate this community's group efforts. Modesto Neighborhood Inc. is a 501(c)(3), and this group is interested in them applying for a public services grant(s) on their behalf for LMC, public services activities (Activity considerations - Neighborhood Watch funding, low-income youth scholarship program funding).	Not applicable. All comments were considered.	

8	Public Meeting	Low Income Census Block Group		March 27, 2017: Delwood Neighborhood Alliance Meeting. District 3/Census Tract 14/Block Group 2: Meeting attendees shared challenges related to homelessness (such as homeless in neighboring parks). Staff informed the group of current efforts City and County-wide to address homelessness concerns. Meeting attendees shared some interest in ADA related infrastructure improvements within some areas of the neighborhood City staff is assess the location of the improvements to determine if they will be within eligible block groups. If so, they will be included as part of the upcoming ADA Ramps and Curb Cuts Projects planned for Fiscal Year 2017-2018 and/or future years.	Not applicable. All comments were considered.	
9	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Low Income Census Block Group		April 14, 2017: Airport Neighborhood Community Chats Meeting. District 2/Census Tract 21.00; Block Group 1: City of Modesto staff attended the Airport Neighborhood Community Chats meeting on April 14, 2017 to discuss the FY 2017-2018 Annual Action Plan Process. Community residents voiced the need public service programs that provide youth the opportunity to participate in recreation/sports activities. Staff will reach out to local service providers that provide these services for possible partnership opportunities to provide residents of this community the requested services.	Not applicable. All comments were considered.	

10	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Low Income Census Block Group		April 28, 2017: Shackelford Elementary School Meeting. District 2/Census Tract 23.01/Block Group 4: Over twenty parents in attendance requested public services assistance related to on-site childcare services while they attended ESL, Math, and Computer tutoring classes to assist their children with homework and be positioned to attain a new job with sustainable income. Staff will reach out to local service providers to explore partnership opportunities via public services that provide these services. Community residents also voiced the need public service programs that provide youth the opportunity to participate in recreation/sports activities.	Not applicable. All comments were considered.	

Draft

11	Public Meeting	Minorities Low Income Census Block Group		April 28, 2017: West Modesto Meeting. District 2/Census Tract 16.01/Block Group 1: Approximately fifty community members of all ages attended this meeting. Community residents voiced the need for public service programs that provide youth the opportunity to participate in work experience programs, after school activities, and topics related to representation of West Modesto in committees and stakeholder groups. Staff shared opportunities to volunteer on two (2) Community Development Division related committees (HRLC & CH&CDC). Staff will reach out to local service providers to explore partnership opportunities via public services to fund a job stipend related project activities.	Not applicable. All comments were considered.	

Draft

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

- Funds covered under the Consolidated Plan: CDBG, HOME and ESG;
- Funds provided under other HUD programs, the Department of Commerce, the Federal Emergency Management Agency, and other federal agencies;
- Funds provided under various programs of the California Department of Housing and Community Development and the California Housing Finance Agency;
- State and federal tax credits and mortgage credit certificates;
- Tax exempt bond proceeds;
- The City of Modesto's General Fund; and
- Private industry sources such as the Federal Home Loan Bank Board's Affordable Housing Program.

During Program Year 2017-2018, the City of Modesto expects to receive approximately $1,871,328 of Community Development Block Grant (CDBG) program funds, $721,358 of HOME Investment Partnerships (HOME) Program funds, and $166,397 of Emergency Solutions Grant (ESG) funds. Figures in the table below will be provided upon official HUD appropriation announcements.

Draft

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	$1,827,715	$419,897	$2,196,873	$4,444,485	$3,651,300	Expected Uses: Program Administration; Public Services; Housing Programs; Fair Housing Enforcement ;Public Facility Improvements Eligible ADA Improvements Homeless Services Activities

Draft

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	$703,709	$37,745	$2,240,483	$2,981,937	$1,229,044	Expected Uses: Homebuyer Assistance Owner Occupied Housing Rehabilitation Rental Housing Rehabilitation Rental Housing New Construction

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Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	$168,471	0	$13,257.50	$181,728.50	338,842	Expected Uses: Homeless Services Homeless Prevention Rapid Re-Housing

Table 2 - Expected Resources – Priority Table

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Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Leverage, in the context of the City of Modesto's three HUD programs, means bringing local, state, and federal financial resources to maximize the impact of the City's HUD funded programs. Leverage is also a way to increase project efficiencies and benefit from economies of scale that often come with combining sources of funding for similar scopes. HUD encourages the City of Modesto to demonstrate that efforts are being made to strategically leverage additional funds in order to achieve greater results. HUD funds will be considered leveraged if financial commitments toward the costs of a project from a source, other than the originating HUD source, are documented.

In Program Year 2016-2017, the City of Modesto began tracking leverage amounts from all CDBG and ESG public service sub-recipients via the ZoomGrants software reporting/invoicing system. Public Service sub-recipients are required to submit leverage amounts with supporting documentation as part of the City of Modesto's quarterly monitoring reviews. The City of Modesto uses this data for its HUD reports in IDIS.

HOME – 25% Match Requirement

The 25% HOME match requirements are met through the contributions or layers of funds that the developers provide for each HOME -assisted project. The match includes private financing, waiver or deferral of development fees approved by the Modesto City Council, Tax Credit Allocations, and any other eligible source.

ESG – 100% Match Requirement

For the ESG program, the City of Modesto requires that ESG sub-recipients provide a dollar-for-dollar match for ESG funds received. Typically, the City of Modesto is able to generate significantly more match than the amount required for ESG activities primarily through the cash and non-cash contributions provided by ESG sub-recipients as a result of the generosity of their donors, supporters, and other funders. As part of the ESG monitoring process, ESG sub-recipients submit reimbursement requests; invoices and accompanying receipts are reviewed for reimbursement eligibility. Sub-recipients are required to submit dollar-for-dollar match verification with each reimbursement request and City of Modesto reimbursement is conducted after match verification documentation is satisfied.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Modesto has one (1) single family unit located in the Airport Neighborhood that was recently foreclosed and has been vandalized. The intent is to transfer the unit to a non-profit organization that could, in turn, rent this unit to a low income household or rehabilitate the unit and sell it to a low income household. Additionally, the City of Modesto, as the successor housing entity to the former Redevelopment Agency of the City of Modesto, owns a parcel that will be utilized to develop 74 affordable housing units for low and very low income households.

Discussion

No additional discussion.

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

No Goals Found

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Rental Housing Construction	2015	2019	Affordable Housing		H-1 Increase affordable rental housing		Rental units constructed: 4 Household Housing Unit
2	Homebuyers Assistance	2015	2019	Affordable Housing		H-2 Provide Homeownership Opportunities		Direct Financial Assistance to Homebuyers: 18 Households Assisted
3	Housing Preservation	2015	2019	Affordable Housing		H-3 Preserve Existing Affordable Housing		Rental units rehabilitated: 7 Household Housing Unit
4	Housing Rehabilitation Program	2015	2019	Affordable Housing		H-3 Preserve Existing Affordable Housing		Homeowner Housing Rehabilitated: 24 Household Housing Unit
5	Fair Housing Services and Education	2015	2019	Fair Housing		H-4 Continue to Support Fair Housing.		Other: 5 Other

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Emergency Shelter Beds	2015	2019	Homeless		HM-1 Address Chronic Homelessness		Homeless Person Overnight Shelter: 700 Persons Assisted
7	Supportive Services - Homeless	2015	2019	Homeless		HM-4 Prevent Homelessness for those at Risk		Homelessness Prevention: 10 Persons Assisted
8	Supportive Housing Services	2015	2019	Non-Housing Community Development		HM-4 Prevent Homelessness for those at Risk		Tenant-based rental assistance / Rapid Rehousing: 10 Households Assisted
9	HMIS Implementation	2015	2019	Homeless		HM-5 Coordinated case management		
10	Services - Anti-poverty	2015	2019	Non-Housing Community Development		CD-2 Promote Economic Development Activity		Jobs created/retained: 4 Jobs
11	Independent Living Services	2015	2019	Non-Housing Community Development		CD-3 Provide Public Services for Residents		Other: 10 Other
12	Public Improvements - Accessibility	2015	2019	Non-Housing Community Development		CD-4 Fund ADA Improvement in the City		Other: 5 Other

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
13	Street Paving	2015	2019	Non-Housing Community Development		CD-5 Arrest the Physical Decline of LMA's		Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2 Persons Assisted

Table 3 – Goals Summary

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Goal Description

1	**Goal Name**	Rental Housing Construction
	Goal Description	Construction of 4 rental housing units (STANCO, CICV, GVHDC).
2	**Goal Name**	Homebuyers Assistance
	Goal Description	Provide direct financial assistance 10 to 18 households through the Homebuyer Assistance Program.
3	**Goal Name**	Housing Preservation
	Goal Description	Provide financial assistance to local affordable housing developers (STANCO, CICV, GVHDC) to preserve rental housing units via rehabilitation of such units.
4	**Goal Name**	Housing Rehabilitation Program
	Goal Description	Provide financial assistance to 24 owner occupied households for housing rehabilitation assistance for the purpose of preserving existing affordable housing.
5	**Goal Name**	Fair Housing Services and Education
	Goal Description	Contract with a fair housing service provider to provide fair housing services to City of Modesto residents. Number of Fair Housing Cases investigated: 5
6	**Goal Name**	Emergency Shelter Beds
	Goal Description	Provide ESG funds to non-profit homeless service providers: Assist 700 unduplicated individuals with emergency shelter.
7	**Goal Name**	Supportive Services - Homeless
	Goal Description	Homeless Prevention Services: Provide ESG funds to non-profit homeless service providers. Assist 10 households with homeless prevention services (CHSS/Family Promise).
8	**Goal Name**	Supportive Housing Services
	Goal Description	Rapid Rehousing Services: Provide ESG funds to non-profit service providers to provide rapid rehousing services (CHSS/Family Promise).

9	**Goal Name**	HMIS Implementation
	Goal Description	Continue enforcing HMIS program implementation by all ESG sub-recipients. 10% of subrecipient grant funds will be budgeted for HMIS data entry/implementation.
10	**Goal Name**	Services - Anti-poverty
	Goal Description	Section 3 jobs created. Minimum of 4 jobs created via CDBG/ESG public services and/or Economic Development programs (i.e. Fresno CDFI).
11	**Goal Name**	Independent Living Services
	Goal Description	Provide independent living services to people with disabilities: 10 ADA compliant ramps or lifts.
12	**Goal Name**	Public Improvements - Accessibility
	Goal Description	Conduct public improvements to enhance ADA accessibility: 5 parks with ADA accessible paths to park/playground areas.
13	**Goal Name**	Street Paving
	Goal Description	Public Facilities/Infrastructure Improvements: Conduct infrastructure improvement projects within HUD designated low income block groups.

Table 7 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

All assistance will be provided to households at or below 80% of the AMI.

AP-35 Projects – 91.220(d)

Introduction

The activities to be undertaken during Program Year 2017-2018 are summarized below.

#	Project Name
1	FY 2017-2018 CDBG PLANNING & ADMINISTRATION
2	FY 2017-2018 ESG PLANNING & ADMINISTRATION
3	FY 2017-208 HOME PROGRAM PLANNING & ADMINISTRATION
4	AFFORDABLE HOUSING - RENTAL HOUSING ACQUISITION/CONSTRUCTION/REHABILITATION
5	AFFORDABLE HOUSING - OWNER OCCUPIED HOUSING REHABILITATION
6	AFFORDABLE HOUSING - HOMEBUYER ASSISTANCE
7	PUBLIC FACILITIES/INFRASTRUCTURE IMPROVEMENTS
8	PS-17 COURT APPOINTED SPECIAL ADVOCATES - CASA
9	PS-17 CENTER FOR HUMAN SERVICES - PATHWAYS
10	PS-17 CHILDREN'S CRISIS CENTER - SAWYER HOUSE
11	PS-17 FAMILY PROMISE - RENTER RESTORATION & PREVENTION SVCS
12	PS-17 HAVEN WOMEN'S CENTER - DOMESTIC VIOLENCE SHELTER
13	PS-17 PARENT RESOURCE CENTER - MOMS PARENTS PLUS
14	PS-17 UNITED SAMARITANS FOUNDATION - DAILY BREAD LUNCH PROGRAM
15	PS-17 COMMUNITY BASED PUBLIC SERVICES
16	FAIR HOUSING PROGRAM - PROJECT SENTINEL
17	BOYS & GIRLS CLUB WEST MODESTO - ACQUISITION/CONSTRUCTION
18	CROWS LANDING ROAD NEIGHBORHOODS PROJECT
19	ADA RAMPS AND CURB CUTS PROJECTS
20	SECTION 108 LOAN REPAYMENT FY 2017-2018
21	ESG-17 CENTER FOR HUMAN SERVICES - HUTTON HOUSE
22	ESG-17 COMMUNITY HOUSING AND SHELTER SERVICES - HP/RR
23	ESG-17 FAMILY PROMISE - NEW BEGINNINGS, S.T.S.
24	ESG-17 SALVATION ARMY - EMERGENCY SHELTER
25	WATER/SEWER CONNECTION PROGRAM
26	HOME - 2017-2018 CHDO OPERATING SUPPORT
27	ECONOMIC DEVELOPMENT - SECTION 3 CONTRACTOR/RESIDENT ASSISTANCE
28	HOME - ARCHWAY COMMONS PHASE II
29	2017 HOUSING REHABILITATION ACTIVITY DELIVERY (14H)

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Projects

AP-38 Projects Summary

Project Summary Information

Table 4 – Project Summary

1	**Project Name**	FY 2017-2018 CDBG PLANNING & ADMINISTRATION
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	$365,543
	Description	This project will fund administrative expenses related to the planning and administration of CDBG projects and activities including but not limited to development of HUD plans, contract development, project monitoring, and enforcement of federal regulations.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	N/A
2	**Project Name**	FY 2017-2018 ESG PLANNING & ADMINISTRATION
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	$12,635
	Description	This project will fund administrative services related to the oversight and implementation of the ESG program.
	Target Date	6/30/2018

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	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
3	**Project Name**	FY 2017-208 HOME PROGRAM PLANNING & ADMINISTRATION
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	$70,370
	Description	This project will fund administrative services related to the oversight and implementation of the ESG program.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	N/A
4	**Project Name**	AFFORDABLE HOUSING - RENTAL HOUSING ACQUISITION/CONSTRUCTION/REHABILITATION
	Target Area	
	Goals Supported	Rental Housing Construction
	Needs Addressed	H-1 Increase affordable rental housing
	Funding	$758,384 (Prior Year Funds)

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	Description	Address the "Affordable Housing" priority/focus area of the Con Plan by partnering with local affordable housing developers to creating affordable housing opportunities for low income households.Refer to Goal #1 and #3. Construction of 4 rental housing units (STANCO, CICV, GVHDC), Rehabilitation of 7 rental housing units.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	4
	Location Description	TBD
	Planned Activities	Construct 4 affordable rental housing units.
5	**Project Name**	AFFORDABLE HOUSING - OWNER OCCUPIED HOUSING REHABILITATION
	Target Area	
	Goals Supported	Housing Preservation
	Needs Addressed	H-3 Preserve Existing Affordable Housing
	Funding	$241,513 (FY 17 funds 180,000 & P.I. 61,513)
	Description	Address the "Affordable Housing" priority/focus area of the Con Plan by providing direct financial assistance eligible households through the Housing Rehabilitation Program.Refer to Goal #4
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	24
	Location Description	TBD
	Planned Activities	Owner Occupied Housing Rehabilitation
6	**Project Name**	HOME - AFFORDABLE HOUSING - HOMEBUYER ASSISTANCE
	Target Area	

	Goals Supported	Homebuyers Assistance
	Needs Addressed	H-2 Provide Homeownership Opportunities
	Funding	$150,000
	Description	Address the "Affordable Housing" priority/focus area of the Con Plan by providing direct financial assistance eligible first time homebuyers via the City's Homebuyer Assistance Program (HAP).Refer to Goal #2
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	18
	Location Description	TBD
	Planned Activities	First time homebuyer gap finance loans.
7	**Project Name**	PUBLIC FACILITIES/INFRASTRUCTURE IMPROVEMENTS
	Target Area	
	Goals Supported	Street Paving
	Needs Addressed	CD-5 Arrest the Physical Decline of LMA's
	Funding	:
	Description	Address the "Public Facilities Improvements" and "Public Improvements" priority/focus areas of the Con Plan by undertaking public infrastructure improvement projects within HUD designated low income block group areas to address deteriorating conditions.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	TBD
	Location Description	Low Income Census Block Groups within City of Modesto. Refer to AP-50 Geographic Distribution.

	Planned Activities	Infrastructure improvement projects within HUD designated low income block groups.
8	**Project Name**	PS-17 COURT APPOINTED SPECIAL ADVOCATES - CASA
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	$27,300
	Description	CASA will provide coordinated case management to address the needs of dependent youth. CASA is a program that significantly meets the needs of 'at-risk' youth. CASA services directly benefit a vulnerable population (children by definition are not in control of their resources and all of the youth in foster care, regardless of age, often live in very modest to poor conditions). We also meet an urgent community development need. For our community to thrive, CASA provides proactive services for a marginalized population who cannot (yet) provide for themselves, our children. CASA is the ONLY program that provides this type of service. CASA is supported (and recruited) by the Stanislaus County Superior Court to provide advocacy services for children in dependency.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	30
	Location Description	CASA of Stanislaus County office - 801 11th Street, 3rd Floor, Modesto, CA 95354
	Planned Activities	In the short term, CASA will serve (provide direct services to a minimum of) 30 new children over the term of the grant. CASA expects to recruit and train a minimum of 15 new advocates and to provide training, direct services and support up to an additional 20 newly sworn advocates during the term of the grant. In the long term CASA expects to provide stability and extensive services that will help lead to positive and permanent outcomes for the children we serve.
9	**Project Name**	PS-17 CENTER FOR HUMAN SERVICES - PATHWAYS
	Target Area	

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	Goals Supported	Emergency Shelter Beds Supportive Services - Homeless
	Needs Addressed	HM-2 Increase transitional housing
	Funding	$22,620
	Description	Pathways is a 16 bed transitional living program that addresses the need for shelter and support services for homeless youth 18 to 21 years of age. Shelter is provided up to 21 months. Using a youth development and trauma informed approach, Pathways seeks to promote the social and emotional well-being of the young people it serves. Program goals for youth served at Pathways are: obtaining employment, leaving to stable housing and having supportive relationships. Services are designed to initially meet the immediate needs of youth, including ensuring that the program environment is welcoming and safe. Youth are first acquainted with Pathways by attending an orientation so that they may learn about what the program does and doesn't offer them. This allows them to make an informed decision as to whether or not the program will meet their needs. Once a youth decides this is the path they would like to choose, they provide the required program documentation - completed assessment form, identification, etc. Staff is available to assist youth in obtaining the required documentation, if the youth desires. Once a young person enters the program, individual assessments to determine their specific needs and how to best meet them are completed. Assessments are administered by the case manager, substance use counselor and mental health counselor to determine the youth's current level of functioning. The focus is on strengths, which are celebrated and built upon. Skills that are missing or need strengthening are discussed with the young person. An Individual Service Plan for addressing short and long term goals as defined by the youth is created between the youth and the case manager. If the youth determines that skill deficits are a barrier to achieving his or her goals, plans to address those deficits are developed. Case management and counseling (mental health and substance use) meetings are available weekly to discuss steps toward reaching goals and any barriers that may have occurred.Additional support services available to youth include: basic life, interpersonal and job acquisition and maintenance skills training, assistance with obtaining medical care and advancing educational opportunities, service learning opportunities, recreation, referral and after care services.
	Target Date	

	Estimate the number and type of families that will benefit from the proposed activities	35
	Location Description	608 E. Granger Avenue, Unit 25, Modesto, CA 95350 (program office), 8 additional apartments at the same site house the youth.
	Planned Activities	Pathways three outcomes for youth are: permanent housing, employment and healthy relationships. The program is designed to help youth achieve these outcomes, including teaching them to access resources that contribute to financial stability - specifically how to obtain and retain a job but also how to access benefits for which they are eligible - CalFresh (food stamps), MediCal, etc. The indicators below will measure our success.
10	**Project Name**	PS-17 CHILDREN'S CRISIS CENTER - SAWYER HOUSE
	Target Area	
	Goals Supported	Emergency Shelter Beds Supportive Services - Homeless
	Needs Addressed	HM-5 Coordinated case management
	Funding	$20,936

	Description	The Children's Crisis Center will serve low to very low income residents of Modesto and will provide emergency child care, shelter, meals, crisis intervention and specialized prevention services to disadvantaged high-risk infants, toddlers, preschool and school-age children living in Modesto as well as crisis management services to their parents. This project will deliver essential care services to impoverished who are children growing up in Modesto families afflicted by generational abuse, domestic violence, extreme poverty, substance abuse, mental illness or homelessness. These children will be dependants of high-risk families living below 80% of the area median income while enduring social difficulties and familial traumas. They will likely have been impacted by hardships stemming from exposure to family conflict, violence and crisis. This project will operate from a converted home located within a centralized Modesto neighborhood, this home is called Sawyer House. From this location Children's Crisis Center staff specializing in child development, crisis counseling, meal service, crisis management, and human services will nurture and tend to all the physical, emotional, therapeutic, educational and nutritional needs of each child. Child beneficiaries between the ages of birth to 17 years will be welcomed to receive safety, solace and compassionate care. Children will receive food, clean clothing, emotional support, and comfort, medical exams, crisis counseling, and developmental assessments. Their stay will last a few hours or a few days based on their assessed circumstances and family needs. This project will not only shield children from situations that threaten their well-being, but will also offer troubled parents the support and tools necessary to overcome anxieties and barriers related to poverty, substance abuse, homelessness, domestic violence, unemployment and evictions. For this project, it is proposed that Sawyer House will shelter and serve 71 children from 34 families, for a total of 105 project beneficiaries.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	105
	Location Description	City of Modesto

	Planned Activities	Emergency child care, shelter, meals, crisis intervention and specialized prevention services to disadvantaged high-risk infants, toddlers, preschool and school-age children living in Modesto as well as crisis management services to their parents
11	**Project Name**	PS-17 FAMILY PROMISE - RENTER RESTORATION & PREVENTION SVCS
	Target Area	
	Goals Supported	Supportive Services - Homeless
	Needs Addressed	HM-4 Prevent Homelessness for those at Risk
	Funding	$23,370
	Description	As a provider of shelter and rental assistance, Family Promise frequently assists families who are homeless due to an eviction. With the current competitive rental market and increased use of property management companies, these families are finding few, if any, landlords willing to rent to them. Even with Rapid Re-Housing assistance, the difficulty finding units is resulting in longer shelter stays than in the past. In 2016 Family Promise began a program to address this challenge in an effort to reduce the length of time that families are homeless with two-fold approach. We implemented an education program to help participants become better tenants with a goal of restoration to the mainstream rental market. We also began reaching out to landlords to determine what would be required in order for them to accept previously evicted tenants and to encourage participation in Rapid Re-Housing programs. Through longer term case management, we are provided follow up to formerly homeless households as they continue to transition from public assistance to independence. We utilize a progressive case management model, providing only the resources necessary to overcome barriers but not readily available from another source.While we have made progress toward our goals, much work remains to encourage landlord participation in re-housing programs and increased rental opportunities for low income families. With our 2017/2018 application Family Promise seeks funding to provide staff to continue to build our tenant education program and increase landlord outreach and engagement activities. Family Promise will continue to provide the following services to help homeless and low income families overcome barriers to rental housing.
	Target Date	

	Estimate the number and type of families that will benefit from the proposed activities	40
	Location Description	
	Planned Activities	Services will include: • Tenant Education Workshops • Individual Rental Application/Housing Search Coaching & Assistance • Life skills Planning for Housing Maintenance & Stability • Aftercare Case Management & Support • Outreach/Engagement to Property Owners/Managers • Research/Development of Sources for Landlord Incentives Guarantees Expected Accomplishments: • Increased Landlord Engagement & Rental Opportunities for Participants • Leverage of Private Resources for Rental Support/Landlord Guarantees
12	**Project Name**	PS-17 HAVEN WOMEN'S CENTER - DOMESTIC VIOLENCE SHELTER
	Target Area	
	Goals Supported	Emergency Shelter Beds Supportive Housing Services
	Needs Addressed	HM-5 Coordinated case management
	Funding	$27,385
	Description	Haven Women's Center offers emergency shelter to individuals and families fleeing domestic violence, sexual assault, and/or human trafficking. Victims and families fleeing abuse who are currently homeless or at risk of homelessness are eligible for up to six weeks of emergency shelter in a confidential location.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	160

	Location Description	Safe Haven
	Planned Activities	While in the shelter program, participants receive a variety of supportive services to address their safety, connection to resources, as well as health and housing needs. Services include crisis intervention, safety planning, peer counseling, case management, legal services and support groups for both adults and children affected by trauma.
13	**Project Name**	PS-17 PARENT RESOURCE CENTER - MOMS PARENTS PLUS
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	$22,627
	Description	Mom's Moments Plus is a 12-week parenting education program, through partnership with the Salvation Army, Modesto Gospel Mission, Housing Authority, and Family Promise. The program will follow the Nurturing Parenting program developed by Dr. Stephen J. Bavolek and enhanced with life skills education. This program has been used successfully by PRC for over ten years, and the life skills that supplement it have seen success with PRC's past implementation of the program. The core curriculum's goal is to stop the inter-generational cycle of child abuse and prevent recidivism in families receiving social services. The curriculum is trauma informed, evidence-based, centered on the family, and designed to build nurturing parenting skills.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	100
	Location Description	Parent Resource Center: 811 5th St. Modesto, CA 95350 Modesto Gospel Mission: 1400 Yosemite Blvd, Modesto, CA 95354 (part of StanCSOC effort) Salvation Army: 625 I St. Modesto, CA 95354 (part of StanCSOC effort) Housing Authority, Department of Family Self Sufficiency: Various locations based on needs of families (part of StanCSOC effort) Family Promise: Various locations based on needs of families (part of StanCSOC effort)

	Planned Activities	Case management, survey measurement, home visits, and client follow-up. Outcomes include improved family functioning and parenting skills. PRC's Mom's Moments Plus program will provide education in improving stability for the families of the City of Modesto.
14	**Project Name**	PS-17 UNITED SAMARITANS FOUNDATION - DAILY BREAD LUNCH PROGRAM
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	$22,700
	Description	Daily Bread Mobile Lunch Program delivers nutritious meals directly into the neighborhoods where extremely low, very low income, low income, and homeless individuals reside. The program ensures those individuals living in these neighborhoods have access to at least one nutritious meal a day, five days a week, 52 weeks a year. During the week we provide as many extras (milk, juice, bread, eggs, yogurt, and fresh produce, etc.) as we have available to supplement their diet with higher nutrition foods. Delivering these meals and extras directly into neighborhoods provides supportive services that enable residents to remain in independent living situations. USF also now offers an outreach worker, twice a month, for those individuals wishing to access supportive services and/or employment information. In 2016, USF served a total of 106,359 meals - 8,863 meals each month (on average) - 2,061 meals each week (on average) in the City of Modesto. USF is also working with Boys and Girls Club of Modesto to serve meals 5 days a week to 60-80 children in that program.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	475

	Location Description	1st stop - Beardbrook Park 2nd stop - Mono Park 3rd stop - 9th and D Street - Berberian Shelter - Salvation Army 4th stop - Oregon Park 5th stop - 4th Street park 6th stop - James Marshall Park 7th stop - Robertson Road Park 8th stop - Riverdale Road (not within Modesto incorporated limits but in Modesto area) 9th stop - Boys and Girls Club @ King-Kennedy Center in Mellis Park
	Planned Activities	Delivers nutritious meals directly into the neighborhoods where extremely low, very low income, low income, and homeless individuals reside. Our program ensures those individuals living in these neighborhoods have access to at least one nutritious meal a day, five days a week, 52 weeks a year.
15	**Project Name**	PS-17 COMMUNITY IDENTIFIED PUBLIC SERVICES (CDBG)
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	CD-3 Provide Public Services for Residents
	Funding	$80,451.35
	Description	Public Service Needs identified via Citizen Participation/public outreach process: In response to community input received during the Citizen Participation outreach process in preparation of this program year Annual Action Plan, the City of Modesto will partner with local service providers to provide much needed public services. The public service activities to be funded under this project are a result of community identified public service needs during the Citizen Participation process. The City's intent is to be responsive to the feedback and comments provided by community members. Public Service activities will include but not limited to: Community capacity building, Youth sports activities/scholarships, ESL/Math/Computer Classes, and outreach and engagement activities to homeless individuals.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	TBD

	Location Description	TBD
	Planned Activities	Public Service activities will include but not limited to: Community capacity building, Youth sports activities/scholarships, ESL/Math/Computer Classes, and outreach and engagement activities to homeless individuals.
16	**Project Name**	PS-17 FAIR HOUSING PROGRAM - PROJECT SENTINEL
	Target Area	
	Goals Supported	Fair Housing Services and Education
	Needs Addressed	H-4 Continue to Support Fair Housing.
	Funding	$25,000
	Description	This project will enable people to resolve housing problems. By providing fair housing services, the project will also assist the City of Modesto to affirmatively further fair housing by combating housing discrimination and promoting diverse and inclusive communities.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	5 Fair Housing Investigation Cases = Project Sentinel will serve a minimum of 5 fair housing related investigation cases. 350 = People benefitting from fair housing information, presentations, workshops, counseling, and information & referral services.
	Location Description	Project Sentinel's office - 1231 8th St., Ste 425, Modesto, CA 95354.

	Planned Activities	Outreach We will inform the general public of the available fair housing services through educational brochures, radio and TV PSA's, and print and social media. Education We will provide one-on-one counseling and group workshops for housing providers, consumers and social service agencies to educate them about fair housing law. We will also provide specialized workshops low income veterans, immigrants especially those with limited English proficiency, those with disabilities, and families with children. Housing providers will learn how to comply with fair housing law while conducting residential rental business. Housing consumers will learn how to recognize fair housing violations and how to secure assistance. Social service agencies will learn to recognize and effectively refer fair housing violations. Audit and Complaint Investigations Fair housing coordinators investigate complaints through testing, interviews, surveys, and document review. When there is evidence of a violation, the complainant is given a range of options: educate the person causing the violation, conciliate/mediate the complaint, refer the complainant to HUD, DFEH or to an attorney for enforcement. Project Sentinel will also conduct proactive audits, testing housing providers for compliance with fair housing law before an allegation of discrimination is made.
17	**Project Name**	BOYS & GIRLS CLUB WEST MODESTO - ACQUISITION/CONSTRUCTION
	Target Area	
	Goals Supported	Services - Anti-poverty
	Needs Addressed	
	Funding	$300,000 (Prior Year Funds)

	Description	Acquisition and installation of a 3.600 sq. ft. custom modular building to house the West Modesto Boys & Girls Club in Mellis Park, adjacent to the King-Kennedy Memorial Building, 601 Martin Luther King Drive, Modesto CA 95351. The modular building will be used to provide Boys and Girls Club services to youth 6-18 years of age and their families to address social challenges within the West Modesto low income community. The modular unit will have dedicated space for offices, storage, restrooms, game rooms, and a classroom and technology center.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	200
	Location Description	601 Martin Luther King Drive, Modesto CA 95351.
	Planned Activities	
18	**Project Name**	CROWS LANDING ROAD NEIGHBORHOODS PROJECT
	Target Area	LOW INCOME CENSUS TRACTS
	Goals Supported	
	Needs Addressed	
	Funding	$63,066
	Description	Community Center and/or open space/park in the Schackleford Neighborhood.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	Shackleford Neighborhood
	Planned Activities	Community center and/or pen space/park.
19	**Project Name**	ADA RAMPS AND CURB CUTS PROJECTS

	Target Area	LOW INCOME CENSUS TRACTS
	Goals Supported	Public Improvements - Accessibility
	Needs Addressed	CD-4 Fund ADA Improvement in the City
	Funding	$74,000
	Description	Conduct ADA ramps, curb cut, and sidewalk improvement projects in eligible low/mod areas.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	Low/Mod Areas within the City of Modesto
	Planned Activities	ADA ramps, curb cut, and sidewalk improvement projects
20	**Project Name**	SECTION 108 LOAN REPAYMENT FY 2017-2018
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	$293,844.65
	Description	Planned repayment of Section 108 Loan Principal.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
21	**Project Name**	ESG-17 CENTER FOR HUMAN SERVICES - HUTTON HOUSE
	Target Area	

	Goals Supported	Emergency Shelter Beds Supportive Services - Homeless
	Needs Addressed	HM-5 Coordinated case management
	Funding	$35,000
	Description	The overall goal of Hutton House is to meet the immediate needs of runaway and homeless youth as well as youth at risk of separation from their family. Youth ages 13 to 17 are eligible to receive residential services and all youth experiencing homelessness and runaway issues may receive day services. The maximum length of stay in the shelter is 21 days. The objectives of the program are: to alleviate problems, assist youth in crisis, reunite youth with families, strengthen family relationships and to help youth transition to safe living arrangements. Incorporating a positive youth development philosophy and approach is an essential element of the program. Hutton House's youth development philosophy is based on the premise that all youth benefit from support, guidance and positive growth opportunities during adolescence. Hutton House staff is committed to serving as positive role models for youth and to assisting families to strengthen their relationship with each other. Staff also places a high value on creating a safe, temporary shelter environment and on designing services that enhance or build social and coping skills.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	200
	Location Description	201 Jennie Street, Modesto, CA 95354
	Planned Activities	Provide shelter to runaway and homeless youth.
22	**Project Name**	ESG-17 COMMUNITY HOUSING AND SHELTER SERVICES - HP/RR
	Target Area	
	Goals Supported	Supportive Services - Homeless Supportive Housing Services
	Needs Addressed	HM-4 Prevent Homelessness for those at Risk HM-5 Coordinated case management
	Funding	$27,918

Draft

	Description	Community Housing and Shelter Services will operate a Homeless Prevention Rapid Re-Housing program. This program could help alleviate the stress of housing costs for a minimum of 10 families from within the City of Modesto area, and have an income at or below 30% of the median income. The Homeless Prevention funding (average of $2,808) will be utilized to provide short-term rental assistance to households who are at imminent risk of becoming homeless by preventing eviction for households who have received a 3-day notice and have written verifiable documentation of an emergency that has caused them to enter into default on their rent. The Rapid Re-Housing funding (average of $4,680) will be utilized to provide short-term rental assistance to households via first month rent and double security deposit assistance to households who are homeless and lack the resources to pay for their full move-in fees. In order for CHSS to assist each household in removing barriers to sustainable housing, all households served will receive intensive on-going Case Management Services at a minimum of once per month in-person meeting with the client, although the goal would be for additional follow-up. Each household will complete an individualized action plan to address their immediate and long-term goals to ensure permanent housing sustainability after the ESG funding ends. CHSS will offer our homeless clients supportive services such as, money management workshops, weekly up-dated housing lists, referrals to other services in the County, and case management to assist them in finding permanent, long term housing. These services will provide our Clients with the tools to remain housed and reduce any new incidences of homelessness resulting in a reduced recidivism rate. CHSS anticipates that 90% of the households served will remain in permanent stable housing. CHSS will provide up to one year of follow-up counseling assistance after being housed, to ensure that all clients have access to the tools they need to maintain their permanent housing.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	30
	Location Description	Community Housing and Shelter Services 708 H Street, Modesto, CA 95354
	Planned Activities	Homeless Prevention and Rapid Rehousing Activities.

23	**Project Name**	ESG-17 FAMILY PROMISE - NEW BEGINNINGS, S.T.S.
	Target Area	
	Goals Supported	Supportive Services - Homeless
	Needs Addressed	HM-5 Coordinated case management
	Funding	$45,160
	Description	Family Promise - Shelter to Solutions will provide comprehensive solutions to ending family homelessness from emergency shelter through rapid re-housing. Our emergency shelter program strengthens families by providing a safe place where homeless children and their families can stay together during crisis combined with housing stabilization case management and rental assistance. Our 2017/2018 application continues to build on this successful model with increased legal services and transportation. We will provide the following services to 65 individuals with an anticipated outcome of 80% moving forward to transitional or permanent housing.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	65
	Location Description	
	Planned Activities	Emergency Shelter • Lodging and meals to children and their families in local houses of worship • Day Center with shower, storage and laundry facilities • Housing Stabilization Case Management including financial literacy and credit education • Transportation services to access shelter and other resources Rapid Re-Housing • Housing Stabilization Case Management & Services • Financial Counseling & Credit Repair • Housing Search Assistance & Transportation • Mediation & Legal Services
24	**Project Name**	ESG-17 SALVATION ARMY - EMERGENCY SHELTER
	Target Area	

Draft

	Goals Supported	Emergency Shelter Beds Supportive Services - Homeless
	Needs Addressed	HM-1 Address Chronic Homelessness
	Funding	$47,758
	Description	The Salvation Army Modesto Citadel Corps operates the Emergency Shelter for the City of Modesto. The Emergency Shelter is a year round program, offering emergency beds for at-risk homeless individuals without dependents 18 and older who are unable to find shelter elsewhere. Located at 320 Ninth Street, the facility provides up to 111 beds per night as a refuge of warmth and safety to homeless citizens of Modesto. The emergency shelter provides a safe place for individuals to be sheltered where they can sleep, stabilize mentally and physically and then be connected to public services to assist in achieving stable housing and well-being to prevent or eliminate chronic homelessness. Access is available to electrical outlets for night time medical machines, charging of motorized chairs, etc., is also available to these clients year round. An onsite dental/optical clinic is offered to emergency shelter clients. While in our shelter, each individual receives a warm, clean bed, hot showers along with a hot nutritious meal. Access to health services is offered to each one as well. Our shelter staff is trained to help identify those who are showing stability and a desire to move from homelessness to permanent housing. Recommendations are made to the case management team, who in turn begins the process of finding direct housing for those who qualify, or placing the client into one of our transitional housing programs. This process will help address the barriers they face and help guide them toward stabilization, and permanent housing. Utilizing case management, referrals, life skills training, health services, as well as connecting them to many of our StanCSOC agencies helps the emergency guests meet their goal of permanent housing. Identification of individuals from the 750 unduplicated clients who are stabilized and motivated to move forward will achieve those goals through case management where they will be linked up with housing resources in the community. An Emergency Shelter guest may stay in the emergency shelter nightly as long as they remain homeless, on a first come, first served basis. The case management team will identify clients who show a greater self-termination and wish to transition from homelessness to permanent housing a quickly as possible. Some will qualify to find direct housing, while others may need more time to stabilize and gain income by wages or mainstream benefits. The transitional living programs are up to 6 months.
	Target Date	

	Estimate the number and type of families that will benefit from the proposed activities	750
	Location Description	320 Ninth Street, Modesto CA 95354
	Planned Activities	Year-round emergency shelter program.
25	**Project Name**	WATER/SEWER CONNECTION PROGRAM
	Target Area	LOW INCOME CENSUS TRACTS
	Goals Supported	Housing Rehabilitation Program
	Needs Addressed	H-3 Preserve Existing Affordable Housing
	Funding	$339,477 (Prior Year Funds)
	Description	Loans and grants to eligible owner occupied households to assist with water and/or sewer connection costs including fees, permits, and construction costs.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	10
	Location Description	Citywide
	Planned Activities	Water and Sewer connection assistance via loan and grants.
26	**Project Name**	HOME - 2017-2018 CHDO OPERATING SUPPORT
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	$37,810 (FY 17 $35,185; Prior Yr. $2,625)
	Description	CHDO operating support funds to CHDO certified organizations carrying out affordable housing projects in partnership with the City of Modesto.

Draft

	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
27	**Project Name**	ECONOMIC DEVELOPMENT - SECTION 3 CONTRACTOR/RESIDENT ASSISTANCE
	Target Area	
	Goals Supported	Housing Rehabilitation Program
	Needs Addressed	CD-2 Promote Economic Development Activity
	Funding	$50,000
	Description	Provide financial assistance to contractors to assist with the Section 3 certification process. This includes any necessary certifications, such as lead based paint, and asbestos certifications to allow the contractor to work with the City's Homebuyer Rehabilitation Program (HRP). In order to receive financial assistance reimbursement, Contractors must complete the Section 3 Certification process; hire Section 3 workers, and qualify to work on City of Modesto Homeowner Rehabilitation Program (HRP) project.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	Economic Development activity for Section 3 Certified Contractors and/or Section 3 residents.
28	**Project Name**	HOME - ARCHWAY COMMONS PHASE II
	Target Area	

	Goals Supported	Rental Housing Construction
	Needs Addressed	H-1 Increase affordable rental housing
	Funding	$1,873,972 (FY 17 $492,598; Prior Yr. $1,585,225)
	Description	Archway Commons II is a proposed multi-family residential project to be located along the north line of N. 9th Street, Modesto CA, between Highway 99 and Carver Road. The project will be situated within the confines of a single rectangular shaped parcel identified by Stanislaus County APN: 029-009-037 and contains a total land area of 138,085 square feet, or 3.17 acres. The subject project will consist of 74 one, two, and three-bedroom apartment units within two, two-story wood frame structures over a concrete slab foundation.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	74 Rental Units. Beneficiaries: 30%, 40%, 50%, and 60% of AMI
	Location Description	APN: 029-009-037 9th Street, between Highway 99 and Carver Road.
	Planned Activities	Rental Housing Construction.
29	**Project Name**	2017 HOUSING REHABILITATION ACTIVITY DELIVERY
	Target Area	
	Goals Supported	Housing Rehabilitation Program
	Needs Addressed	H-3 Preserve Existing Affordable Housing
	Funding	$174,277
	Description	Activity delivery costs related to carrying out housing rehabilitation activities (rental and owner occupied). Examples include appraisal, architectural, engineering, and other professional services; preparation of work specifications and work write-ups; loan processing; survey, site and utility plans; application processing; and other fees.
	Target Date	

Draft

	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	

Table 9 – Project Summary

Draft

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Modesto will target HUD resources to low income Census Block Groups as designated by HUD (See Map #1 attached). Outlined below are the low income Block Groups within each Council District. This is an exhaustive list of all low income block groups within the City of Modesto; however resources may not be directed to all areas.

District 1 Census Tract/Block Groups: 000503/1, 000803/2, 000803/3

District 2 Census Tract/Block Groups: 001500/1, 001500/3, 001601/1, 001601/2, 001601/3, 001604/1, 001604/2, 001603/1, 001700/1, 001700/2, 002200/1, 001800/2, 002200/2, 002200/4, 002200/3, 002301/4, 002301/1, 002402/1, 002401/2, 002501/1

District 3 Census Tract/Block Groups: 001400/2, 001400/1, 001400/3, 001400/5, 001100/2, 001100/3, 001200/2, 001002/3, 001800/1

District 4: 001900/4, 002100/1, 001900/2, 002004/2, 002004/1, 002004/4

District 5: 000805/1, 000805/4, 000506/1, 000404/3, 000910/2

District 6: 000910/4, 002803/1

Geographic Distribution

Target Area	Percentage of Funds
LOW INCOME CENSUS TRACTS	100

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The Census Tract Block Groups listed are geographic areas/neighborhoods within which 51%, or greater, of the area's population is low income. The City of Modesto has identified activities that will benefit these population groups with the end goal of providing suitable living environment and greater economic opportunities. Where possible, the City of Modesto will distribute CDBG funds throughout the low income block groups located throughout the six city council districts.

Discussion

No additional discussion.

Draft

AP-60 Public Housing – 91.220(h)

Introduction

The Housing Authority of the County of Stanislaus (HACS) operates 432 public housing units within the City of Modesto. All 432 public housing units are currently occupied.

The Section 504 needs assessment of public housing units from the HACS indicates that in the City of Modesto there are 28 housing units available for the physically impaired (five one-bedroom units, 12 two-bedroom, and 11 three-bedroom units), seven units for the visually impaired (three one-bedroom, two two-bedroom, and two three-bedroom units), and seven units for the hearing impaired (4 one-bedroom, and 3 three-bedroom units). This equates to a total of 42 units for the physically, visually, and hearing impaired in the City of Modesto.

Actions planned during the next year to address the needs to public housing

The City of Modesto has a close working relationship with the Housing Authority of the County of Stanislaus (HACS) and meets on an as needed basis to discuss concerns relevant to public housing and other housing matters. The City of Modesto will continue to work with the HACS and any other housing and social service providers to foster public housing improvements and resident initiatives.

In prior years the City of Modesto has partnered with the HACS by leveraging available funds to address affordable housing needs through the development of affordable housing opportunities for low and moderate income persons and families.

When possible, the City of Modesto will continue to partner with the HACS to leverage available funds (local, state, federal) to address public housing needs within the City of Modesto.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

The HACS provides homeownership resources to participants in the Housing Choice Voucher Program. The Family Self-Sufficiency (FSS) Program has established partnerships with a variety of community resources to refer participants for services including pre- and post-secondary education, health care, child care, employment development, supported employment, and small business development including micro-loans. The FSS Program also encourages families to participate in financial wellness programs including financial literacy and credit repair with an emphasis on long-term financial stability for the purposes of homeownership. Supportive services are provided

through the Community Impact Central Valley (CICV), the Stanislaus County Department of Mental Health, or Stanislaus County Integrated Services Agency. The Stanislaus Housing Authority previously implemented a services and communication "quality control" system that provides the Stanislaus Housing Authority with immediate customer feedback and identifies areas that may need improvement. The Housing Authority has also implemented a resident education program with regularly scheduled meetings and written communications on agency policy, rules, and leases.

Efforts to improve communications with residents and program participants include: on site resident training/informational meetings, regular newsletters and flyers. The Stanislaus Housing Authority has implemented a "curb-side" appearance program. The focus of the program is the exterior of buildings, parking areas, play grounds and other areas of the complexes. Rodent and insect problems are addressed when residents report a problem and/or on Annual Inspections. In an effort to better education residents concerning these problems, information is regularly provided through the Stanislaus Housing Authority newsletter. These actions have assisted the Stanislaus Housing Authority in creating an atmosphere which emphasizes customer satisfaction and communication.

Draft

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance
Not applicable. The PHA is not designated as troubled.

Discussion
No additional discussion.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City of Modesto participates in the Stanislaus County Continuum of Care (CoC) to develop and implement regional goals and strategies (outlined in this section) to address and end homelessness. The goal of the Homeless Strategy is to increase housing stability and decrease incidents of homelessness in Stanislaus County by targeting funds to populations most in need, meeting both the immediate and long-term needs of the homeless, and avoiding the duplication of services by coordinating with service providers and the Stanislaus CoC.

Since 2014, the City of Modesto has collaborated with Stanislaus County in the Focus on Prevention led by Stanislaus County. The goal of the Focus on Prevention initiative is to bring all sectors of the community together to provide an opportunity for cross-sector development of community-wide prevention strategies. The effort focuses on the coordination between the following sectors in the community: Education, Neighborhoods, non-profits, media, philanthropy, business, faith-based, government, arts/entertainment/sports, and health.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Modesto has participated in StanCSOC's planning process to move individuals and families from homelessness to permanent housing and independent living through a network of housing linked to supportive services. The primary strategy document is the annual StanCSOC Application. Additionally, the StanCSOC is currently working with its members in the first steps toward a continuum-wide coordinated intake system.

Draft

Addressing the emergency shelter and transitional housing needs of homeless persons

As the county seat of Stanislaus County, the City of Modesto is where most all services (including shelter and transitional housing) are located in Stanislaus County. Therefore, many people experiencing homelessness who utilize available services live in Stanislaus County live in Modesto. The City of Modesto funds shelter activities to the maximum extent possible with CDBG Public Services and ESG (Hold-Harmless Need or HHN) funds. Other strategies designed to address homelessness, such as financial assistance and supportive housing, are carried out through other City of Modesto funding sources, such as using federal stimulus funds in partnership with the Housing Authority to build affordable housing designed to serve youth experiencing homelessness and other extremely low-income/homeless populations.

All ESG sub-recipients that carry out emergency shelter activities have a street outreach component to its operations. Additionally, these ESG sub-recipients also participate in the local StanCSOC's point-in-time count, which affords them an opportunity to reach out to unsheltered persons. Also, through the StanCSOC, the City of Modesto participates in the annual Street Relief event, which provides a variety of services (bike

repair, veterinary, haircut, information and referral, etc.) to scores of persons experiencing homelessness, including unsheltered persons

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

These homeless subpopulations are a high priority for the City of Modesto, the StanCSOC, and its Ten-Year Plan. The City of Modesto is coordinating with the StanCSOC and U.S. Department of Veterans Affairs, allocated security deposit assistance to its sub-recipient, Community Housing and Shelter Services (CHSS) to provide this assistance to HUD-VASH program participants, as this particular assistance is not available through this otherwise comprehensive HUD-VA program.

Families and children experiencing homelessness is also prioritized as reflected by CDBG and ESG allocations to sub-recipients that serve these subpopulations (Center for Human Services, Children's Crisis Center, Haven Women's Center, and Family Promise).

City of Modesto, its ESG sub-recipients, and other partners are especially strategic in helping these subpopulations of persons experiencing homelessness. For example, City of Modesto's Homelessness Prevention and Rapid Re-Housing (HPRP) activities through Community Housing and Shelter Services includes the allocation of ESG funds for HUD-VASH program participants (veterans and/or their families experiencing homelessness) so that they may receive security deposit assistance, which is not available through this otherwise-comprehensive permanent supportive housing program. Another subpopulation that is targeted with ESG HPRP financial assistance is families with dependent children. In addition to helping these persons make the transition to stable housing using its ESG funds, the City of Modesto has invested millions of dollars using federal stimulus funds to develop, in partnership with its sub-recipient, the Housing Authority, a 32-unit complex designed to serve youth experiencing homelessness and former foster youth (ages 18-28) with permanent supportive housing. Center for Human Services' Pathways serves as a transitional supportive housing pathway to this 32-unit permanent supportive housing project.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

While a discharge coordination plan has yet to be developed and implemented locally, the City of Modesto does help lead in the coordination of the Stanislaus CoC's services. Furthermore, homelessness prevention assistance, while scarce, is provided through an ESG sub-recipient (Community Housing and Shelter Services). Foster care youth and those exiting the foster care system will be served through the City of Modesto partnership with the Housing Authority on the above-mentioned federal stimulus funded activity.

Discussion

No additional discussion

One year goals for the number of households to be provided housing through the use of HOPWA for:
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family
Tenant-based rental assistance
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds
Total

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

The goals from the City of Modesto's 2016 Housing Element are relevant to the Consolidated Plan requirements to remove barriers to affordable housing.

The City of Modesto adopted an Analysis of Impediments to Fair Housing Choice (AI) in 2015 that outlines the public policies that could potentially limit access to affordable housing. These public policies include: development plans and policies; zoning ordinances; building, occupancy, and health and safety codes, affordable housing development, public housing authoring collaboration, and community representation and participation. An example of a policy that incentivizes the development of affordable housing is a recently updated program that provides exemptions and/or

deferrals of Capital Facilities Fees to for-profit or non-profit affordable housing developers, with special consideration given to CHDOs.

The City of Modesto in collaboration with other participating cities throughout the Northern San Joaquin Region (Smart Valley Places) has completed a Fair Housing and Equity Assessment (FHEA) informed the City of Modesto's updated AI. The City of Modesto is will also participate in any HUD sponsored trainings to implement changes as required by the new Assessment of Fair Housing (AFH) final rule.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Potential constraints to housing development may vary by area, but generally include infrastructure, residential development fees, land use controls, development standards, development and building permit application processing times, and resource preservation. Barriers to housing also include personal barriers such as poor credit history, criminal background, limited knowledge about tenant rights, and the complaint process.

The City of Modesto has worked to eliminate internal barriers to the development of affordable housing through the following continuing efforts:

- Providing funding for land acquisition, secondary financing, and infrastructure costs;
- Assisting qualified households to purchase homes utilizing the Homebuyer Assistance Program:
- Exemption or deferral of Capital Facilities Fees for projects providing low-income housing;
- Using the adopted streamlining process for environmental review;
- Continuing to work with non-profit housing agencies in the provision of supportive services and programs; and
- Using streamlined application review and permit processing.

Discussion

No additional discussion.

AP-85 Other Actions – 91.220(k)

Introduction

The City of Modesto, through the Consolidated Plan, targets federal funds to residents that have traditionally not been served, or are underserved, by previous programs. Project activities funded through the Consolidated Plan are carefully designed to provide appropriate and needed services, particularly those that may not be eligible for assistance from other sources, or are geographically isolated by lack of transportation, or lack basic amenities, such as medical care in their neighborhoods.

Actions planned to address obstacles to meeting underserved needs

See response at AP-35 "Describe the reasons for allocation priorities and any obstacles to addressing underserved needs."

Actions planned to foster and maintain affordable housing

See response at AP-55 "Affordable Housing."

Actions planned to reduce lead-based paint hazards

Staff developed a Housing Rehabilitation Manual which cites the process contractors are to follow when lead-based paint is found or presumed to be present during construction. The workbook contains federal requirements for paint and rehabilitation programs the documentation that is required, and the timeframe to submit the documentation, and cost worksheets on level of rehabilitation assistance.

Staff also periodically sponsors an EPA-HUD certified class, "Lead Safety for Remodeling, Repair, & Painting." Most housing rehabilitation projects are subject to federal regulations for Lead-Based Paint and contractors must be certified in safe work practices when completing the rehabilitation work. This effort in the past has resulted in more contractors being able to bid on and participate in the projects that contain lead-based paint.

The cost for the stabilization of lead based paint can be included in the City of Modesto's housing rehabilitation loan program. The cost of the lead-based paint inspection and/or clearance is paid from entitlement funds.

The City of Modesto will continue to provide lead-based paint testing as a component of its housing repair and rehabilitation programs when required by HUD regulations. Given the age and condition of the City of Modesto's housing stock, there are a significant number of homes where lead-based paint testing is needed.

The City of Modesto's housing program guidelines include specific policies related to testing and abating. When lead-based paint is present or presumed to be present, lead-safe work practices are required. In addition, all of the City of Modesto's loan agreements for new projects prohibit the use of any lead-based paint.

Actions planned to reduce the number of poverty-level families

The City of Modesto has a multi-pronged approach to addressing poverty through an adequate, affordable, quality housing supply, improving low-income neighborhoods, strengthening families, strengthening employment skills of the community, and ensuring access to the basic needs such as food and shelter. This multi-pronged approach will strengthen the community as a whole and play a huge part in reducing the number of people living within the poverty level. The City of Modesto plans to fund specific activities that address each of these goals during the Consolidated Plan timeframe.

Since 2014, the City of Modesto has collaborated with Stanislaus County in the Focus on Prevention led by Stanislaus County. The goal of the Focus on Prevention initiative is to bring all sectors of the community together to provide an opportunity for cross-sector development of community-wide prevention strategies. The effort focuses on the coordination between the following sectors in the community: Education, Neighborhoods, non-profits, media, philanthropy, business, faith-based, government, arts/entertainment/sports, and health.

The City of Modesto's strategy for reducing poverty will be successful only to the extent that:

- Adequate state and federal funding is available for education, job training, and supportive service programs that will increase economic opportunity and self-sufficiency;
- Adequate state and federal funding is available for regional infrastructure necessary to support economic development; and
- The City of Modesto's competitiveness in relation to other regional economies attracts employers and industries that create higher paying jobs. Unfortunately, the City of Modesto has little or no direct control over these factors and can make only marginal improvement in the local rate of poverty through its use of federal and other funds.

Actions planned to develop institutional structure

Modesto will continue to work collaboratively with service and shelter providers to identify and address gaps in the institutional structure and service delivery system.

Modesto generally has a well-developed institutional structure and service delivery system.

Modesto will continue to work to increase the resources devoted to permanently affordable housing to serve as a stabilizing force preventing homelessness.

Modesto will focus increased resources on homeless prevention/crisis intervention, especially on homeless youth, aging-out foster youth, families with children, and persons being discharged from institutions.

Modesto will continue to devote resources to address the needs of the chronically homeless including comprehensive case management, supportive housing, shelters and transitional housing.

Modesto will target resources to the lowest income groups with the highest needs including the chronically homeless, homeless youth, homeless families with children, and those living in transitional shelters.

Actions planned to enhance coordination between public and private housing and social service agencies

City of Modesto relies primarily on its (A) close consultation with the StanCSOC, which is made up of representative stakeholders and (B) monthly meetings with its public and private housing development partners, which include local private CHDOs (e.g., Habitat for Humanity, Stanislaus County and Stanislaus Affordable Housing Corporation) and the Housing Authority (to enhance coordination in the areas of community housing and social services.

The City of Modesto relies on non-profit organizations and for-profit developers to build and acquire, develop, and rehabilitate affordable units. The City of Modesto will continue to work closely with these entities to ensure that each year as many new affordable units are developed or made available.

The City of Modesto also relies on the non-profit service sector to provide emergency shelter and transitional and special needs housing. The City of Modesto will continue to support eligible organizations and their activities with local, state and federal funding as it's made available and upon their governing entity's approval.

Discussion

No additional discussion.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction

Please see the responses below that are specific to the CDBG, HOME and ESG programs.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed 0

2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. 0

3. The amount of surplus funds from urban renewal settlements 0

4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan0

5. The amount of income from float-funded activities 0

Total Program Income: 0

Other CDBG Requirements

1. The amount of urgent need activities 0

2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of

CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. 100.00%

HOME Investment Partnership Program (HOME)

Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Modesto does not use forms of investment within the local HOME program other than those identified in Section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Pursuant to 24 CFR 92.254(a)(5)(ii), the City requires that HOME funds be recaptured if the property does not continue to be the principal residence of the buyer for the duration of the Affordability Period secured by an Affordable Housing Covenant. If all or any portion of the property or any interest in it is sold, refinanced, conveyed or transferred, the "Equity" in the property shall be shared as follows:

Years 0-5: Buyer's Equity Share = 25%; City's Equity Share 75%

Years 6-10: Buyer's Equity Share = 50%; City's Equity Share 50%

Years 11-15: Buyer's Equity Share = 100%; City's Equity Share 25%

Thereafter: Buyer's Equity Share = 100%; City's Equity Share 0%

Equity is defined as the dollar amount that constitutes the difference between the sales price of the property and the sum of the following amounts: The principal on the promissory note and deed of trust from private financing; the principal on the promissory not and deed of trust to the City; all costs of sale including brokers' commissions, escrow fees, title costs and fees, recording fees, etc.; current year taxes including all pro-rata real estate taxes calculated to the date of sale; buyer's down payment or cash contribution; the costs of any improvements to the property;

In the event that no equity exists at the time of transfer or sale, the current balance of the debt under the Promissory Note and Deed of Trust will still be due and payable.

In the event that a negative equity exists at the item of transfer or sale, and the full amount of the current balance of the promissory note is not available to be recaptured, the amount of the HUD funds required to be repaid to the City shall be as set forth in 24 CFR 92.254(a)(ii)(A)(3).

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The same methodology outlined in question 2 above will be used to ensure affordability for any units acquired with HOME funds.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City does not intend to use HOME funds to refinance existing debt.

Draft

Emergency Solutions Grant (ESG)

Reference 91.220(l)(4)

1. Include written standards for providing ESG assistance (may include as attachment)

City of Modesto, in consultation with the StanCSOC stakeholders, developed policies and procedures for providing ESG assistance that incorporates the new and broadened components of ESG.

Standards for providing ESG homelessness prevention and rapid re-housing assistance include respectively targeting households with dependent children and persons experiencing homelessness connected to or eligible to receive (within 6 months) assistance from mainstream benefits and services.

These standards also include limiting assistance for a period of up to six (6) months and extending the period of assistance up to the maximum 18 months on a case-by-case basis.

HUD-VASH (U.S. Department of Housing and Urban Development-U.S. Department of Veterans Affairs Supportive Housing) program participants are also prioritized to receive security deposit assistance upon HUD-VASH intake.

Income qualification guidelines are no less restrictive than ESG guidelines (30% or below AMI for homelessness prevention assistance and not-applicable for rapid re-housing).

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The StanCSOC is currently working on establishing a centralized and coordinated assessment system that meets HUD requirements.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations).

The City of Modesto consults with the StanCSOC Care to develop funding priorities and competitively awards ESG funding through an RFP process. This RFP process conforms to the City of Modesto's rigorous procurement process, including public noticing and utilizing its state-of-the-art online bidding system. The funding priorities as it relates to ESG are funding emergency shelter to the maximum extent possible (up to Hold Harmless Need [HHN] limit) and prioritizing rapid re-housing higher than homelessness prevention.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The City of Modesto is unable to meet the homeless participation requirement in 24 CFR 576.405(a) due to the fact that its policy-making entity is made up of elected officials. The City of Modesto, however, works very closely with the StanCSOC which is made up of a representative group of diverse stakeholders, including persons experiencing homelessness and those who at one time in their lives had experienced homelessness. The City of Modesto intends to work with the StanCSOC and elected and appointed City of Modesto officials to develop a formal homeless participation plan that will engage

persons experiencing homelessness in a meaningful way that influences homelessness-related policies, including development of funding priorities and funding allocation.

5. Describe performance standards for evaluating ESG.

The City of Modesto consulted with the StanCSOC and developed the following performance standard: Elimination or mitigation of barriers to stable housing. These barriers may be financial, health-related, relational, etc. StanCSOC stakeholders determined that post-assistance follow-up evaluation is extremely difficult to achieve.

Discussion

The City of Modesto consults closely and regularly (at least twice monthly) with the StanCSOC and its HMIS, ESG/HPRP, and SHP subcommittees, which develop policies and procedures for these programs and is taking the lead in building the service infrastructure that will be necessary to sustain a centralized or coordinated assessment system. This consultation takes the form of reports and presentations that are placed on the StanCSOC monthly meeting agendas.

The operation and administration of the Homeless Information Management System (HMIS) designated by the StanCSOC is led by the Stanislaus Housing Authority. The City of Modesto may pay the costs of contributing data to the HMIS via funding to sub-grantees or to the HMIS Lead.

The City of Modesto is member of the StanCSOC/HMIS Subcommittee which meets monthly to develop policies, procedures, and best practices and offers trainings developed by the developed by the HMIS Lead.

CDBG Entitlement Program Budget
Program Year 2017-2018
Updated: 6/15/17

CDBG ENTITLEMENT BUDGET	ENTITLEMENT	REVOLVING LOAN FUND	P.I.*	TOTAL
Previous Years Funds	$ 2,196,873.00	$ 358,384.00		
PY 2017-18 Allocation	$ 1,827,715.00		$ 61,513.00	
Available Funds	**$ 4,024,588.00**	**$ 358,384.00**	**$ 61,513.00**	**$ 4,444,485.00**
Obligations				
CDBG Admin CAP (20% CAP of NEW Entitlement + 20% of Program Income)	(365,543)	-	-	(365,543.00)
Direct Program Activities:				
Access Center - FY 2015 funds?	(344,040.00)			(344,040.00)
ADA Ramps and Curb Cuts Projects - FY 2015 funds	(74,000.00)			(74,000.00)
Affordable Housing - Housing Rehabilitation Administration (14-H)	(267,213.00)			(267,213.00)
Affordable Housing - Housing Rehabilitation Activity Delivery	(174,277.00)			(174,277.00)
Affordable Housing - Owner Occupied Housing Rehabilitation	(180,000.00)		(61,513.00)	(241,513.00)
Affordable Housing - Rental Housing Acquisition/Construction/Rehabilitation FY 2015	(400,000.00)	(358,384.00)		(758,384.00)
Boys & Girls Club - Acquisition/Construction - FY 2015 funds	(300,000.00)			(300,000.00)
CDBG Project Based Activity Delivery Non-Housing	(161,382.00)			(161,382.00)
Crows Landing Road Neighborhoods Project - FY 2015 funds	(63,066.00)			(63,066.00)
Economic Development - Section 3 Contractor/ CONTRACTOR/RESIDENT ASSISTANCE	(50,000.00)			(50,000.00)
Economic Development - Small business Loans	(200,000.00)			(200,000.00)
Public Infrastructure Improvements Projects - FY 2015 funds				-
Section 108 Loan Repayments	(293,844.65)			(293,844.65)
Senior Playground - FY 2015 funds	(135,198.00)			(135,198.00)
Water/Sewer Connection Program	(339,477.00)			(339,477.00)
Airport Neighborhood Community Center Kitchen Project	(148,799.00)			(148,799.00)
Senior Center Kitchen Project	(255,359.00)			(255,359.00)
Public Service CAP (15% CAP of NEW Entitlement) $280,699				
CASA - CASA of Stanislaus County	(27,300.00)	-		(27,300.00)
Center for Human Services - Pathways	(22,620.00)	-		(22,620.00)
Children's Crisis Center - Sawyer House	(20,936.00)	-		(20,936.00)
Family Promise - Family Promise	(23,370.00)	-		(23,370.00)
Haven Women's Center-Domestic Violence Shelter	(27,385.00)	-		(27,385.00)
Parent Resource Center - Moms Parents Plus	(22,627.00)	-		(22,627.00)
Project Sentinel - Fair Housing	(25,000.00)	-		(25,000.00)
United Samaritans Daily Bread Lunch Program	(22,700.00)	-		(22,700.00)
Community Identified Public Services	(80,451.35)			(80,451.35)
Subtotal: Obligations	**$ (4,024,588.00)**	**$ (358,384.00)**	**$ (61,513.00)**	**$ (4,444,485.00)**
TOTAL CDBG Funds Remaining	**$ -**	**$ -**	**$ -**	**$ -**

* Per HUD regulations, the City of Modesto has elected to use the program income balance as of December 31 to be upcoming fiscal year. The City of Modesto may elect to use any program income received after December 31 via a substantial amendment of the respective year Annual Action Plan.

ESG Entitlement Program Budget
Program Year 2017-2018
Updated: 6/15/17

Emergency Solutions Grant Funds (HESG) FUND 1180		FY 2017-2018 Proposed Budget	
		17-18 ENTITLEMENT	TOTALS
Previous Year Funds	$ 13,257.50	$ -	$ 13,257.50
New Entitlement		$ 168,471.00	$ 168,471.00
Available Funds	**$ 13,257.50**	**$ 168,471.00**	**$ 181,728.50**
Obligations			
HESG Admin CAP (7.5% of NEW Entitlement)	$ -	$ (12,635.00)	$ (12,635.00)
Public Service			
Family Promise - New Beginnings (Shelter/Rapid Rehousing)	$ (13,257.50)	$ (45,160.00)	$ (58,417.50)
Center for Human Services - Hutton House (Shelter)	$ -	$ (35,000.00)	$ (35,000.00)
Salvation Army - Emergency Shelter (Shelter)	$ -	$ (47,758.00)	$ (47,758.00)
CHSS - Homeless Prevention/Rapid Rehousing	$ -	$ (27,918.00)	$ (27,918.00)
Total Obligations	**$ (13,257.50)**	***$ (168,471.00)***	***$ (181,728.50)***
TOTAL ESG Funds Remaining	$ -	$ -	$ -

HUD Entitlement Program Budget
Program Year 2017-2018
Updated 6/15/17

HOME Investment Partnerships Program	CHDO Set Aside (15% of current year entitlement)	Direct Entitlement	CHDO Operating (OPTIONAL: 5% of current year entitlement)	Administration (10% of current year entitlement + Program Income)	Program Income[1]	TOTAL
ALLOCATION FROM PREVIOUS YEARS	$ 652,633	$ 1,585,225	$ 2,625	$ -	$ 37,745	$ 2,278,228
FY 2017-18 ALLOCATION	$ 105,556	$ 492,598	$ 35,185	$ 70,370	$ -	$ 703,709
RESOURCES AVAILABLE	$ 758,189	$ 2,077,823	$ 37,810	$ 70,370	$ 37,745	$ 2,981,937
ACTIVITIES						
522 Granger Avenue, Modesto, CA	$ (226,498)	$ -				$ (226,498)
Glendale Veterans Quarters, Modesto, CA	$ (243,346)	$ -			$ (37,745)	$ (281,091)
Archway Commons Phase 2		$ (1,873,972)			$ -	$ (1,873,972)
						$ -
Stanislaus County Affordable Housing Corporation	$ (168,000)		$ (19,873)			$ (187,873)
Great Valley Housing Development Corporation	$ (120,345)		$ (17,937)			$ (138,282)
						$ -
Homebuyer Assistance Program	$ -	$ (150,000)				$ (150,000)
						$ -
Activity Delivery	$ -	$ (53,851)				$ (53,851)
						$ -
Staff Administration				$ (70,370)		$ (70,370)
ANTICIPATED OBLIGATIONS	$ (758,189)	$ (2,077,823)	$ (37,810)	$ (70,370)	$ (37,745)	$ (2,981,937)
TOTAL - HOME Funds Remaining	$ -	$ -	$ -	$ -	$ -	$ -

[1] 7/1/16 - 12/31/16

Draft

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-260

RESOLUTION AMENDING THE CITY OF MODESTO'S ANNUAL OPERATING, MULTI-YEAR AND CAPITAL IMPROVEMENT PROJECT BUDGETS TO ALIGN BUDGETS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ONLINE INTEGRATED DISBURSEMENT AND INFORMATION (IDIS) SYSTEM AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY RELATED DOCUMENTATION REQUIRED TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, each year the City of Modesto receives Community Development Block Grant (CDBG), HOME Investment Partnership Grant (HOME) and Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the CDBG and HOME grant programs also generate program income and revolving loan fund income which further fund the grant programs and are to be used under similar rules and regulations as grant funding, and

WHERAS, HUD requires these amounts to be presented to the City Council each year in an Annual Action Plan (AAP),

WHEREAS, funding availability and specific project and activity budgets consistent with the AAP are managed in HUD's online Integrated Disbursement and Information Management (IDIS) system and the City's financial system simultaneously, and

WHEREAS, the City's budget and financial system uses the same unique numbers as are used in IDIS to ensure synchronization of the City's financial system and IDIS, and

WHEREAS, synchronization of the City's financial system and IDIS necessitates multiple budget adjustments within the City's financial system, and

WHEREAS, according to HUD rules and regulations, substantial amendments to an AAP must be presented to the City Council for approval, while unsubstantial amendments, remaining consistent with the AAP, can be made in IDIS by City staff, and

WHEREAS, the actual amount of new entitlement grant monies and program income are unknown to City staff during the City's annual budget process and estimated figures are entered into the City's financial system, and

WHEREAS, funding is not always spent within a fiscal year and HUD authorizes remaining balances to be used in the following year as carryover, and

WHEREAS, actual carryover amounts are unknown to City staff during the City's annual budget process and estimated figures are entered into the City's financial system, and

WHEREAS, frequent budget adjustments are needed throughout the year to synchronize the City's financial system and IDIS, and

WHEREAS, budget amendments performed under the authority of this resolution will be presented to the Effective Government Committee and the Council as part of the existing Monthly Budget Adjustment Report process, and

WHEREAS, the authority of this resolution will not be used to satisfy any HUD rules or regulations requiring information to be presented to the City Council or the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes amendments to the annual operating, multi-year, and capital

improvement project budgets pertaining to the CDBG, HESG, and HOME programs that are necessary to align the budgets in the City's financial system with overall entitlement, program income, and revolving loan fund income funding availability and specific project and activity budgets as found in IDIS.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute any related documentation required to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-261

Print

RESOLUTION CONFIRMING THE FISCAL YEAR 2017-18 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6

WHEREAS, on May 9, 2017, the City Council, by Resolution No. 2017-181, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6 under the provisions of the California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by the allocated cost shown within the Annual Engineer's Report, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto Landscape Maintenance Assessment District No. 1 for Dry Creek Meadows Subdivisions Nos. 1-6 for Fiscal Year 2017-18, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2017-18 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 27th day of June, 2017 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

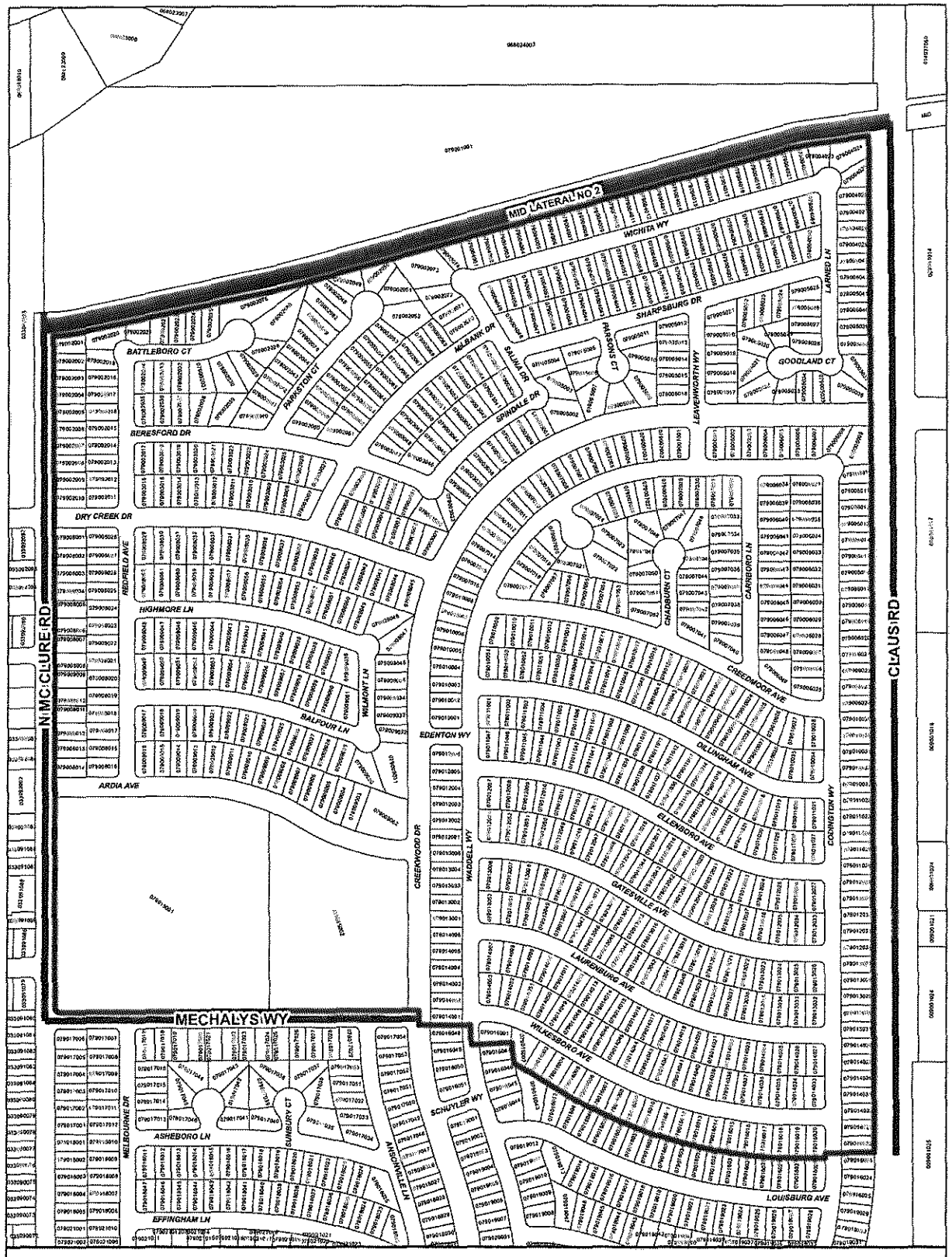
AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney



Assessment District Diagram

Landscape Maintenance Assessment District No. 1
(Dry Creek Meadows Subdivisions No. 1 - 6)

250 125 0 250

Feet

Date: 2/13/2015

N

W E

S

MODESTO
CALIFORNIA

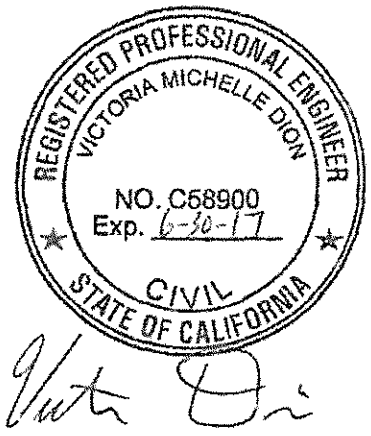
MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 1
♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 1 through 6♦

A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2017 - JUNE 30, 2018



Prepared By:
Tina Rocha
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

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V.	Annual Assessment District Diagram
VI.	Annual Assessments List by Parcel & Property Owner

SECTION I HISTORY

On December 12, 1988, Landscape Maintenance Assessment District No. 1 ("LMAD No. 1") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act"), to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6. All costs for the LMAD No. 1 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimated costs for landscape maintenance performed by City contractors, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

LMAD No. 1 is located east of North McClure Road and southwest of MID Lateral #2 and Claus Road. It is comprised of 749 single-family residential lots and three (3) public agency owned parcels. An annual assessment of $26 per single-family residential parcel has remained the same since 1996. The total assessment to be levied for LMAD No. 1 for Fiscal Year 2017-2018 is $19,474.

Upon the City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 1 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through §22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

1. Single Family Residential Parcels:
   There are 749 single-family residential parcels located within LMAD No. 1.

2. Multi-Family Residential Parcels:
   There are no multi-family residential parcels located within LMAD No. 1.

3. Commercial/Industrial Parcels:
   There are no commercial or industrial parcels located within LMAD No. 1.

4. Public Agency Parcels:
   There are two (2) parcels owned by the City of Modesto (Creekwood Park and the Pedestrian Overcrossing at Claus Road) and one (1) parcel owned by the Empire School District (Bernard Hughes School). According to §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. 2017-2018 ANNUAL ASSESSMENTS

All single-family residential parcels are levied at a flat rate of $26.00 per parcel. Each parcel receives equal benefits from the District. The annual assessments levied are calculated by multiplying the total number of parcels by the flat rate.

$	26.00	Annual assessment per parcel
x	749	Single-family residential parcels
$	19,474.00	Total annual assessment

C. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed Fiscal Year 2017-2018 annual assessment is the same as the annual assessment for Fiscal Year 2016-2017 of $26.00 per single-family residential parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 1 Fund 6480		Estimated FY 2016-17[1]	Proposed FY 2017-18[2]
Beginning Fund Balance		$ 3,182	$ 3,104
Revenue (Cost Center 80010)			
Special Assessments		$ 10,384 [3]	$ 19,474 [4]
Interest		$ (12)	
Estimated - Special Assessments		*$ 9,102* [5]	
Total Revenue		$ 19,474	$ 19,474
Expenses (Cost Center 80010)	Account		
Operating Budget			
Postage Expenses	52025	$ -	$ -
Water Utility Expenses	53043	$ (2,654)	$ (2,000)
Repair and Maintenance Services - Landscape	53165	$ (1,654)	$ (10,000)
Professional Services	53300	$ -	$ (1,000)
Services City Forces - Interfund	54500	$ (3,167)	$ (4,654)
Estimated - Water Utility Expenses	*53043*	*$ (1,346)*	
Estimated - Repair and Maintenance Services	*53165*	*$ (8,146)*	
Estimated - Professional Services	*53300*	*$ (1,000)*	
Estimated - Services City Forces	*54500*	*$ (1,584)*	
Total Expenses		$ (19,552)	$ (17,654)
Ending Fund Balance		$ 3,104	$ 4,924

[1] The estimated amount shows what has been expended as of 02-28-2017. There will be more expenses through the end of the fiscal year (June); these are shown as *Estimated*.

[2] The estimated expenditures for FY 2017-18 are based on the revenue that is currently able to be generated within LMAD No. 1.

[3] Actual revenue received for FY 2016-17 tax levy.

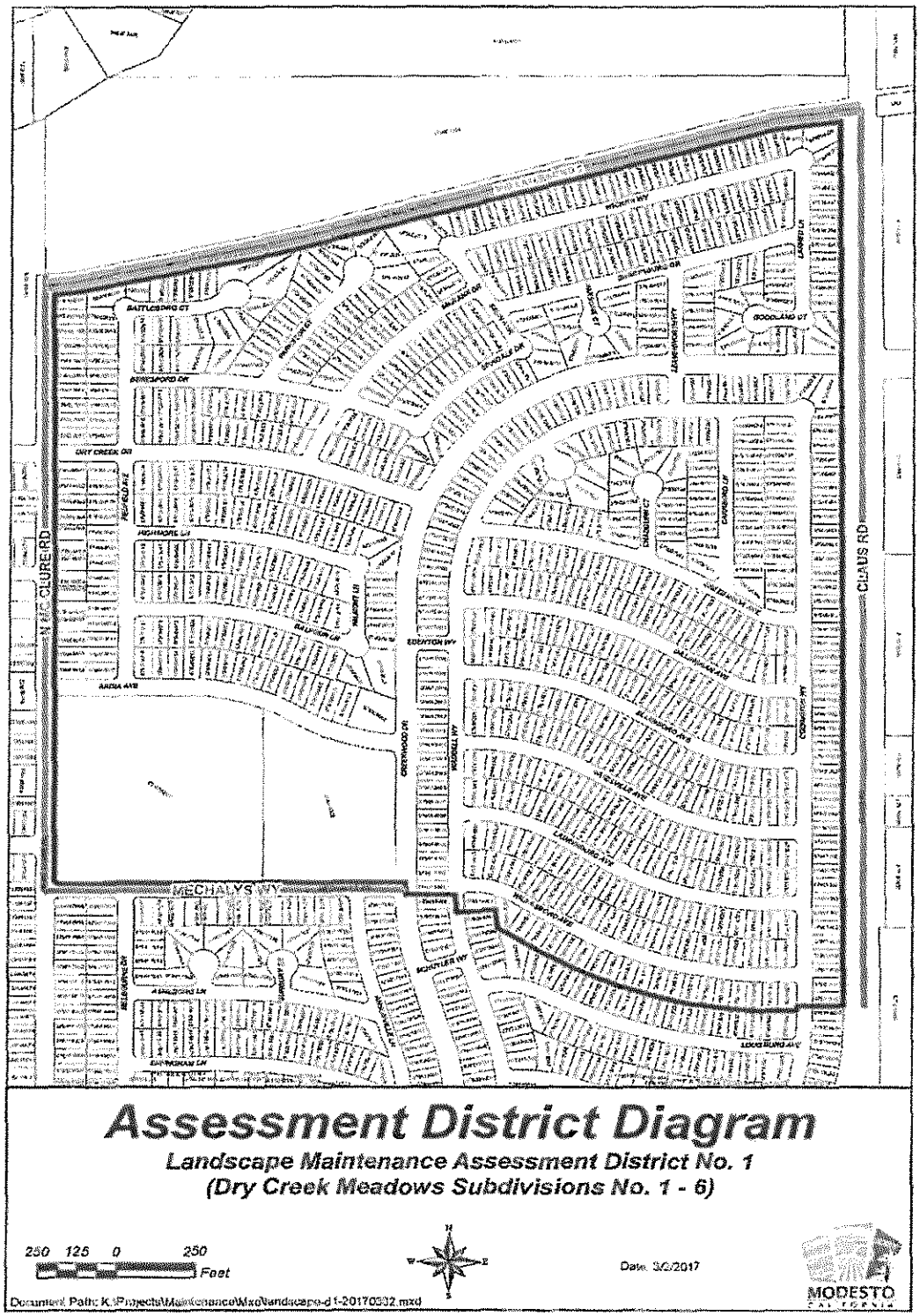
[4] Proposed levy.

[5] Estimated revenues for second installment of FY 2016-17 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

FeeParcel	Owner	Address	City/State/Zip	2017/18 Ass't
079-002-001	MERCADO LISA M & RODOLFO	736 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-002	SOUMPHONPHAKDY YOUTHANA	732 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-003	SONDO BRYON S ET AL	728 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-004	PRASAD AJAY B & CHANDRA SAILESHNI D	724 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-005	YUSON BONIFACIO C & YUSON ZENAIDA P	720 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-006	YATES MICHAEL V & YATES CHRISTINE M	716 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-007	ALBANO FLORANTE J & ALBANO JUANITA T	712 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-008	GARCIA JOSE DE JESUS	708 N MC CLURE RD	Modesto CA 95354	$26.00
079-002-009	ESPINOZA GABRIEL	704 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-010	LEON MARTHA	700 N MC CLURE RD	Modesto CA 95357	$26.00
079-002-011	SAMRA AMARJIT S TR	701 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-012	BARRIENTOS DAVID & BARRIENTOS MARIA E	705 REDFIELD AVE	Modesto CA 95357-	$26.00
079-002-013	YOUNGMAN AARON BRIAN & LAUREN ELIZABETH	709 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-014	BATTAGLIA COREY J	713 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-015	BADAL EDWARD E & BADAL JANET E	717 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-016	NGUYEN THANG & DANG LIEN	721 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-017	SMITH ROBIN K & SMITH SUSAN R	725 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-018	DEOL HARMINDER S & DEOL SUKHWINDER K	729 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-019	KGILL LLC	733 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-020	MIGUEL TARA	737 REDFIELD AVE	Modesto CA 95357	$26.00
079-002-021	PANYANOUVONG ROCKY P ET AL	3513 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-022	JOHNSON VERDELL TR	3517 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-023	VILLEGAS JOSEPH J	3521 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-024	PLUNK NATALIE & ROBERT	3525 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-025	HASKEL ALAN	3529 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-028	ALVAREZ VICTOR R & CRISTINA TRS	3536 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-029	HASKEL ROBERT	3532 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-030	TREVINO SHONDA	3528 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-031	VILLALPANDO HERIBERTO & ROSA	3524 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-032	CARR PATRICK K & CHERYL J	3520 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-033	PRASHAD RAJENDRA & SONI L	3516 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-034	VO SANG	3512 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-035	ARROYO STEVEN I & ARROYO SANDRA	3513 BERESFORD DR	Modesto CA 95357-	$26.00
079-002-036	CARREON JOSE & CECILIA	3517 BERESFORD DR	Modesto CA 95357	$26.00
079-002-037	GOMEZ PATRICIA	3521 BERESFORD DR	Modesto CA 95357	$26.00
079-002-038	COENEN KELVIN L & COENEN CHRISTINA P	3525 BERESFORD DR	Modesto CA 95357	$26.00
079-002-039	HILL PAUL JAMES SR TRS & HILL DORTHA HELENE	3529 BERESFORD DR	Modesto CA 95357	$26.00
079-002-040	CARSON SAMMY D & CARSON BRENDA S	713 PARKSTON CT	Modesto CA 95357	$26.00
079-002-041	MENDOZA SHAWN	717 PARKSTON CT	Modesto CA 95357	$26.00
079-002-042	WOLTER DENNIS & CAROL	721 PARKSTON CT	Modesto CA 95357	$26.00
079-002-043	SAMRA AMARJIT	725 PARKSTON CT	Modesto CA 95357	$26.00
079-002-044	MEFFERD JULIE A	729 PARKSTON CT	Modesto CA 95357	$26.00
079-002-048	SINGH JOTIKA ET AL	745 PARKSTON CT	Modesto CA 95357	$26.00
079-002-049	BISHOP ROSIE	749 PARKSTON CT	Modesto CA 95357	$26.00
079-002-050	YALDA JORGINA Y	753 PARKSTON CT	Modesto CA 95357	$26.00
079-002-051	TORRES JUAN LUIS	752 PARKSTON CT	Modesto CA 95357	$26.00
079-002-052	CASTILLO RANDY	748 PARKSTON CT	Modesto CA 95357	$26.00
079-002-053	LANZA MARION RAFFELLA TR	744 PARKSTON CT	Modesto CA 95357	$26.00
079-002-054	FISHER TIMOTHY S	740 PARKSTON CT	Modesto CA 95357	$26.00
079-002-055	PEREZ ISIDRO C	736 PARKSTON CT	Modesto CA 95357-	$26.00
079-002-056	GANJA SAM	732 PARKSTON CT	Modesto CA 95357	$26.00
079-002-057	SANCHEZ JASON MICHAEL	728 PARKSTON CT	Modesto CA 95357	$26.00
079-002-058	COLLS LUIS R TR	724 PARKSTON CT	Modesto CA 95357	$26.00
079-002-059	REYES ANTHONY P	720 PARKSTON CT	Modesto CA 95357-	$26.00
079-002-060	CLARKE THOMAS D II & BRENDA L	716 PARKSTON CT	Modesto CA 95355	$26.00
079-002-061	CASTIGLIONE JOSEPH B & BECKY M	713 MILBANK DR	Modesto CA 95357	$26.00
079-002-062	LUBINSKY EDWARD & LUBINSKY CAROL E	717 MILBANK DR	Modesto CA 95354	$26.00
079-002-063	CASTILLO HECTOR	721 MILBANK DR	Modesto CA 95357	$26.00
079-002-064	PRASAD RAMA	725 MILBANK DR	Modesto CA 95357	$26.00
079-002-065	WINGO NAIDA J	729 MILBANK DR	Modesto CA 95357	$26.00
079-002-066	SMITH MARQUE R	733 MILBANK DR	Modesto CA 95357-	$26.00
079-002-067	VILLANUEVA DAVID M & VILLANUEVA DIANE M	737 MILBANK DR	Modesto CA 95357-	$26.00
079-002-068	JAMES BRENDAN R ET AL	741 MILBANK DR	Modesto CA 95357	$26.00

079-002-069	MORSE GERALD WAYNE & CONSUELO	745 MILBANK DR	Modesto CA 95357	$26.00
079-002-070	WILKERSON KENNETH	817 SALINA DR	Modesto CA 95357	$26.00
079-002-071	CONTRERAS JESUS E RAMOS & RAMOS ANGELICA N CARRASC	821 SALINA DR	Modesto CA 95357	$26.00
079-002-072	SALAZAR JENNIFER	825 SALINA DR	Modesto CA 95357	$26.00
079-002-073	MANANQUIL DEXTER & PRAK DEBBIE	3701 WICHITA WAY	Modesto CA 95357	$26.00
079-002-074	ROMAN TED ET AL	3705 WICHITA WAY	Modesto CA 95357	$26.00
079-002-076	BATES HAROLD & JANICE	3533 BATTLEBORO CT	Modesto CA 95357	$26.00
079-002-078	HESKEL MATTHEW ET AL	733 PARKSTON CT	Modesto CA 95357	$26.00
079-002-079	LEZA OSCAR	737 PARKSTON CT	Modesto CA 95357	$26.00
079-002-080	HASKEL ROBERT P	3537 BATTLEBORO CT	Modesto CA 95357-	$26.00
079-002-082	SIMAS LUIS & DAISY	741 PARKSTON CT	Modesto CA 95357	$26.00
079-003-001	MAHARAJ SANJAI S & MAHARAJ ARUNA D	3641 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-002	HUFFMAN JOSEPH R II & MARLENE J	3637 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-003	LONG HERBERT JR & PATRICIA	3633 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-004	CALVO SERGIO & SILVIA	3629 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-005	EM SEREY	3625 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-006	MAGCALAS JOEL & VIRGINIA	3621 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-007	CORDOVA ISIDRO C & CORDOVA MARTHA B	3613 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-008	CHUANGS INVESTMENT INC	3609 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-009	PRASAD URMILLA	3605 DRY CREEK DR	Modesto CA 95357-	$26.00
079-003-010	GIL MARTIN & GIL DEBORAH L	3601 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-011	DOUGLAS GREG & DOUGLAS TERI	3537 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-012	HERNANDEZ FERNANDO PARDO & HERNANDEZ GLORIA C	3533 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-013	CHERRY RANDY & ROSALBA	3529 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-014	LAIRD RODNEY G	3525 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-015	SANTOS CLAUDIO C JR & LUCY V	3521 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-016	DIXON THOMAS L TR	3517 DRY CREEK DR	Modesto CA 95357	$26.00
079-003-017	MICHAEL SCOTT A	3512 BERESFORD DR	Modesto CA 95354	$26.00
079-003-018	ESTRADA ADRIANA G	3516 BERESFORD DR	Modesto CA 95357	$26.00
079-003-019	DELANEY KIMBERLY R	3520 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-020	LOVE BOBBY	3524 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-021	DHALIWAL AMRITPAL	3528 BERESFORD DR	Modesto CA 95357	$26.00
079-003-022	LUTTRELL ERIC ET AL	3532 BERESFORD DR	Modesto CA 95357	$26.00
079-003-023	MENDOZA ADRIAN & ROSA	3536 BERESFORD DR	Modesto CA 95357	$26.00
079-003-024	MANHOSO FRANK & MANHOSO MARIA	3540 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-025	FISCHER WILLIAM & FISCHER CAROL	3600 BERESFORD DR	Modesto CA 95357	$26.00
079-003-026	MARTINEZ MICHAEL & TERESA	3604 BERESFORD DR	Modesto CA 95357	$26.00
079-003-027	PRAKASH OM & SUSHIL	3608 BERESFORD DR	Modesto CA 95357	$26.00
079-003-028	REYES ERLINDA M TR	3616 BERESFORD DR	Modesto CA 95357	$26.00
079-003-029	CHUNG WILLIAM & YEH GEORGINA PIK-CHING TRS	3620 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-030	STANLEY COYE & MACHELLE	3624 BERESFORD DR	Modesto CA 95357	$26.00
079-003-031	MUNOZ ALFREDO F & CEYLON A	3628 BERESFORD DR	Modesto CA 95357	$26.00
079-003-032	SAENGPHACHANH PHONESY ET AL	3632 BERESFORD DR	Modesto CA 95357-	$26.00
079-003-033	ROTH WILLIAM C & ROTH DOLORES	704 SPINDALE DR	Modesto CA 95350	$26.00
079-003-034	SOLIS MARIA	708 SPINDALE DR	Modesto CA 95357	$26.00
079-003-035	LANGI SOANE	712 SPINDALE DR	Modesto CA 95357	$26.00
079-003-036	SHARMA RUDRA DUTT & RESHMIKA	716 SPINDALE DR	Modesto CA 95357	$26.00
079-003-037	DEL REAL INDELACIO & DEL REAL ELENA	720 SPINDALE DR	Modesto CA 95357	$26.00
079-003-038	MORALES DIANA R	724 SPINDALE DR	Modesto CA 95357	$26.00
079-003-039	MONTELONGO SANDRO	728 SPINDALE DR	Modesto CA 95357-	$26.00
079-003-041	GONZALES JUAN JR & GLORIA	729 SPINDALE DR	Modesto CA 95357	$26.00
079-003-042	DORRETT NEWTON & LYNELL D	725 SPINDALE DR	Modesto CA 95357	$26.00
079-003-043	ANAYA JAMIE LEE	721 SPINDALE DR	Modesto CA 95357-	$26.00
079-003-044	MARENTES YESENIA	717 SPINDALE DR	Modesto CA 95357	$26.00
079-003-045	CARSON CHRISTOPHER & MARGARET F	713 SPINDALE DR	Modesto CA 95357	$26.00
079-003-046	GARCIA ROBERTO AVILA & GARCILAZO LAURA	709 SPINDALE DR	Modesto CA 95357	$26.00
079-003-047	BIELEFELDT JAMES W & MONICA C	3617 BERESFORD DR	Modesto CA 95357	$26.00
079-003-048	JDTS LLC	720 MILBANK DR	Modesto CA 95357	$26.00
079-003-049	MOODY ROBERT P & MOODY DIANE K	724 MILBANK DR	Modesto CA 95357	$26.00
079-003-050	SWITZER LYNDELL	728 MILBANK DR	Modesto CA 95357	$26.00
079-003-051	KILGORE LINDA L	732 MILBANK DR	Modesto CA 95357	$26.00
079-003-052	MAXWELL VIRGINIA E	736 MILBANK DR	Modesto CA 95357-	$26.00
079-003-053	JUDD JIMMIE RANDALL ET AL	740 MILBANK DR	Modesto CA 95357	$26.00
079-003-054	SPIEKER DAVE M & SPIEKER JANE R	744 MILBANK DR	Modesto CA 95357	$26.00
079-003-055	ALVEAR FELICITAS	748 MILBANK DR	Modesto CA 95357	$26.00
079-003-056	PAHL KAREN M ET AL	733 SPINDALE DR	Modesto CA 95357	$26.00
079-004-001	ESPARZA WILLIAM & ELSA	3709 WICHITA WAY	Modesto CA 95357	$26.00
079-004-002	CASSIDY ALAN K & CASSIDY SUSAN H	3713 WICHITA WAY	Modesto CA 95357	$26.00

079-004-003	HAWIL ALFRED	3717 WICHITA WAY	Modesto CA 95357	$26.00
079-004-004	PALMERIN ARTURO & PATRICIA	3721 WICHITA WAY	Modesto CA 95357	$26.00
079-004-005	GILL HARMAIL	3725 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-006	MANLULU NOEL M & MANLULU MARIVIC F	3729 WICHITA WAY	Modesto CA 95357	$26.00
079-004-007	TOWNE JAMES E & TOWNE AMANDA J	3733 WICHITA WAY	Modesto CA 95357	$26.00
079-004-008	VALDES RENE D & PUNSMA	3801 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-009	DE ALBA RIGOBERTO & DE ALBA SANDRA L	3805 WICHITA WAY	Modesto CA 95357	$26.00
079-004-010	DE ALBA RIGOBERTO SR & DEL ALBA SANDRA L	3809 WICHITA WAY	Modesto CA 95357	$26.00
079-004-011	WATTLE DANNY & CAROLANNE	3813 WICHITA WAY	Modesto CA 95357	$26.00
079-004-012	HECKLER LAWRENCE S TR	3817 WICHITA WAY	Modesto CA 95357	$26.00
079-004-013	GARCIA ARMANDO & MARISOL RESENDIZ	3821 WICHITA WAY	Modesto CA 95357	$26.00
079-004-014	CURTRIGHT BARBARA TR	3825 WICHITA WAY	Modesto CA 95357	$26.00
079-004-015	KENNEDY CHAD & SHINOBU	3829 WICHITA WAY	Modesto CA 95354	$26.00
079-004-016	GETREU DANIEL L & GETREU PATRICIA E	3901 WICHITA WAY	Modesto CA 95354-	$26.00
079-004-017	MILLER RAYMOND E & MILLER JERELYN	3905 WICHITA WAY	Modesto CA 95357	$26.00
079-004-018	CUIRIZ EDER JAVIER	3909 WICHITA WAY	Modesto CA 95357	$26.00
079-004-019	ALBERG DAVID A & PAMELA M TRS	3913 WICHITA WAY	Modesto CA 95354	$26.00
079-004-020	BOWMAN CLINTON & TERRI	3917 WICHITA WAY	Modesto CA 95357	$26.00
079-004-021	COX JULIE A	3921 WICHITA WAY	Modesto CA 95355	$26.00
079-004-022	TEJADA SERGIO L	3925 WICHITA WAY	Modesto CA 95357	$26.00
079-004-023	MEZA HECTOR MEDINA	3929 WICHITA WAY	Modesto CA 95357	$26.00
079-004-024	MARTINEZ ARTHUR J & ELISA R	3933 WICHITA WAY	Modesto CA 95357	$26.00
079-004-025	GARDNER GEORGE & GARDNER DAWN	844 LARNED LN	Modesto CA 95357	$26.00
079-004-026	SAMUEL BENJAMIN & JANET Y	840 LARNED LN	Modesto CA 95357	$26.00
079-004-027	RENDEROS MARIA E	836 LARNED LN	Modesto CA 95357	$26.00
079-004-028	SEN INDAR & SEN SURUJ M	832 LARNED LN	Modesto CA 95357	$26.00
079-004-029	VIGIL CELSO ET AL	828 LARNED LN	Modesto CA 95357	$26.00
079-004-030	MENDOZA NEREIDA	3925 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-031	VEGA CESAR & SABRINA	3921 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-032	MARTIN CHRISTOPHER & MONIQUE	3917 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-033	GLEN MAVIS J TR	3913 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-034	CHRISTIANSON A04M E & CHRISTIANSON YVONNE M	3909 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-035	CHICKEN RANCH MEWUK INDIANS	3905 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-036	PHIPPS CORY L & PHIPPS CAROLE J	3901 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-037	RETFORD HANK W & RETFORD KAREN J	3821 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-038	SORIA JULIAN ET AL	3817 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-004-039	MUNOZFERRER ISMAEL	3813 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-040	AU-YEUNG CHI & AU-YEUNG TZE H	3809 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-041	VASQUEZ RICHARD P	3805 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-042	SERNA MARLA ANN TR	3801 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-043	SOUZA RICK L & SOUZA MARVELYN	3721 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-004-044	WOOD SHAWN & WOOD KRISTINA M	3717 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-045	HATTERSLEY SCOTT LEYTON & SANDRA LEE TRS	3713 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-046	CHIEN PETER C	3709 SHARPSBURG DR	Modesto CA 95357	$26.00
079-004-047	DIVIRD HEIDI N & JASON R	3705 SHARPSBURG DR	Modesto CA 95354	$26.00
079-004-048	PANG YIM PING & LI FELIX JING HUI	3701 SHARPSBURG DR	Modesto CA 09535	$26.00
079-004-049	EYRING MARION L TR	3712 WICHITA WAY	Modesto CA 95357	$26.00
079-004-050	BENTLEY DOUGLAS & BENTLEY LEEANNE K	3716 WICHITA WAY	Modesto CA 95357	$26.00
079-004-051	LEYVA RENE SR & CLAUDIA D	3720 WICHITA WAY	Modesto CA 95357	$26.00
079-004-052	DUMAS JAMES BRIAN SR & PAMELA LEE TRS	3724 WICHITA WAY	Modesto CA 95357	$26.00
079-004-053	MORENO LUIS F & MORENO ROSA M	3728 WICHITA WAY	Modesto CA 95354	$26.00
079-004-054	GONZALEZ JUAN R	3732 WICHITA WAY	Modesto CA 95357	$26.00
079-004-055	CASTILLO RAFAEL	3800 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-056	SALVATION ARMY	3804 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-057	CLINE DAVID L & DEBRA N TRS	3808 WICHITA WAY	Modesto CA 95357	$26.00
079-004-058	FUGATE BRANDON ET AL TRS	3812 WICHITA WAY	Modesto CA 95357	$26.00
079-004-059	COUCHMAN PAUL E & KATHRYN A	3816 WICHITA WAY	Modesto CA 95357	$26.00
079-004-060	CABEBE MARIA RIZALINA C TR	3820 WICHITA WAY	Modesto CA 95357	$26.00
079-004-061	MAYOL BIRGITT A TR ET AL	3824 WICHITA WAY	Modesto CA 95357	$26.00
079-004-062	HERNANDEZ CESAR E & MARGARITA C	3828 WICHITA WAY	Modesto CA 95357	$26.00
079-004-063	BEAUDETTE GARY & BEAUDETTE DEBORAH	3900 WICHITA WAY	Modesto CA 95357	$26.00
079-004-064	ALVAREZ LOUIS L ET AL	3904 WICHITA WAY	Modesto CA 95357	$26.00
079-004-065	MANCINI JUDITH	3908 WICHITA WAY	Modesto CA 95357-	$26.00
079-004-066	ISRAEL SAMMY S & SHERLY ESGUERRA	3912 WICHITA WAY	Modesto CA 95357	$26.00
079-004-067	ROJAS ROGELIO A	3916 WICHITA WAY	Modesto CA 95354	$26.00
079-004-068	OVIEDO IRMA L	3920 WICHITA WAY	Modesto CA 95357	$26.00
079-004-069	OCKEY LEOTA L TR	3924 WICHITA WAY	Modesto CA 95357	$26.00
079-005-001	SIMPSON STEVEN	732 SPINDALE DR	Modesto CA 95357	$26.00

079-005-002	BALLIET RICHARD L & BALLIET SHERRY	736 SPINDALE DR	Modesto CA 95357	$26.00
079-005-003	BORDNER FATIMA	800 SALINA DR	Modesto CA 95357	$26.00
079-005-004	HELLERUD GARRY A & HELLERUD ARLENE L	804 SALINA DR	Modesto CA 95354-	$26.00
079-005-005	SOUZA DONOVAN & SOUZA NICOLE	813 PARSONS CT	Modesto CA 95354	$26.00
079-005-006	CLEMENTS PANDORA A	809 PARSONS CT	Modesto CA 95357-	$26.00
079-005-007	THOMPSON MELANIE	805 PARSONS CT	Modesto CA 95357	$26.00
079-005-008	LAKE DAVID E & LAKE MARGARET R	800 PARSONS CT	Modesto CA 95357-	$26.00
079-005-009	LEE EDMUND W TR	804 PARSONS CT	Modesto CA 95357	$26.00
079-005-010	GARCIA EDUARDO C & GARCIA ELIZABETH A	808 PARSONS CT	Modesto CA 95351	$26.00
079-005-011	KHAMOO BABA & HILDA TRS	812 PARSONS CT	Modesto CA 95357	$26.00
079-005-012	RANGEL FRANCISCO JAVIER JR	817 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-013	MEDINA VICTOR & IRMA	813 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-014	FAGUNDES ANTONIO & HAIR JACQUELINE K	809 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-015	GARCIA MATIAS & GARCIA MERCEDES	805 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-016	SANDHU MANJINDER SINGH & SUKHJIT KAUR	801 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-017	OWENS LARRY G & MARY Z	800 LEAVENWORTH WAY	Modesto CA 95351	$26.00
079-005-018	TAYLOR BRADLEY JOSEPH	804 LEAVENWORTH WAY	Modesto CA 95357-	$26.00
079-005-019	BISHOFF PHYLLIS	808 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-020	GROSS THOMAS T	812 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-021	EWING JOHN R & MARGARET K TRS	816 LEAVENWORTH WAY	Modesto CA 95357	$26.00
079-005-022	MCDONALD SHARICE	3908 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-023	DAVISON WAYNE & JO	3912 SHARPSBURG DR	Modesto CA 95357-	$26.00
079-005-024	HAWIL ALFRED	3916 SHARPSBURG DR	Modesto CA 95357	$26.00
079-005-025	DURHAM SANDY M	817 LARNED LN	Modesto CA 95357	$26.00
079-005-026	MCCARTHY JAMES & TAMRA	813 LARNED LN	Modesto CA 95357	$26.00
079-005-027	CHEN GEORGE CHONG JYH & HOLLY YUN YAN	809 LARNED LN	Modesto CA 95357	$26.00
079-005-028	VAN DIEMEN MICHAEL B & VAN DIEMEN LAURI L	805 LARNED LN	Modesto CA 95357	$26.00
079-005-029	LIGHT MARK T	3909 GOODLAND CT	Modesto CA 95357-	$26.00
079-005-030	LUCAS THOMAS M III & LUCAS LISA M	3905 GOODLAND CT	Modesto CA 95357-	$26.00
079-005-031	BARKLEY JOSEPH E TR	3900 GOODLAND CT	Modesto CA 95357	$26.00
079-005-032	BROOKS CHARLES A & SUSAN D TRS	3904 GOODLAND CT	Modesto CA 95357	$26.00
079-005-033	GAMBOA BENITO	3908 GOODLAND CT	Modesto CA 95357	$26.00
079-005-034	MORALES SHARON & LUIS	3912 GOODLAND CT	Modesto CA 95357	$26.00
079-005-035	YOUNGER ROGER & LAURA	3916 GOODLAND CT	Modesto CA 95357	$26.00
079-005-036	COLE TINA M	3920 GOODLAND CT	Modesto CA 95357	$26.00
079-005-037	ALVARADO MARIA D	800 LARNED LN	Modesto CA 95357	$26.00
079-005-038	PALMERIN JOSE DE JESUS	804 LARNED LN	Modesto CA 95357	$26.00
079-005-039	PADILLA DIANA M ET AL	808 LARNED LN	Modesto CA 95357	$26.00
079-005-040	PARKS STEVEN M & BECKY	812 LARNED LN	Modesto CA 95357	$26.00
079-005-041	LEIVA LEONEL ALFREDO & LILI MARLENE	816 LARNED LN	Modesto CA 95357-	$26.00
079-005-042	MORAD EDMOND & MORAD CARMEN	820 LARNED LN	Modesto CA 95357	$26.00
079-005-043	BROWN DANNY ARTHUR & CHRISTINA	824 LARNED LN	Modesto CA 95357	$26.00
079-006-001	LAMBEL LARRY G & CYNTHIA A	737 WADDELL WAY	Modesto CA 95357	$26.00
079-006-002	NASSER MOHAMED	741 WADDELL WAY	Modesto CA 95357	$26.00
079-006-003	HILL PAMELA ET AL	745 WADDELL WAY	Modesto CA 95357	$26.00
079-006-004	CHHIM LIM	749 WADDELL WAY	Modesto CA 95357	$26.00
079-006-005	LIVINGSTON TREVOR	753 WADDELL WAY	Modesto CA 95357	$26.00
079-006-006	SAMOW HALA	757 WADDELL WAY	Modesto CA 95357	$26.00
079-006-007	MICHAEL RAPHAEL ET AL	761 WADDELL WAY	Modesto CA 95357	$26.00
079-006-008	REYES JIM R & REYES ELLEN S	765 WADDELL WAY	Modesto CA 95357	$26.00
079-006-010	JOHNSON GERALD L ET AL	752 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-011	REEVES JERAMIAH & SAUNDRA	748 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-012	BUDA DANIEL & CHRISTINA	744 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-013	GARCIA FRANCISCO & YOLANDA	740 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-014	MC CRARY LLOYD U & MC CRARY MARY J	736 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-015	PARKINS SANDRA BELINDA TR	732 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-016	TELLEZ MAURICE R & MARGARITA F	728 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-017	TELLEZ MAURICE R & MARGARITA F	724 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-018	SANTOS LUZ MARIA	720 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-019	SANTOS LUZ	716 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-020	PADILLA SALVADOR & PADILLA ANTONIA	712 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-021	MAUCH EVA & LOREN	708 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-022	BAINS GURNAM S & BALVINDER K	704 CODINGTON WAY	Modesto CA 95355	$26.00
079-006-023	LOTKO ANN E	700 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-024	PEREZ JUAN MANUEL & SILVIA PULIDO	640 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-025	RAM RAVI PRAKASH & RAM SANJILA PRAKASH	701 CODINGTON WAY	Modesto CA 95357-	$26.00
079-006-026	BANUELOS MARTHA E	705 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-027	ARROYO RAFAEL ARROYO & CHAVEZ GUADALUPE RAMIREZ	709 CODINGTON WAY	Modesto CA 95357	$26.00

079-006-028	CONDER DEBORAH	713 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-029	AGUIRRE ALICIA R	717 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-030	GOMEZ FRANCISCO J & PATRICIA	721 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-031	BAINS GURNAM S & BALVINDER K	725 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-032	FIGUEROA LUIS E & FIGUEROA ISABEL L	729 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-033	CARROLL EDWIN JOSEPH & CONNIE	733 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-034	AMBROSICH STEPHEN F TR	737 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-035	MARKER GEORGE H TR	741 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-036	GALE MARK D II & DEBRA L TRS	745 CODINGTON WAY	Modesto CA 95354	$26.00
079-006-037	SILLEMON ANTHONY	749 CODINGTON WAY	Modesto CA 95357	$26.00
079-006-038	GUZMAN JESUS A	744 CARRBORO LN	Modesto CA 95357	$26.00
079-006-039	LOUCKS DAVID GEORGE & JOSEFA M TRS	740 CARRBORO LN	Modesto CA 95357	$26.00
079-006-040	PATRICK ANTONIO	736 CARRBORO LN	Modesto CA 95357	$26.00
079-006-041	SCHRUMPF JOHN D & MUNSON-SCHRUMPF CLAUDIA	732 CARRBORO LN	Modesto CA 95357	$26.00
079-006-042	WILLIAMS MARLON & NENA	728 CARRBORO LN	Modesto CA 95357-	$26.00
079-006-043	DEBERRY GARY L & ALICE	724 CARRBORO LN	Modesto CA 95357	$26.00
079-006-044	LAMPROE LEONARD C & LAMPROE MARY A	720 CARRBORO LN	Modesto CA 95357	$26.00
079-006-045	GARCIA FELIPE & FLORES BLANCA	716 CARRBORO LN	Modesto CA 95357	$26.00
079-006-046	ODISHO DAVID & ODISHO JULIET	712 CARRBORO LN	Modesto CA 95357	$26.00
079-006-047	WAY DONALD E & TERESA M TRS	708 CARRBORO LN	Modesto CA 95357	$26.00
079-006-048	DAVID VIRGEEN	704 CARRBORO LN	Modesto CA 95357	$26.00
079-006-049	CONN HILARY A & GARY	700 CARRBORO LN	Modesto CA 95357	$26.00
079-007-001	CHOW MINH LU ET AL	729 WADDELL WAY	Modesto CA 95354	$26.00
079-007-002	JORGENSEN FRANK E & MIRIAM M	725 WADDELL WAY	Modesto CA 95357	$26.00
079-007-003	SANTORA ANTHONY & LAUREN	721 WADDELL WAY	Modesto CA 95357	$26.00
079-007-004	CORRAL MH LLC	717 WADDELL WAY	Modesto CA 95357	$26.00
079-007-005	L & D RENTALS LLC	713 WADDELL WAY	Modesto CA 95357	$26.00
079-007-006	GUTIERREZ DIEGO	709 WADDELL WAY	Modesto CA 95357	$26.00
079-007-007	SANCHEZ ENRIQUE	705 WADDELL WAY	Modesto CA 95357	$26.00
079-007-008	PENIRIAN JODI	701 WADDELL WAY	Modesto CA 95357	$26.00
079-007-009	FERNANDEZ RAMIRO & ALMA	669 WADDELL WAY	Modesto CA 95357	$26.00
079-007-010	ZAMORA GUILLERMO	665 WADDELL WAY	Modesto CA 95357	$26.00
079-007-011	STOLLBERG WILLIAM R & HOAI TRS	661 WADDELL WAY	Modesto CA 95354	$26.00
079-007-012	L & D RENTALS LLC	657 WADDELL WAY	Modesto CA 95357	$26.00
079-007-013	KESSLER STACI ET AL	653 WADDELL WAY	Modesto CA 95357	$26.00
079-007-014	BAKER OUTIN MARLENE	649 WADDELL WAY	Modesto CA 95357	$26.00
079-007-015	MARSELLA BARBARA A	645 WADDELL WAY	Modesto CA 95357	$26.00
079-007-016	ROQUE DARWIN	641 WADDELL WAY	Modesto CA 95357	$26.00
079-007-017	ORR MILDRED M ET AL	648 WADDELL WAY	Modesto CA 95357	$26.00
079-007-018	MEYER LISA M	652 WADDELL WAY	Modesto CA 95357	$26.00
079-007-019	MENDEZ HILARIO	656 WADDELL WAY	Modesto CA 95350	$26.00
079-007-020	AMERICAN RESIDENTIAL PROPERTIES OP LP	721 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-021	GOOTGELD MARIA	717 RIEDSVILLE CT	Modesto CA 95354	$26.00
079-007-022	ZAVALA JOHN & YVONNE	713 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-023	ACOSTA DAVID ET AL	716 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-024	SCHULTZ BRENDA J & RONALD	720 RIEDSVILLE CT	Modesto CA 95357	$26.00
079-007-025	SCALA PAOLO & MEDINA MIRIAM	712 WADDELL WAY	Modesto CA 95357	$26.00
079-007-026	JIMENEZ GREGORIO	716 WADDELL WAY	Modesto CA 95357-	$26.00
079-007-027	MOLES EDWARD A & DIAMOND SUSAN H TRS	720 WADDELL WAY	Modesto CA 95357	$26.00
079-007-028	SOTO ANABEL	724 WADDELL WAY	Modesto CA 95357	$26.00
079-007-029	TRIMBLE BRENDA E	728 WADDELL WAY	Modesto CA 95354	$26.00
079-007-030	POZZOULI JOHN L	732 WADDELL WAY	Modesto CA 95357	$26.00
079-007-031	SINGH SUKUI B & SINGH LACHMI RAI	736 WADDELL WAY	Modesto CA 95357	$26.00
079-007-032	DE LA TORRE CONRADO & ROSEMARY TRS	740 WADDELL WAY	Modesto CA 95357	$26.00
079-007-033	MARCIANO ARMANDO D & MARCIANO REMEDIOS R	737 CARRBORO LN	Modesto CA 95357-	$26.00
079-007-034	PLACE GREGORY & SHERI L	733 CARRBORO LN	Modesto CA 95357	$26.00
079-007-035	SALYER JEFF & SARAH	729 CARRBORO LN	Modesto CA 95357	$26.00
079-007-036	P T BRAND PROPERTIES LLC	725 CARRBORO LN	Modesto CA 95357-	$26.00
079-007-037	CEJA BEATRICE	721 CARRBORO LN	Modesto CA 95357	$26.00
079-007-038	NAVARRO RAFAEL	717 CARRBORO LN	Modesto CA 95357	$26.00
079-007-039	HARRISON KAREN S	713 CARRBORO LN	Modesto CA 95357	$26.00
079-007-040	VILLALOVOS YOLANDA & ART R	709 CARRBORO LN	Modesto CA 95357	$26.00
079-007-041	GALLOWAY JACK	700 CHADBURN CT	Modesto CA 95357	$26.00
079-007-042	JACKSON JONATHAN & ADONA	704 CHADBURN CT	Modesto CA 95357	$26.00
079-007-043	DIAS JEREMIAH A ET AL	708 CHADBURN CT	Modesto CA 95357	$26.00
079-007-044	SAMRA GURDIP & PREET	712 CHADBURN CT	Modesto CA 95357	$26.00
079-007-045	ROBLES RICHELLE & YULO JOHN	716 CHADBURN CT	Modesto CA 95357	$26.00
079-007-046	MEZA JACQUELINE M	720 CHADBURN CT	Modesto CA 95354	$26.00

079-007-047	TRUESDAIL SHELBY J	724 CHADBURN CT	Modesto CA 95357	$26.00
079-007-048	BAHI EILEEN	721 CHADBURN CT	Modesto CA 95354	$26.00
079-007-049	IBARRA JUANA	717 CHADBURN CT	Modesto CA 95357	$26.00
079-007-050	YEFREMENKO ALEKSEY & CANDICE	713 CHADBURN CT	Modesto CA 95357	$26.00
079-007-051	BROOKS HARVEY EARL TR	709 CHADBURN CT	Modesto CA 95357	$26.00
079-007-052	ESTRADA-GAMBOA RAMON	705 CHADBURN CT	Modesto CA 95355	$26.00
079-007-053	SILVEIRA FERNANDA	3725 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-054	BERTRAM ELLEN TR	3721 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-055	PEREZ JOSE P & PEREZ ROSA M	3717 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-056	SKOCHKO KATHLEEN A & SKOCHKO RICHARD A	3713 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-007-057	DAVIS JAMES R & DAVIS LETECIA B	3709 CREEDMOOR AVE	Modesto CA 95354	$26.00
079-008-001	BUAYA DAVID S	620 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-002	ALI SYED ARIF & ARIF SHAZIA	616 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-003	CONCHAS SANDRA H	612 N MC CLURE RD	Modesto CA 95356	$26.00
079-008-004	RENO FRED W	608 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-005	CHAND VIJAY & MATI SOHAN	604 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-006	CHAND VIJAY V ET AL	600 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-007	JACKSON MATTHEW & JACKSON SUZANNA	564 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-008	WARD DONALD G & CARLILE-WARD CARRIE LYNN	560 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-009	MOUNDI HARINDER K & GURDIAL SINGH W	556 N MC CLURE RD	Modesto CA 95354	$26.00
079-008-010	BORGES FRANK J	552 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-011	MILLER THOMAS H TR	548 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-012	MOON LERALENE TR	544 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-013	MAHARAJ ARUNA & MAJARAJ SANJAI S	540 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-014	TAGRE ABEL JOSE & TERRIE MARIE TRS	536 N MC CLURE RD	Modesto CA 95357	$26.00
079-008-015	CHAMBERS DERRASSA	501 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-016	SABLOK SATISH KUMAR & SABLOK RENUKA DEVI	505 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-017	PEEK CHARLES & PEEK ADRIENNE	509 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-018	KINCHELOE DONNIE & KAREN	513 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-019	SHARMA UMA L	517 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-020	CARDOSO JOHN P	521 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-021	MARQUEZ VICENTE MARTINEZ & MADRIGAL GRACIELA	525 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-022	ZERMENO RAUL & MARIA LETICIA	529 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-023	ZARAGOZA RICARDO	533 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-024	CHAND SHUI	601 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-025	JOET JERMY S	605 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-026	BETTENCOURT JOHN C TRS ET AL	609 REDFIELD AVE	Modesto CA 95357-	$26.00
079-008-027	KUMAR PRANEEL	613 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-028	ATHWAL NAVJOT	617 REDFIELD AVE	Modesto CA 95357	$26.00
079-008-029	PRAK DEBBIE	3516 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-030	BROWN CAROL C TR	3520 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-031	WRIGHT JACQUELINE L TR	3524 DRY CREEK DR	Modesto CA 95354	$26.00
079-008-032	HARDY RICK L & LYNN P	3528 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-033	DAVIS DAWNA BEAIRD	3532 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-034	BHATTI BALBIR S & JASVIR K	3536 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-035	SINGH KULDIP & KOUR JASBIR	3600 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-036	SARABIA STEVE ANTHONY & MARGARITA CAMPOS DE	3604 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-037	ORTIZ MATIAS & ORTIZ JOSEFINA	3608 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-038	BROWN DALE	3612 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-039	BOGG JANO TR	3616 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-040	ECKLES ROBERT S & ECKLES JULIE L	3620 DRY CREEK DR	Modesto CA 95357-	$26.00
079-008-041	SINGH SHALVIN V	3624 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-042	MALLEY KATHERINE S	3628 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-043	KELLER ALFRED W	3632 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-044	DAVIS LUELLA B & DAVIS WAYNE W	3636 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-045	HERNANDEZ FRANK J & DIANA C	3640 DRY CREEK DR	Modesto CA 95357	$26.00
079-008-046	STAMPS GENE A & GLORIA M	532 WILMONT LN	Modesto CA 95357	$26.00
079-008-047	JIMENEZ GERARDO	536 WILMONT LN	Modesto CA 95357-	$26.00
079-008-048	MATULIS ERIC A	3633 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-049	CHIU JOSEPH C & CHIU HELEN LEE	3629 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-050	FARA AHMED & FARA MUFDHLA	3625 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-051	JAUREGUI HORACIO J & SUSANA	3621 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-052	CISNEROS MARTIN T & CISNEROS MELISSA	3617 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-053	SINGH PREM	3613 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-054	WHITAKER SAUDIA F	3609 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-055	PRASAD JACK J & RESHMA D	3605 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-056	GUTIERREZ JESUS & MARIA DE JESUS	3601 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-057	WELLS JEFFREY R & CARRIE H	3533 HIGHMORE LN	Modesto CA 95357	$26.00

079-008-058	POSLANIEC COBY L	3529 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-059	SADA FRED & JACKIE N	3525 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-060	WHITE JOHN L & WHITE MARILYN K	3521 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-061	BASSI JOE & KIRAN TRS	3517 HIGHMORE LN	Modesto CA 95357	$26.00
079-008-062	KOKOLOGIANNAKIS MARTHA TR	3513 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-003	HENRY JILL ANNETTE & MULLINS MARY FRANCES TRS	3629 ARDIA AVE	Modesto CA 95357	$26.00
079-009-004	POK NAVEEN & VEULVILAVONG AMMONE	3625 ARDIA AVE	Modesto CA 95353	$26.00
079-009-005	WRIGHT ROBERT T SR	3621 ARDIA AVE	Modesto CA 95357	$26.00
079-009-006	DALMAN NINON M	3617 ARDIA AVE	Modesto CA 95357	$26.00
079-009-007	VARGAS ROBERT S & MARTHA V	3613 ARDIA AVE	Modesto CA 95357	$26.00
079-009-008	RUSH ROBERT P SR & PATRICIA L	3609 ARDIA AVE	Modesto CA 95357	$26.00
079-009-009	REYNOLDS EVA NELL TR	3605 ARDIA AVE	Modesto CA 95357	$26.00
079-009-010	WILLIAMS DONALD F & DEBORAH A	3601 ARDIA AVE	Modesto CA 95357	$26.00
079-009-011	NAIRN DENNIS & NAIRN REBECCA	3533 ARDIA AVE	Modesto CA 95357	$26.00
079-009-012	PERKINS ROBERT	3529 ARDIA AVE	Modesto CA 95357	$26.00
079-009-013	JOHAL SUKHWINDER KAUR & JASBIR S SINGH	3525 ARDIA AVE	Modesto CA 95357	$26.00
079-009-014	THANDI H S & S K	3521 ARDIA AVE	Modesto CA 95357	$26.00
079-009-015	RAMOS FERNANDO A	3517 ARDIA AVE	Modesto CA 95357-	$26.00
079-009-016	MARTINEZ TONY R JR	3513 ARDIA AVE	Modesto CA 95357	$26.00
079-009-017	FIGUEROA JASMINE E	3512 BALFOUR LN	Modesto CA 95357	$26.00
079-009-018	GREWAL JASKIRAN	3516 BALFOUR LN	Modesto CA 95357	$26.00
079-009-019	OGDEN ROBERT C & DEBORAH A TRS	3520 BALFOUR LN	Modesto CA 95357-	$26.00
079-009-020	FOUNTAIN TIMOTHY J & FOUNTAIN DEBORAH A	3524 BALFOUR LN	Modesto CA 95357	$26.00
079-009-021	MILLS AUDREY C	3528 BALFOUR LN	Modesto CA 95357	$26.00
079-009-022	COLLS LUIS R TR	3600 BALFOUR LN	Modesto CA 95357	$26.00
079-009-023	MANRIQUEZ UBALDO & DORA	3604 BALFOUR LN	Modesto CA 95357	$26.00
079-009-024	AMEREL CLEVE & ROSA	3608 BALFOUR LN	Modesto CA 95357-	$26.00
079-009-025	JOHNSON SOUNITA ET AL	3612 BALFOUR LN	Modesto CA 95354	$26.00
079-009-026	LEWMAN-KUNKLER BRENDA F TR	3616 BALFOUR LN	Modesto CA 95357	$26.00
079-009-027	LEE DAVID S & HU YANTING	3620 BALFOUR LN	Modesto CA 95357	$26.00
079-009-028	GONZALEZ ALFONSO CHAVEZ & RAMPONI-CHAVEZ JUDY	3624 BALFOUR LN	Modesto CA 95357	$26.00
079-009-029	SANCHEZ HUGO & ZENAIDA	3628 BALFOUR LN	Modesto CA 95357	$26.00
079-009-030	TOMLINSON MARK S & TOMLINSON JENNIFER D	3632 BALFOUR LN	Modesto CA 95357	$26.00
079-009-031	GOVEA PETER C & CAROL M TRS	512 WILMONT LN	Modesto CA 95357	$26.00
079-009-032	SHELTON CHRISTINA D	516 WILMONT LN	Modesto CA 95357	$26.00
079-009-033	FRANCO DANIEL & TANIA	520 WILMONT LN	Modesto CA 95351	$26.00
079-009-034	BARRY MAGED	524 WILMONT LN	Modesto CA 95355	$26.00
079-009-035	BIZZINI KELLY A	528 WILMONT LN	Modesto CA 95357	$26.00
079-009-036	MARTINEZ PEDRO	3628 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-037	RAMIREZ JESUS & LORENA	3624 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-038	CERDA GONZALO	3620 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-039	WILHELM DENNIS & WILHELM JANICE	3616 HIGHMORE LN	Modesto CA 95357-	$26.00
079-009-040	CASTRO MARIA	3612 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-041	VIZCARRA JOSE A	3608 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-042	YAU KING PO & SU AI CENG	3604 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-043	ZAYA SAMIA	3600 HIGHMORE LN	Modesto CA 95354	$26.00
079-009-044	CHIU CHARLES	3528 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-045	FORBES DEENA M ET AL	3524 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-046	LITTMANN PETER & TAMARA	3520 HIGHMORE LN	Modesto CA 95355	$26.00
079-009-047	LEV ANGELA	3516 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-048	SPYKSMA GLENN DAVID & CARLA TRS	3512 HIGHMORE LN	Modesto CA 95357	$26.00
079-009-049	MAHUSAY SATURNINO & MAHUSAY PATRICIA	3513 BALFOUR LN	Modesto CA 95357	$26.00
079-009-050	REYNOSO SOCORRO GUTIERREZ	3517 BALFOUR LN	Modesto CA 95357	$26.00
079-009-051	BILLIKOPF GREGORY E & BILLIKOPF LINDA M	3521 BALFOUR LN	Modesto CA 95357	$26.00
079-009-052	PETERSON GAIL W & KAREN TRS	3525 BALFOUR LN	Modesto CA 95357	$26.00
079-009-053	PRAKASH SUSHEEL & DEVI VINITA	3529 BALFOUR LN	Modesto CA 95357	$26.00
079-009-054	OSHANA DOONA	3533 BALFOUR LN	Modesto CA 95357	$26.00
079-009-055	VERSOLA KENNETH O ET AL TRS	3601 BALFOUR LN	Modesto CA 95357	$26.00
079-009-056	MARTINEZ RICHARD A & MARTINEZ MARTHA S	3605 BALFOUR LN	Modesto CA 95354	$26.00
079-009-057	VALADEZ RUBEN	3609 BALFOUR LN	Modesto CA 95357	$26.00
079-009-058	HEDRICK KENNETH L & HEDRICK MARGIE	3613 BALFOUR LN	Modesto CA 95357	$26.00
079-009-059	WASPE LAWRENCE E MD	3617 BALFOUR LN	Modesto CA 95357	$26.00
079-009-060	RODRIGUEZ MARIO & RODRIGUEZ SONIA	3621 BALFOUR LN	Modesto CA 95357	$26.00
079-009-061	CISNEROS STEVE P & CISNEROS ELVIRA	3625 BALFOUR LN	Modesto CA 95357	$26.00
079-009-062	DAVIS RODGER & STACY	3633 ARDIA AVE	Modesto CA 95357	$26.00
079-010-001	HORLICK LUPE CASTILLO ET AL	609 WADDELL WAY	Modesto CA 95357	$26.00
079-010-002	ORTEGA ANGEL GABRIEL	613 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-003	CANETE MARIE C	617 WADDELL WAY	Modesto CA 95357	$26.00

079-010-004	LEWIS LA VONA L TR	621 WADDELL WAY	Modesto CA 95357	$26.00
079-010-005	MALDONADO LUIS & MALDONADO ERENDIRA	625 WADDELL WAY	Modesto CA 95357-14	$26.00
079-010-006	BETTENCOURT JOHN C ET AL TRS ET AL	629 WADDELL WAY	Modesto CA 95351	$26.00
079-010-007	AISPURO ROSALVA P	633 WADDELL WAY	Modesto CA 95357	$26.00
079-010-008	THOMAS-STEVENS CHERI N	637 WADDELL WAY	Modesto CA 95357	$26.00
079-010-009	PRASAD BINESARI & SATYA W	3700 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-010	LERINDEGUI JOYCE C ET AL	3704 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-011	TRIO DONNA M	3708 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-012	PRASAD RAKESH	3712 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-013	ANTONIO MARIA ET AL	3716 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-014	STOCKAND MIMI M	3720 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-015	WATSON THOMAS R & SHARON M	3724 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-016	GONZALES JOSEPH R	3728 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-017	NELSON RONALD J	3732 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-018	RAMIREZ GABRIELA	3736 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-019	CHIANG STANLEY & EMILY	3800 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-020	AU-YEUNG CHI & AU-YEUNG TZE HING LAM	3804 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-021	SALDANA BENJAMIN	3808 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-022	VELAZQUEZ RAUL & VELAZQUEZ MARIBEL	3812 CREEDMOOR AVE	Modesto CA 95355	$26.00
079-010-023	XIAOKUN ZHI	3816 CREEDMOOR AVE	Modesto CA 95357-	$26.00
079-010-024	STEWART ALLAN HENRY ET AL TRS	3900 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-025	JAMES GLORIA R ET AL	3904 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-026	RIVERA PAUL C & CARMEN	3908 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-027	KUMAR ASINESH	3912 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-028	NAMO ALEN	3916 CREEDMOOR AVE	Modesto CA 95357	$26.00
079-010-029	DYRCZ JEFFREY LEE	636 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-030	GALIOTO-FISHER LISA M	632 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-031	SMITH JUSTIN KEITH	628 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-032	LAURANCE MICHAEL E & DEBRA	624 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-033	LONERO CHARLES & LONERO ANNA M	620 CODINGTON WAY	Modesto CA 95357	$26.00
079-010-034	LOVEALL DENNIS J & TANG JANNY LUU	3925 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-035	HALE DENNA M	3921 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-036	CHARLES TIMOTHY M & CHARLES LISA A	3917 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-037	GALLEGOS ELIDIA	3913 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-038	RAMIREZ JUAN J & RAQUEL COSIO	3909 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-039	PRIETO ANTHONY AUGUSTIN	3905 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-040	VHAN SUNILA TR	3901 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-041	PERA ADRIAN C	3825 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-042	BRESHEARS DONALD K	3821 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-043	DELGADO MIGUEL	3817 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-044	JESUS MANUEL A & MARY L TRS	3813 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-045	GUZMAN ALEJANDRA ROBLES	3809 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-046	CUEVAS JOSE C ET AL	3805 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-047	ALBARRAN ARUTRO S & ALBARRAN CELIA P	3801 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-010-048	GALLO MARTIN & GALLO BEATRIZ	3725 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-049	SANTOS LUZ MARIA	3721 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-050	PEREZ JOSE P & ROSA M	3717 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-051	KUMAR ASHOK	3713 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-052	MADRIGAL ROBERT	3709 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-010-053	GARDALI CHARLES J TR	3705 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-010-054	JIAO HUIYING TR	3701 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-001	MOUNBUA CHANH ET AL	3700 DILLINGHAM AVE	Modesto CA 95354	$26.00
079-011-002	VARGAS EDWARD J & RACHELLE DEE TRS	3704 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-011-003	LIANG JIN & CEN CHUNYAN	3708 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-004	KOOCHOU NINOUS & DOMARINA	3712 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-005	YOUNAN MARIAM	3716 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-006	RODRIGUEZ MARCELINO & RODRIGUEZ ELENA	3720 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-007	CHUANGS INVESTMENT INC	3724 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-008	ALVES JASON L	3800 DILLINGHAM AVE	Modesto CA 95357-	$26.00
079-011-009	WONG SHERRE L TR	3804 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-010	SAMO LUAY	3808 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-011	KINGSLEY BRANDON K & AMBER N	3812 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-012	STILLWELL VINCE & ESCOBAR EVELYN	3816 DILLINGHAM AVE	Modesto CA 95351	$26.00
079-011-013	ROWE DANIEL V & ROWE MICHELLE R	3820 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-014	LOBAO THOMAS A & LOBAO LISA	3824 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-015	MARTINHO THERESA SILVA TR	3900 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-016	CONTRERAS JAVIER	3904 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-017	CABRERA MELINDA S	3908 DILLINGHAM AVE	Modesto CA 95357-	$26.00

079-011-018	VASQUEZ ROSA & PEDRO	3912 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-019	BAXTER RACHEL	3916 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-020	MENDEZ JOSE ALVAREZ & TERESA JESUS	3920 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-021	SAENGSOURY TONY & SAENGSOURY MARY	3924 DILLINGHAM AVE	Modesto CA 95357	$26.00
079-011-022	MARQUEZ ELIZABETH K & MARQUEZ RICHARD R	616 CODINGTON WAY	Modesto CA 95357-	$26.00
079-011-023	TODD TRISHA & BRIAN EDWARD	612 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-024	REGALADO JUAN ET AL	608 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-025	CEJA MIGUEL Y & BEATRICE	604 CODINGTON WAY	Modesto CA 95357	$26.00
079-011-026	MORALES STACIE A & KENNETH	600 CODINGTON WAY	Modesto CA 95357-	$26.00
079-011-027	LEBON FRANCIS LOUIS	3925 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-028	DE VERA SUSAN ET AL	3921 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-029	RANEY JERRY S & TONIE	3917 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-011-030	MC KAY JAMES A & MC KAY MARY L	3913 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-031	FERNANDEZ ELMA ET AL	3909 ELLENBORO AVE	Modesto CA 95351-	$26.00
079-011-032	BAILEY ELIZABETH M & STEVE R	3905 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-033	MANI GYANESH & SHAKUNTALA	3901 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-034	LOVE JAMES H & LOVE BRENDA W	3825 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-035	LEVCHENKO LAURIE	3821 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-036	KIRKBRIDE CHRISTOPHER CHARLES & LUISA R	3817 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-037	GARRISON JAMES A TR	3813 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-038	GUTIERREZ JOSE E	3809 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-011-039	MARTINEZ DOLORES ET AL	3805 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-040	BANKS TONYA	3801 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-041	ALDAWOOD PETER SHUMON & RIMA	3725 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-042	MORRIS SAMUEL DAVID ET AL	3721 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-043	LOPEZ DIANA MORENO	3717 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-044	KEYGHALDI KARNAVAL & ESTER	3713 ELLENBORO AVE	Modesto CA 95351-	$26.00
079-011-045	COSTA WILMA D & DAVID JR	3709 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-046	WRUCK JAMES A TR	3705 ELLENBORO AVE	Modesto CA 95357	$26.00
079-011-047	CHIHIL JOSEPHINE U TR	3701 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-001	HONBERGER ROBERT & HONBERGER LISA	541 WADDELL WAY	Modesto CA 95357	$26.00
079-012-002	BETYAGHOUB VILHAM & BETYAGHOUB LINDA	545 WADDELL WAY	Modesto CA 95357	$26.00
079-012-003	WONG SAI YING & LIXIAN KUANG TRS	549 WADDELL WAY	Modesto CA 95357	$26.00
079-012-004	YU BETTY	553 WADDELL WAY	Modesto CA 95357	$26.00
079-012-005	CHAND ATISH & REENA	557 WADDELL WAY	Modesto CA 95357	$26.00
079-012-006	PEERA ALBERTA	601 WADDELL WAY	Modesto CA 95357	$26.00
079-012-007	SUAREZ-MILLAN THANIA A	3700 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-008	MARENTES YESENIA	3704 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-009	MATOS BRUNO O & MICHELLE N	3708 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-010	KIDD BRIAN & KIDD KIMBERLY	3712 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-011	ESTRADA JOSE & ALICIA	3716 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-012	SERRANO GUADALUPE & MARIA ELENA	3720 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-013	MIRANDA CYNTHIA & MAGANA JOSE LUIS BARRAGAN	3724 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-014	GILL HARMAIL & DARSHAN	3800 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-015	BARRIENTOS JAVIER & ARCADIA	3804 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-016	CORRAL SANDRA	3808 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-017	CHUANG TINA Y	3812 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-018	AGAS JANELYN R	3816 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-019	MADEROS KATHLEEN J	3820 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-020	BRITZKE GARY T & BRITZKE PATRICIA L	3824 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-021	PENA BERNIE & PENA TREANNA	3900 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-022	BETTENCOURT JOHN C TRS ET AL	3904 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-023	SOLOMON LLOYD R & JEAN M TRS	3908 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-024	THOMAS DOUGLAS E & GLENDA J	3912 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-025	RODRIGUEZ ALFONSO	3916 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-026	BARCELO PATRICIA	3920 ELLENBORO AVE	Modesto CA 95357-	$26.00
079-012-027	MATA JUAN W ETA L	3924 ELLENBORO AVE	Modesto CA 95357	$26.00
079-012-028	ROACH ERIC M & ROACH NANETTE C	556 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-029	AUSTIN BEVERLY	552 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-030	VALLADOLID RAMIRO & DE VALLADOLID MA CRUZ COBARRUB	548 CODINGTON WAY	Modesto CA 95350	$26.00
079-012-031	CHAIREZ MICHAEL	544 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-032	29 SAC HOLDINGS 1 LP	540 CODINGTON WAY	Modesto CA 95357	$26.00
079-012-033	MCBROOM RODNEY D TR	3925 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-034	WILDEMAN GALEN J	3921 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-035	RATANA KAM & RATANA TIMOTHY	3917 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-036	SORIA RUBEN & SORIA GLORIA L	3913 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-037	LEANOS JAVIER TAPIA & TAPIA DANIELA ESTEFANY	3909 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-038	TORRES VICOTR MANUEL & PANTOJA MARIA	3905 GATESVILLE AVE	Modesto CA 95357	$26.00

079-012-039	PARSONS NANCY M	3901 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-040	GRAVES LINDA M	3825 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-041	TUERS TERRY B & TUERS LENORE L	3821 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-042	KINNE DONNELLY & SUSAN N TRS	3817 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-043	CAMPIOTTI EDWARD L & CAMPIOTTI DIANA L	3813 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-044	BUSH CHARLES F & BUSH DONNA L	3809 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-045	PENA JOSEPH	3805 GATESVILLE AVE	Modesto CA 95354	$26.00
079-012-046	ODISHO CATHERINE ET AL	3801 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-047	SHEPHERD NORMAN E & LISA N	3725 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-012-048	BARTHOLOMEW RUSSELL RAY	3721 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-049	RUSSELL GARRICK	3717 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-050	JENSEN STEVEN H & TONIA R	3713 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-051	PATEL JAGUBHAI & PATEL GANGABEN	3709 GATESVILLE AVE	Modesto CA 95357	$26.00
079-012-052	NELSON LESTER J & NELSON CRESENCIA	3705 GATESVILLE AVE	Modesto CA 95326	$26.00
079-012-053	MUTOZA CRAIG J	3701 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-001	DAVIS KURT ROBERT	521 WADDELL WAY	Modesto CA 95357	$26.00
079-013-002	VARGAS EDWARD J & RACHELLE DEE TRS	525 WADDELL WAY	Modesto CA 95357	$26.00
079-013-003	ROCHA JOHN DANIEL & ROCHA DIANNE MARIE	529 WADDELL WAY	Modesto CA 95354	$26.00
079-013-004	VANDERHEIDEN ROBIN	533 WADDELL WAY	Modesto CA 95357	$26.00
079-013-005	CORREA ARMANDO JR	537 WADDELL WAY	Modesto CA 95356	$26.00
079-013-006	VALLADOLID YESENIA	3700 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-007	BATEMAN WALTER	3704 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-008	GOUVEIA JOHN E & GOUVEIA TERRE L	3708 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-009	DELEMOS ALBINA	3712 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-010	LE CANH & TIEU MY HA	3716 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-011	AYALA DIEGO ADRIAN ET AL	3720 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-012	MORA-MARTINEZ MA R	3724 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-013	MARTINEZ PEDRO & IRMA	3800 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-014	LONN ROCHELLE	3804 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-015	HAYNES ERIC L	3808 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-016	PARKINSON MARK & DIANE	3812 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-017	BROWN WILLIAM K & SHAMIRAN A	3816 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-018	OXFORD DAVID C JR & JUDY D	3820 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-019	TAPIA YER YANG ET AL	3824 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-020	PETTIGREW AUSTIN T	3900 GATESVILLE AVE	Modesto CA 95357-	$26.00
079-013-021	ROUNGREUANG BOUNLONG	3904 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-022	ALVARENGA VICTOR	3908 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-023	GUARDADO ARIEL	3912 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-024	JOLLIFF GARTH & KATHERINE	3916 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-025	BAXTER RACHEL A	3920 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-026	SAMI PRANESH	3924 GATESVILLE AVE	Modesto CA 95357	$26.00
079-013-027	RODRIGUEZ REYES & MARIA C	536 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-028	USSERY CAROL D	532 CODINGTON WAY	Modesto CA 95350-	$26.00
079-013-029	ZAVALA CLEMENTE JR & ZAVALA IRMA	528 CODINGTON WAY	Modesto CA 95357-	$26.00
079-013-030	OCHOA SAN/UANA	524 CODINGTON WAY	Modesto CA 95357	$26.00
079-013-031	MIRANDA SERGIO	520 CODINGTON WAY	Modesto CA 95357-	$26.00
079-013-032	DIAZ KATHRYN A & GREGORY R	3925 LAURENBURG AVE	Modesto CA 95357-	$26.00
079-013-033	CAMPBELL LISA R	3921 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-034	RODRIGUEZ MANUEL & MARIA E TRS	3917 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-035	GUZMAN JONATHAN	3913 LAURENBURG AVE	Modesto CA 95357-	$26.00
079-013-036	HENDERSON DAVID	3909 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-037	SHAMESALDIN JOHNY K & SHAMESALDIN MUNA M	3905 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-038	JOSEPHSON JOSEPH A & JOSEPHSON STACEY	3901 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-039	RAMIREZ JACOB & ARACELI	3825 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-040	PENN KRYSTLE	3821 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-041	HERNANDEZ SALVADOR M & HERNANDEZ NILDA M	3817 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-042	RODRIGUEZ ELENA	3813 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-043	AQUINO J GABRIEL MENDOZA & MENDOZA NIEVES	3809 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-044	ATHNEIL GEORGE K & ATHNEIL INAAM M	3805 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-045	ALVARADO ALFONSO F	3801 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-046	DUNN JAY ALAN	3725 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-047	WATKINS WALLY T & LAUREN A	3721 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-048	CHAND VIJAY ET AL	3717 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-049	SABINIANO MARLON N ET AL	3713 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-050	CAPUTO LYNDA BINGHAM TR	3709 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-051	SMITH STEVEN J & SMITH AIDA L	3705 LAURENBURG AVE	Modesto CA 95357	$26.00
079-013-052	LOPEZ MARIO & LUZ ELVIRA	3701 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-001	GARCIA MIGUEL & GARCIA MARIA	449 WADDELL WAY	Modesto CA 95357	$26.00

079-014-002	CABAGNOT DOLORES R & FLYNN G	501 WADDELL WAY	Modesto CA 95357	$26.00
079-014-003	OSHANA OSHANA & OSHANA MARGRIT	505 WADDELL WAY	Modesto CA 95357	$26.00
079-014-004	WILSON KELLIE MICHELLE & RYAN CHRISTOPHER	509 WADDELL WAY	Modesto CA 95357	$26.00
079-014-005	NOUN SAMNANG	513 WADDELL WAY	Modesto CA 95357	$26.00
079-014-006	SANCHEZ JOSE L & MADRIGAL ALICIA	517 WADDELL WAY	Modesto CA 95357	$26.00
079-014-007	AUSTIN CATHERINE ANN TR	3700 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-008	BECERRA-BARRERA GERMAN & BECERRA LUISA G	3704 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-009	MILTON JEANNIE	3708 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-010	CASTRO GREGORY ALAN & BARBARA LYNN TRS	3712 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-011	DIXON GARY W	3716 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-012	AMES JAMES C & ADELE TRS	3720 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-013	WARNER JO ANNE	3724 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-014	GARCIA THERESA L	3800 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-015	NUNEZ CLAUDIA	3804 LAURENBURG AVE	Modesto CA 95354	$26.00
079-014-016	LORUSSO DION & OLIVERA	3808 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-017	OHIR ASHIKA ET AL	3812 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-018	RIVERA DAYSI M	3816 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-019	HUYNH NGOC DUNG THI ET AL	3820 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-020	CASTANEDA JOSE I & MARGARET	3824 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-021	GUZMAN MIRIAM & FLORES MARTIN	3900 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-022	SEUGA HOWLAND P	3904 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-023	TORRES JOSE DE JESUS & TORRES MARIA DOLORES	3908 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-024	HO KAI-YIN SILAS & WANG LI	3912 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-025	SINHA NAVIN & SINGH PRITI P	3916 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-026	CHRISTIAN RICHARD D & DIANE L TRS	3920 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-027	JENKINS JASON L & CHRISTINE M	3924 LAURENBURG AVE	Modesto CA 95357	$26.00
079-014-028	PIERCE FRANKLIN C & JODI L	516 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-029	PRASAD SURESH & PRASAD MUNI L	512 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-030	CASTELLANOS RIGOBERTO	508 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-031	NUON SOPHEAP & DUM SAVANARA	504 CODINGTON WAY	Modesto CA 95357-	$26.00
079-014-032	ROCHA SERAPIO & MARIA	500 CODINGTON WAY	Modesto CA 95357	$26.00
079-014-033	ATWOOD BOBBY D	3925 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-034	BEST JERROLIN E	3921 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-035	GIOVANNONI CASEY L	3917 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-036	MALIK ROBERT	3913 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-037	COX KATHERINE & ADAMS JOSH	3909 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-038	CHAU VINCENT ET AL	3905 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-039	ROSAS SAMUEL	3901 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-040	YOUNG HOLLY M ET AL	3825 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-041	FAMA JOSELITO & FAMA DOROTEA	3821 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-042	CICERO THEODORE JR & CAROL	3817 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-043	CABRERA THOMAS & CABRERA JANET S L	3813 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-044	RIVERA LOUIS S & LOUELLA J TRS	3809 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-045	TOMS GARY JR	3805 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-046	ROGERS MEGAN ET AL	3801 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-047	SKARIA JOSEPH & JOSEPHINE	3725 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-048	BAINS SARVSATINDER & BELBINDER K	3721 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-049	BOUCHER GARY C & BOUCHER DENISE K	3717 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-050	POWLEY ANAMARIA	3713 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-051	PRASAD GEORGE & PRASAD LALITA	3709 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-014-052	FOSTER JAMES R	3705 WILKESBORO AVE	Modesto CA 95357	$26.00
079-014-053	BENJAMIN LINDA & EUGENE	3701 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-001	COLLINS TOMMY S	440 WADDELL WAY	Modesto CA 95357	$26.00
079-016-002	BIRD BYRON M & ASHLEY A	3704 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-003	BARNES REECE WAYNE	3708 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-004	BIERMAN ALLEN	3712 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-005	PRASAD VIJAY	3716 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-006	GONZALEZ JOSE	3720 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-007	YUMANG ELADIO M JR & VIOLETA	3800 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-008	KOHN RONALD & JUANITA I	3804 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-016-009	CANCINO DANIEL DISU & FEDERICA BERNARTE TRS	3808 WILKESBORO AVE	Modesto CA 95354-	$26.00
079-016-010	ROSALES JOSE L & FRANCO MARIA T	3812 WILKESBORO AVE	Modesto CA 95357-	$26.00
079-016-011	STINHILVER WILLARD & STINHILVER MARLENE	3816 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-012	MAREK BETTY J ET AL	3820 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-013	ACIERTO PHILIP	3824 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-014	LUZUNARIS MIGUEL ORLANDO	3900 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-015	OU KANG YE & LIANG LIZHEN	3904 WILKESBORO AVE	Modesto CA 95354	$26.00
079-016-016	VILLASENOR RICARDO & ANA L RAMINEZ DE	3908 WILKESBORO AVE	Modesto CA 95357-	$26.00

079-016-017	MANSOUR ALEN M	3912 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-018	CASTHAM GLENDA S	3916 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-019	GERSON COREY	3920 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-020	SOLORIO SAMMY & MARIA L	3924 WILKESBORO AVE	Modesto CA 95357	$26.00
079-016-021	SINGH AACHAL & AJESH	440 CODINGTON WAY	Modesto CA 95357	$26.00
079-016-022	LOPEZ ADRIAN	436 CODINGTON WAY	Modesto CA 95357	$26.00

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-262

Print

RESOLUTION CONFIRMING THE FISCAL YEAR 2017-18 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2

WHEREAS, on May 9, 2017, the City Council, by Resolution No. 2017-182, declared its intent to levy charges or assessments for the purpose of administering the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996, and

WHEREAS, the City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges,

WHEREAS, on June 27, 2017 a public hearing was held, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the levy and collection of such charges within City of Modesto

Landscape Maintenance Assessment District No. 2 for Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivisions, and Yosemite Meadows Subdivision Units 1 and 2 for Fiscal Year 2017-18, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that a certified copy of this resolution and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2017-18 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, which is **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Assessment District Diagram

Landscape Maintenance Assessment District No. 2
(Dry Creek Meadows Subdivisions No. 7 - 10)
(Creekwood Meadows Subdivision)
(Yosemite Meadows Units No. 1 & 2)

250 125 0 250

Feet

Date: 2/13/2015

MODESTO
CALIFORNIA

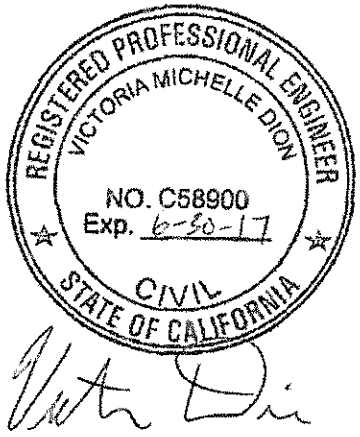
MODESTO
CALIFORNIA

City of Modesto
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT No. 2

♦DRY CREEK MEADOWS SUBDIVISIONS Nos. 7 through 10♦
♦CREEKWOOD MEADOWS SUBDIVISION♦
♦YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2♦
A Landscape Maintenance Assessment District pursuant to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2017 - JUNE 30, 2018



Prepared By:
Tina Rocha
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

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I.	History
II.	Annual Assessment Review & Summary
III.	Financials – Annual Assessment Revenue & Maintenance Expense Projections
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V.	Annual Assessment District Diagram
VI.	Annual Assessment List by Parcel & Property Owner

SECTION I HISTORY

On April 4, 1989, Landscape Maintenance Assessment District No. 2 ("LMAD No. 2") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act") to administer the maintenance of landscaping in the public right-of-way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7 through 10, Creekwood Meadows Subdivision, and Yosemite Meadows Subdivision Units 1 and 2. All costs for LMAD No. 2 are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance of work, the estimates of costs for landscape maintenance performed by the City Contractor, utility service charges, City street tree pruning costs, City staff time to administer the maintenance contract, and additional work to be performed by the City Contractor at the request of the City.

Prompted by negative reserve balances in LMAD No. 2, staff successfully completed a Proposition 218 ballot in June 2000. This ballot added an annual cost of living increase based on the Building Cost Index ("BCI"). As a result of this ballot, the approved "inflator" adjusts each year's assessment. California Government Code §54954.6(a) and (c) requires that a notice be mailed no less than 45 days in advance of the public hearing to all property owners if costs will increase.

Upon City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within LMAD No. 2 for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through 22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

Total Acreage: 135.20 Acres

Total Assessed Acreage: 134.172 Acres

1. Single-Family Residential: 116.087 acres (590 Parcels)

2. Commercial: 18.085 acres (18 Parcels)

3. Publicly- Owned: 1.028 acres (2 Parcels)
   a) One (1) parcel owned by the City of Modesto (0.03 acres) which is utilized as a traffic island.
   b) One (1) parcel owned by the Empire School District (1.0 acres) which is utilized as its District Offices.

   According to the §22663 of the California Streets and Highways Code, public property owned by any public agency and in use in the performance of a public function shall not be subject to assessment.

B. ANNUAL ASSESSMENTS

Each parcel receives equal benefits from LMAD No. 2. The annual assessment levied is calculated by dividing the total cost estimate by the total number of acres.

1. The single-family residential properties are levied on a flat rate, which is calculated by dividing the total cost estimate by the number of residential acres and subsequently by the total number of residential parcels.

2. Commercial properties are levied based on actual acreage.

The annual assessment is to be adjusted annually according to the BCI for the San Francisco Bay Area (SF BCI), as reported in the Engineer News Record the first week of March. Due to the unavailability of the SF BCI for the first week of March, the second week reporting must be utilized.

The inflationary adjustment is applied when the district has minimal or negative reserves to offset the total cost estimates for the upcoming fiscal year. The increase for fiscal year 2017-2018 is 0.777208716% (The difference between the March 13, 2017 SF BCI, 6680.37, and the March 14, 2016 SF BCI, 6628.85, divided by the March 14, 2016 SF BCI, 6628.85).

The total annual assessment for LMAD No. 2 for Fiscal Year 2017-2018 is $21,205.39. (Fiscal Year 2016-2017 assessment $21,041.85 x 0.777208716%).

C. PROJECTED ANNUAL ASSESSMENT SUMMARY

1. Single-Family Residential Annual Assessment – 590 Parcels

$21,205.39	Annual Assessment for Fiscal Year 2017-2018
÷ 134.172	Total assessed acres
$ 158.05	Annual assessment per acre
$ 158.05	Annual assessment per Acre
x 116.087	Residential acres
$ 18,347.55	Total residential annual assessment
$ 18,347.55	Total residential annual assessment
÷ 590	# Parcels
$ 31.10	Total residential annual assessment/parcel

* *For levying purposes, the total annual assessment has been rounded to $31.10 per residential parcel for a total annual residential assessment of $18,347.55.*

2. Commercial Annual Assessment – 18 Parcels

APN	Acres	$/Acre	Fiscal Year 2017-2018 Annual Assessment
079-025-005	0.495	$158.05	$ 78.18
079-025-011	1.36	$158.05	$ 214.94
079-025-015	0.01	$158.05	$ 1.70
079-025-017	0.67	$158.05	$ 105.29
079-025-018	0.49	$158.05	$ 77.59
079-025-019	0.66	$158.05	$ 104.43
079-025-020	2.61	$158.05	$ 412.20
079-026-005	0.59	$158.05	$ 94.03
079-026-006	0.21	$158.05	$ 33.92
079-026-007	0.20	$158.05	$ 30.84
079-026-008	1.54	$158.05	$ 242.97
079-026-009	0.16	$158.05	$ 25.85
079-026-010	0.28	$158.05	$ 43.53
079-026-011	0.30	$158.05	$ 47.16
079-026-012	0.29	$158.05	$ 45.71
079-026-013	6.37	$158.05	$ 1,007.34
079-026-014	1.36	$158.05	$ 215.65
079-027-097	0.49	$158.05	$ 76.94

D. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed 2017-2018 annual assessment for single-family residential parcels has increased from $30.85 to $31.10 per parcel. The proposed 2017-2018 annual assessment for commercial parcels has increased from $156.83 to $158.05 per acre.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

LMAD No. 2 Fund 6490		Estimated FY 2016-17[1]	Proposed FY 2017-18[2]
Beginning Fund Balance		$ (732)	$ (4,944)
Revenue (Cost Center 80020)			
Special Assessments		$ 11,773 [3]	$ 21,205 [4]
Interest		$ (1)	
Estimated - Special Assessments		*$ 9,269* [5]	
Total Revenue		$ 21,041	$ 21,205
Expenses (Cost Center 80020)	Account		
Operating Budget			
Postage Expenses	52025	$ -	
Water Utility Expenses	53043	$ (1,155)	$ (2,000)
Repair and Maintenance Services - Landscape	53165	$ (4,030)	$ (14,500)
Professional Services	53300	$ (1,000)	$ (1,000)
Services City Forces - Interfund	54500	$ (3,167)	$ (4,654)
ISF - Mail Services - Inside	58010		
Estimated - Water Utility Expenses	*53043*	*$ (1,845)*	
Estimated - Repair and Maintenance Services	*53165*	*$ (11,470)*	
Estimated - Professional Services	*53300*	*$ (1,000)*	
Estimated - Services City Forces	*54500*	*$ (1,584)*	
Total Expenses		$ (25,252)	$ (22,154)
Ending Fund Balance		$ (4,944)	$ (949)

[1] The estimated amount shows what has been expended as of 02-28-2017. There will be more expenses through the end of the fiscal year (June); these are shown as Estimated.

[2] The estimated expenditures for FY 2017-18 are based on the revenue that is currently able to be generated within LMAD No. 2.

[3] Actual revenue received for FY 2016-17 tax levy.

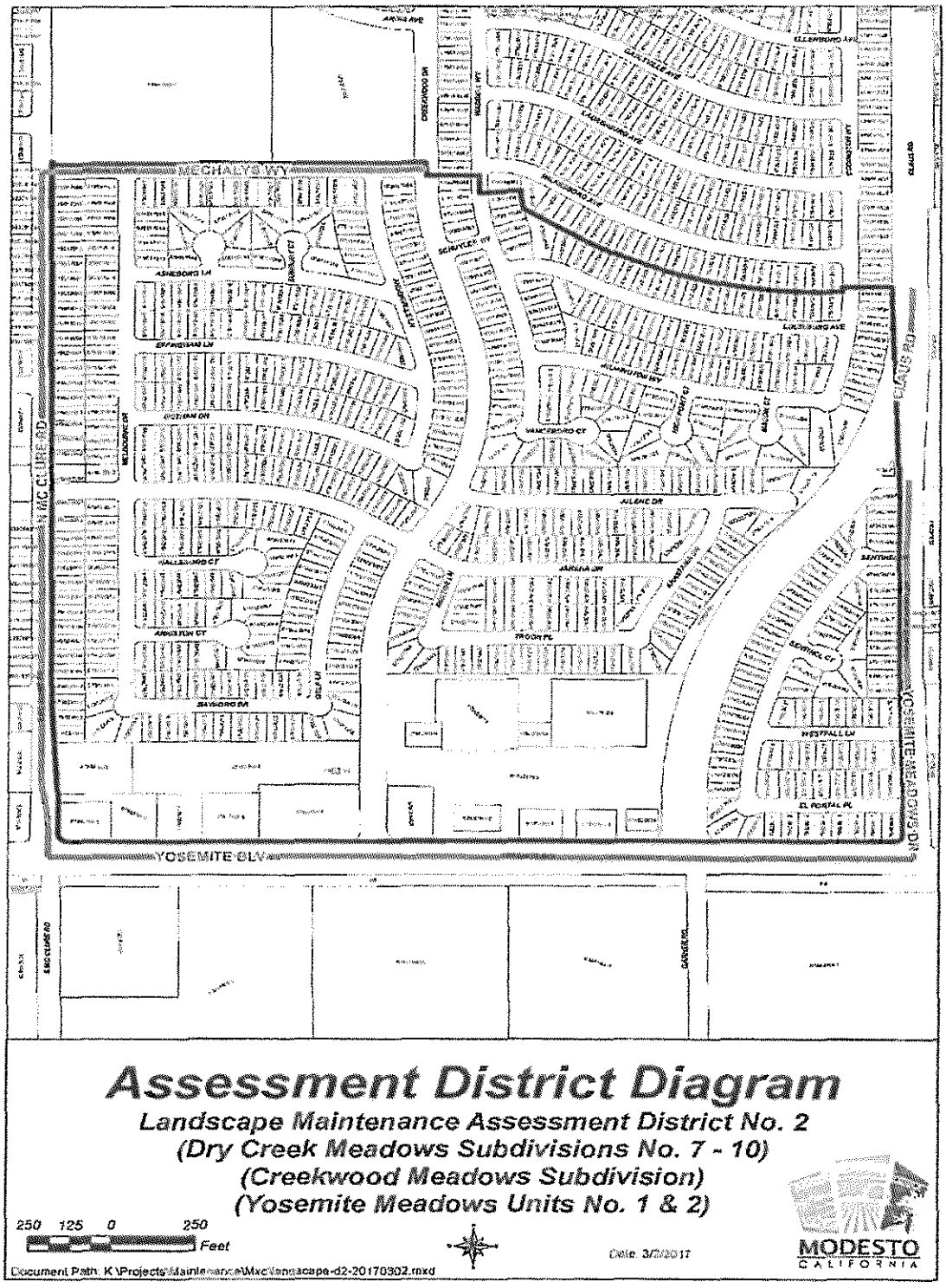
[4] Proposed levy.

[5] Estimated revenues for second installment of FY 2016-17 tax levy.

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM



SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-016-023	MARTINEZ MARIA R LEON	432 CODINGTON WAY	Modesto CA 95354	$31.10
079-016-024	ESTRADA JOSE & ALFARO ALICIA ESTRADA	428 CODINGTON WAY	Modesto CA 95357	$31.10
079-016-025	SWARTZ SHERYL R	424 CODINGTON WAY	Modesto CA 95354	$31.10
079-016-026	SARHAD WILSON	3921 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-027	MADRIGAL XOCHITL	3917 LOUISBURG AVE	Modesto CA 95357-1327	$31.10
079-016-028	FREDDIE MICHAEL J & BARNES-FREDDIE SCARLETT M	3913 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-029	AGUIRRE EDWARD JR & AGUIRRE ANGELICA	3909 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-030	POPLIN VALERIE L	3905 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-031	JACKSON TOMMIE JR & CHARLOTTE TRS	3901 LOUISBURG AVE	Modesto CA 95357-1327	$31.10
079-016-032	VILLALOBOS ANGEL SERGIO ET AL	3825 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-033	OBERLANDER MARK ET AL	3821 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-034	LOPEZ ARNULFO & ANA M	3817 LOUISBURG AVE	Modesto CA 95357-1325	$31.10
079-016-035	POOLE ROLAND J & POOLE CHERYL S	3813 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-036	CHAND VINAL	3809 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-037	ARNOLD JASON DEAN	3805 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-038	MEDRANO JESUS E AYON	3801 LOUISBURG AVE	Modesto CA 95357-1325	$31.10
079-016-039	CAMPIOTTI EDWARD L TR	3721 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-040	VAN DEELEN DARCY J	3717 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-041	CHEN RAY CHONG	3713 LOUISBURG AVE	Modesto CA 95357-1323	$31.10
079-016-042	GONCHAR RONALD S	3709 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-043	JOST DAVID L	3705 LOUISBURG AVE	Modesto CA 95357	$31.10
079-016-044	CHAND VIJAY ET AL	424 WADDELL WAY	Modesto CA 95357	$31.10
079-016-045	SMITH OLIVER	428 WADDELL WAY	Modesto CA 95357	$31.10
079-016-046	JOHNSON GHARETT W ET AL	432 WADDELL WAY	Modesto CA 95357	$31.10
079-016-047	SARMIENTO JORGE	436 WADDELL WAY	Modesto CA 95357	$31.10
079-016-048	SALEH JOSHUA	445 WADDELL WAY	Modesto CA 95357	$31.10
079-016-049	MARTINEZ SHIRLEY F	441 WADDELL WAY	Modesto CA 95357	$31.10
079-016-050	PULIDO OLGA A	437 WADDELL WAY	Modesto CA 95357	$31.10
079-016-051	SUAREZ FRANCISCO J ET AL	433 WADDELL WAY	Modesto CA 95357	$31.10
079-017-001	MEN CHHADAVY TR	428 N MC CLURE RD	Modesto CA 95357	$31.10
079-017-002	LEYVA YOVANIA M & RODRIQUEZ ARMANDO LEYVA	432 N MC CLURE RD	Modesto CA 95357	$31.10
079-017-003	LANDAVERDE JUAN A & YANY M	436 N MC CLURE RD	Modesto CA 95357	$31.10
079-017-004	KHOSHABA TERESA I TR	440 N MC CLURE RD	Modesto CA 95357	$31.10
079-017-005	MONACO DONALD F & GLORIA E TRS	444 N MC CLURE RD	Modesto CA 95357	$31.10
079-017-006	BORGES MARIA NOEMIA ET AL	448 N MC CLURE RD	Modesto CA 95357	$31.10
079-017-007	DILLON DEBRA L	441 MELBOURNE DR	Modesto CA 95357	$31.10
079-017-008	CRAWFORD EDWARD A & CRAWFORD SUSAN E	437 MELBOURNE DR	Modesto CA 95357-1472	$31.10
079-017-009	YOUNG MICHAEL E & YOUNG DOROTHULA M	433 MELBOURNE DR	Modesto CA 95357	$31.10
079-017-010	NUNES CLIFFORD L & DOROTHY S	429 MELBOURNE DR	Modesto CA 95357	$31.10
079-017-011	DE LEON MELANIE R	425 MELBOURNE DR	Modesto CA 95357	$31.10
079-017-012	FOXWORTHY SHERRI NESS TR	421 MELBOURNE DR	Modesto CA 95357	$31.10
079-017-013	CAMARENA JESUS JR & CAMARENA ESTHER	420 MELBOURNE DR	Modesto CA 95357	$31.10
079-017-014	JUAREZ GERARDO RAMIREZ ET AL	424 MELBOURNE DR	Modesto CA 95354	$31.10
079-017-015	CHAN CORINA TR	428 MELBOURNE DR	Modesto CA 95357-1471	$31.10
079-017-016	BERLIN GARY R JR & CHRISTIE	432 MELBOURNE DR	Modesto CA 95357	$31.10
079-017-017	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3512 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-018	CSMA FT LLC	3516 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-019	SOLORZA JUAN M LOPEZ & LOPEZ BRENDA C TRS	3520 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-020	XAVIER BURT & XAVIER CATHY	3524 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-021	CAMARENA CLAUDIA DIAZ ET AL	3528 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-022	SHERGILL SUKHVIR S & GURBAX K	3532 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-023	HOLDER SHERRI L & CLARK R	3600 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-024	KEYS SANDY M	3604 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-025	YOUNAN GILBERT & YOUNAN IMAN	3608 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-026	NAMMACHANTHY KERK	3612 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-027	OROZCO LEOBARDO & OROZCO YESSENIA	3616 MECHALYS WAY	Modesto CA 95350	$31.10
079-017-028	PHAM HOANG KIM	3620 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-029	JACKSON DAVE P & JACKSON MARIA	3624 MECHALYS WAY	Modesto CA 95357	$31.10
079-017-030	GALLEGOS HUGO HERNESTO & TIFFANY	449 ANSONVILLE LN	Modesto CA 95354	$31.10
079-017-031	BATTH TAJINDER	445 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-032	BLAIR JOHNNY B ET AL	441 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-033	FRICK WADE L	437 ANSONVILLE LN	Modesto CA 95357-1403	$31.10
079-017-034	YANG TENG	3613 ASHEBORO LN	Modesto CA 95357	$31.10
079-017-035	WILLIAMS JEFFREY & LAURA L	420 SUNBURY CT	Modesto CA 95357	$31.10
079-017-036	PALLAN LUCAS	424 SUNBURY CT	Modesto CA 95357	$31.10
079-017-037	COOK ERIC A & JULIE A	428 SUNBURY CT	Modesto CA	$31.10

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-017-038	BROWN ELIZABETH TR	429 SUNBURY CT	Modesto CA 95357	$31.10
079-017-039	GIRON MICHAEL ANTHONY	425 SUNBURY CT	Modesto CA 95357	$31.10
079-017-040	HAMILTON JASON	3541 ASHEBORO LN	Modesto CA 95357	$31.10
079-017-041	HAMILTON STEVEN D & HAMILTON BRIGITTE	3533 ASHEBORO LN	Modesto CA 95357	$31.10
079-017-042	TOUMA EMMANUEL & TOUMA SHOSHAN	424 BEUFORT CT	Modesto CA 95357-1405	$31.10
079-017-043	SEMONE JEREMY D & KIMBERLY	428 BEUFORT CT	Modesto CA 95357	$31.10
079-017-044	ROCHA JUAN C & SAN JUANA	429 BEUFORT CT	Modesto CA 95357	$31.10
079-017-045	LUNA SOCORRO A	425 BEUFORT CT	Modesto CA 95357-1405	$31.10
079-017-046	ARMSTRONG JASON R & JENNIFER L	3521 ASHEBORO LN	Modesto CA 95357-1302	$31.10
079-017-047	CARREIRO BRUCE R & EDYTHE E TRS	424 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-048	MIRANDA OSCAR	428 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-049	SINGH BALIHAR	432 ANSONVILLE LN	Modesto CA 95354	$31.10
079-017-050	NGUYEN KHANH NGOC & HIEU	436 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-051	CARRASCO VIRGINIA	440 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-052	RUIZ MIGUEL A	444 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-053	VALENCIA MARIA	448 ANSONVILLE LN	Modesto CA 95357	$31.10
079-017-054	PAL SALILA TR	452 ANSONVILLE LN	Modesto CA 95357	$31.10
079-018-001	PALMERIN LUCIO C & LIDIA	424 N MC CLURE RD	Modesto CA 95354	$31.10
079-018-002	PEREZ FERNANDO H & VILLARRUEL MARIA ALEJANDRA	420 N MC CLURE RD	Modesto CA 95357	$31.10
079-018-003	WONG FAT SHING & WONG LINDA T	416 N MC CLURE RD	Modesto CA 95354	$31.10
079-018-004	AU-YEUNG WAI & AU-YEUNG AMELA	412 N MC CLURE RD	Modesto CA 95354	$31.10
079-018-005	AU-YEUNG PIK KWAN	408 N MC CLURE RD	Modesto CA 95357	$31.10
079-018-006	SAN RESMEY M ET AL	401 MELBOURNE DR	Modesto CA 95357-1470	$31.10
079-018-007	BARDONNER STEVEN E	405 MELBOURNE DR	Modesto CA 95357	$31.10
079-018-008	LOPEZ IVAN A	409 MELBOURNE DR	Modesto CA 95357	$31.10
079-018-009	JACOB DIGOL B & ALGANTINA M	413 MELBOURNE DR	Modesto CA 95357	$31.10
079-018-010	SUAREZ-MILLAN THANIA A	417 MELBOURNE DR	Modesto CA 95354	$31.10
079-018-011	DEHKORDI ROYA K & NIAKAN SIROOS	3512 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-012	STEVENS JAKE L & STEVENS GAIL M	3516 ASHEBORO LN	Modesto CA 95357-1301	$31.10
079-018-013	AZIZI ROBERT	3520 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-014	HAJI EDMON K & TOUMA HELEN	3524 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-015	SMITH MILLER VELTRENA	3528 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-016	TAYLOR RICHARD N & JILL B	3532 ASHEBORO LN	Modesto CA 95357-1301	$31.10
079-018-017	CUMMINGS ANNIE	3536 ASHEBORO LN	Modesto CA 95357-1301	$31.10
079-018-018	MAGANA ALMA V CHAVEZ	3540 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-019	ATTA DAVID Z	3544 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-020	GOMEZ ALICIA TR	3600 ASHEBORO LN	Modesto CA 95357-1304	$31.10
079-018-021	REO CAPITAL INVESTMENTS & ASSET MANAGEMENT	3604 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-022	MURCH PAUL WILLIAM & JENNIFER LYNN	3608 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-023	WENGER DEBORAH J TR	3612 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-024	MADAYAG CATANA TR	3616 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-025	PLAUGHER PRESTON SCOTT ET AL	3620 ASHEBORO LN	Modesto CA 95357	$31.10
079-018-026	CHILDRESS JANET	420 ANSONVILLE LN	Modesto CA 95357	$31.10
079-018-027	KEM SOKHOM & VANTHA TRS	416 ANSONVILLE LN	Modesto CA 95357	$31.10
079-018-028	ROMASANTA CHRISTINE M ET AL	412 ANSONVILLE LN	Modesto CA 95357	$31.10
079-018-029	COODEY BILLY D ET AL TRS	408 ANSONVILLE LN	Modesto CA 95357	$31.10
079-018-030	PIERCE VALERIE A	404 ANSONVILLE LN	Modesto CA 95357	$31.10
079-018-031	PANG SUN KIM & LIEV MENG HU TRS	400 ANSONVILLE LN	Modesto CA 95357	$31.10
079-018-032	MC MILLAN J HELIA TR	409 ANSONVILLE LN	Modesto CA 95354	$31.10
079-018-033	GOODWIN BEVERLY	3629 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-034	STECKMAN CHRIS D & STECKMAN SHARON A	3625 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-035	RODRIGUES PRAMILA & LEWIS BERTRAND PAUL	3621 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-036	CASTILLO ROBERT	3617 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-037	ROLICHECK BELINDA	3613 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-038	BRITT SCOTT ALAN	3609 EFFINGHAM LN	Modesto CA 95357-1435	$31.10
079-018-039	MALIK MOHAMMAD ZAHOOR & NUSRAT NASIM TRS	3605 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-040	DEHKORDI ROYA K & NIAKAN SIROOS	3601 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-041	EDENS JOHN L & CARYN E	3537 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-042	CAMPBELL KIMBERLY	3533 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-043	TORRES GINGER L	3529 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-044	PEREZ ABEL CUEVAS & CANO KLEDY	3525 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-045	PLACINTAR MARINELA	3521 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-046	CASTILLO ISMAEL ET AL	3517 EFFINGHAM LN	Modesto CA 95357	$31.10
079-018-047	FAVILA HORTENCIA Y	3513 EFFINGHAM LN	Modesto CA 95357	$31.10
079-019-001	BEDOY JUDITH M & JAVIER	425 WADDELL WAY	Modesto CA 95357	$31.10
079-019-002	FLORES ELIAS C & MARIA	421 WADDELL WAY	Modesto CA 95357	$31.10
079-019-003	REISDORFF HELEN	417 WADDELL WAY	Modesto CA 95354-1340	$31.10
079-019-004	PEREZ WILLIAM MEZQUITA TR	413 WADDELL WAY	Modesto CA 95357	$31.10

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-019-005	COFFEY STEVE R & COFFEY ANNE LEE	409 WADDELL WAY	Modesto CA 95357-1340	$31.10
079-019-006	LARA SAMUEL A & SALINAS ANAHI	405 WADDELL WAY	Modesto CA 95357	$31.10
079-019-007	YAU KING PO & SU AI CENG	401 WADDELL WAY	Modesto CA 95357	$31.10
079-019-008	SINGH GURLAL	400 WADDELL WAY	Modesto CA 95357	$31.10
079-019-009	CARRASCO GONZALO C & CARRASCO TERESA V	404 WADDELL WAY	Modesto CA 95357	$31.10
079-019-010	ACOSTA ANTHONY T & ANDREA	408 WADDELL WAY	Modesto CA 95357-1339	$31.10
079-019-011	LOPEZ MARGARITA	412 WADDELL WAY	Modesto CA 95367	$31.10
079-019-012	MORALES RODOLFO ET AL	416 WADDELL WAY	Modesto CA 95357	$31.10
079-019-013	CASTELLO RICHARD M	3712 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-014	PRASAD HAROLD ROTESH ET AL	3716 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-015	LAMBERT STEVEN T & RENATA W	3720 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-016	MEJIA MARIO JR	3800 LOUISBURG AVE	Modesto CA 95357-1324	$31.10
079-019-017	GRUENHAGEN ASHLEY N ET AL	3804 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-018	GALVAN SALVADOR R	3808 LOUISBURG AVE	Modesto CA 95357-1324	$31.10
079-019-019	ENGLEMAN ALEXANDER C ET AL TRS	3812 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-020	ZARAGOSA ZACK MARTIN & ZARAGOSA ELIZABETH ANN	3816 LOUISBURG AVE	Modesto CA 95357-1324	$31.10
079-019-021	KIMBROUGH BRUCE & JOANNE M TRS	3820 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-022	MICO RICARDO G & MARIA REGINA L	3824 LOUISBURG AVE	Modesto CA 95357-1324	$31.10
079-019-023	RAMIREZ STANLEY D ET AL	3900 LOUISBURG AVE	Modesto CA 95354	$31.10
079-019-024	LOUCKS DAVID GEORGE & JOSEFA M TRS	3904 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-025	SENGSOURITH PENG & INTHAVONG CHANPHENG	3908 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-026	DHIR SUNIL	3912 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-027	NAVARRO NAPOLEON & NAVARRO MARIA CHERYL	3916 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-028	ROSAS JUAN JR	3920 LOUISBURG AVE	Modesto CA 95357	$31.10
079-019-029	TRAWICK VERNON R & CLAUDETTE	420 CODINGTON WAY	Modesto CA 95357	$31.10
079-019-030	LA PLACA SONDRA ET AL	416 CODINGTON WAY	Modesto CA 95357	$31.10
079-019-031	GALVAN DIEGO	412 CODINGTON WAY	Modesto CA 95357	$31.10
079-019-032	TERESI GUIDO P TR	408 CODINGTON WAY	Modesto CA 95354	$31.10
079-019-033	NGUYEN THANH Q	3909 WILMINGTON WAY	Modesto CA 95357-1350	$31.10
079-019-034	OSHANA ASNAT	3905 WILMINGTON WAY	Modesto CA 95357-1350	$31.10
079-019-035	ALVIZO LETICIA	3901 WILMINGTON WAY	Modesto CA 95385	$31.10
079-019-036	PHANOUVONG ALEXANDER	3817 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-037	GRIFFITH JACK E & GRIFFITH MELINDA D	3813 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-038	LEMUS MOISES & SANCHEZ CELIA	3809 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-039	KARRAS CHRISTINA CATHLEEN	3805 WILMINGTON WAY	Modesto CA 95354-1347	$31.10
079-019-040	APPLEBY DOMINIC M & CANDI C	3801 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-041	RODRIGUES SILVINO J ET AL	3729 WILMINGTON WAY	Modesto CA 95357-1345	$31.10
079-019-042	MIJARES CIDRO & CORNELIA	3725 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-043	LEFEVRE PETER A TR	3721 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-044	RUTSCHOW JOAN A TR	3717 WILMINGTON WAY	Modesto CA 95357-1345	$31.10
079-019-045	URIBE IRENE	3713 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-046	ENRIQUEZ JOHANNA	3709 WILMINGTON WAY	Modesto CA 95357	$31.10
079-019-047	FICHTENHOLZ ZINOVY TR ET AL	3705 WILMINGTON WAY	Modesto CA 95357	$31.10
079-020-001	GONZALES GABRIEL D & GONZALES SHARON	341 WADDELL WAY	Modesto CA 95357	$31.10
079-020-002	PRASAD KAMLEEH & PRAVIN LATA	337 WADDELL WAY	Modesto CA 95357	$31.10
079-020-003	MORONES MICHAEL O	333 WADDELL WAY	Modesto CA 95357	$31.10
079-020-004	OVERWEG DAVID A & CATHIE M TRS	329 WADDELL WAY	Modesto CA 95357	$31.10
079-020-005	SEY AGNES A	325 WADDELL WAY	Modesto CA 95357	$31.10
079-020-006	RODRIGUEZ RUBEN G & RODRIGUEZ ROSEMARY	321 WADDELL WAY	Modesto CA 95357	$31.10
079-020-007	MONSON STEPHEN	3700 VANCEBORO CT	Modesto CA 95357	$31.10
079-020-008	JOHNSON JAYNE MARIE & LEONARD TEED	3704 VANCEBORO CT	Modesto CA 95357-1337	$31.10
079-020-009	BROWER PROPERTIES 2 LLC	3708 VANCEBORO CT	Modesto CA 95354	$31.10
079-020-010	HULA DAVID W & REBECCA J	3712 VANCEBORO CT	Modesto CA 95357	$31.10
079-020-011	RUIZ NEMORIO & LIDUVINA	3716 VANCEBORO CT	Modesto CA 95357	$31.10
079-020-012	THORNTON LAWRENCE R & JUDITH A	3717 VANCEBORO CT	Modesto CA 95357	$31.10
079-020-013	LEFEVRE PETER A TR	3713 VANCEBORO CT	Modesto CA 95357	$31.10
079-020-014	KIM EDDIE & KI HYUN	3709 VANCEBORO CT	Modesto CA 95357	$31.10
079-020-015	MORI HOWARD & MORI KELLI B	3705 VANCEBORO CT	Modesto CA 95357-1337	$31.10
079-020-016	BRAVO GONZALO & MARIA	3700 WILMINGTON WAY	Modesto CA 95357-1344	$31.10
079-020-017	ORTIZ LUCILA MORALES	3704 WILMINGTON WAY	Modesto CA 95357	$31.10
079-020-018	HORSTMAN DAVID	3708 WILMINGTON WAY	Modesto CA 95357	$31.10
079-020-019	EGBIKUADJE JOHN N & EGBIKUADJE LUCKY E	3712 WILMINGTON WAY	Modesto CA 95357	$31.10
079-020-020	CHAND PREM & CHAND BINDRA MATI	3716 WILMINGTON WAY	Modesto CA 95357	$31.10
079-020-021	CHAN NORMAN NOM & YEH SHERRY HSIN-JU TRS	329 HIGH POINT CT	Modesto CA 95357-1317	$31.10
079-020-022	GARCIA JOSE H & MARTHA J	325 HIGH POINT CT	Modesto CA 95357	$31.10
079-020-023	VAN TREASE ROBERT & VAN TREASE PATRICIA K	321 HIGH POINT CT	Modesto CA 95357	$31.10
079-020-024	TEIXEIRA PATRICIA ET AL	317 HIGH POINT CT	Modesto CA 95357	$31.10
079-020-025	MARKS STEVEN R	316 HIGH POINT CT	Modesto CA 95357	$31.10

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-020-026	RAMOS AARON M JR	320 HIGH POINT CT	Modesto CA 95357	$31.10
079-020-027	JOHNSON ERMA	324 HIGH POINT CT	Modesto CA 95357	$31.10
079-020-028	ROJAS LUCAS G & LISA	328 HIGH POINT CT	Modesto CA 95357	$31.10
079-020-029	TERESI GUIDO PETER TR	329 MACON CT	Modesto CA 95357	$31.10
079-020-030	MATHMANY BOUNETEU ET AL	325 MACON CT	Modesto CA 95357	$31.10
079-020-031	RAMIREZ MOISES & ROSINA	321 MACON CT	Modesto CA 95355	$31.10
079-020-032	GIRARD THOMAS F & GIRARD CATRINA	320 MACON CT	Modesto CA 95357	$31.10
079-020-033	ESCAMILLA AUGUSTIN JR & ESCAMILLA LISA A	324 MACON CT	Modesto CA 95357-1328	$31.10
079-020-034	MALLILLIN TERESITA M	328 MACON CT	Modesto CA 95357	$31.10
079-020-035	IBARRA LOUIE JR & IBARRA KRISTY	3908 WILMINGTON WAY	Modesto CA 95357	$31.10
079-020-036	CORTEZ JOSE DE JESUS & HIDALGO ESMERALDA	400 CODINGTON WAY	Modesto CA 95357	$31.10
079-020-037	CASTELLANOS RIGOBERTO & MARIA	404 CODINGTON WAY	Modesto CA 95357	$31.10
079-021-001	MELIUS AARON M	404 N MC CLURE RD	Modesto CA 95354	$31.10
079-021-002	SINGH KRISHAN	400 N MC CLURE RD	Modesto CA 95357	$31.10
079-021-003	MORALES VANESSA & BENJAMIN R	328 N MC CLURE RD	Modesto CA 95357	$31.10
079-021-004	GREEN JIM & AMY	324 N MC CLURE RD	Modesto CA 95357	$31.10
079-021-005	KEM VANTHA & SOKHOM TRS	320 N MC CLURE RD	Modesto CA 95357	$31.10
079-021-006	DE HART ERIC A & CHANTENE M	317 MELBOURNE DR	Modesto CA 95357	$31.10
079-021-007	TACKETT MICHAEL DEON & GWENDOLYN SUE TRS	321 MELBOURNE DR	Modesto CA 95357	$31.10
079-021-008	LIANG JIN & CEN CHUNYAN	325 MELBOURNE DR	Modesto CA 95357	$31.10
079-021-009	EBERT MONICA	329 MELBOURNE DR	Modesto CA 95357	$31.10
079-021-010	YAU KING PO ET AL	333 MELBOURNE DR	Modesto CA 95357	$31.10
079-021-011	COTTRELL STEPHEN M	3512 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-012	GONZALES JOHN V & JEANETTE D	3516 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-013	ROYSDON JASON J & ANGELA D	3520 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-014	MCGILL RICKEY	3524 EFFINGHAM LN	Modesto CA 95355	$31.10
079-021-015	PRASAD JAG & LITIA	3528 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-016	BECERRA JACINTO & BECERRA MARIA	3532 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-017	LEE VICTOR & YUNG HSIEN	3536 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-018	BOUATHONG BOUNPHENG & KHAMKEO	3600 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-019	CASTRO JESUS R & CASTRO ESTHER M	3604 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-020	HERNANDEZ ROBERTO & CARMEN C	3608 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-021	JALLOH MAMADU	3612 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-022	FOUNTAIN DEBORAH A TR	3616 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-023	GARZA EULOGIO III & RITA R	3620 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-024	DAVIS BASIL	3624 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-025	TONTY TERRY L & ROSENTHAL MARK A	3628 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-026	WILLIAMS RENEE E	3632 EFFINGHAM LN	Modesto CA 95357	$31.10
079-021-027	GOMEZ ALICIA TR	336 ANSONVILLE LN	Modesto CA 95357	$31.10
079-021-028	RATTANANAI KAYTHAWEEP	332 ANSONVILLE LN	Modesto CA 95357-1400	$31.10
079-021-029	HARRIS SHAUN N	328 ANSONVILLE LN	Modesto CA 95357	$31.10
079-021-030	TOWNLEY PERRY & BRENDA	324 ANSONVILLE LN	Modesto CA 95357	$31.10
079-021-031	MILLER JOSEPH R ET AL	320 ANSONVILLE LN	Modesto CA 95357	$31.10
079-021-032	FULGAR JOSEPH J & ALICIA R	3633 DOTHAN DR	Modesto CA 95357	$31.10
079-021-033	DENDULK CHRISTOPHER B & JENIECE N	3629 DOTHAN DR	Modesto CA 95357	$31.10
079-021-034	COOLIBALY LLC	3625 DOTHAN DR	Modesto CA 95357	$31.10
079-021-035	MORRELL ERNEST DAVIS & MORRELL KATHERINE YVONNE	3621 DOTHAN DR	Modesto CA 95358-1431	$31.10
079-021-036	LOPEZ-ATAYDE ERIC & BLANCA Y	3617 DOTHAN DR	Modesto CA 95357	$31.10
079-021-037	LIM SOKHEANG	3613 DOTHAN DR	Modesto CA 95357	$31.10
079-021-038	BEE TAO-CHING & BEE SUE CHEN	3609 DOTHAN DR	Modesto CA 95357	$31.10
079-021-039	MANGAL SHIU PRASAD ET AL	3605 DOTHAN DR	Modesto CA 95357	$31.10
079-021-040	HARLESS KEVIN	3601 DOTHAN DR	Modesto CA 95357	$31.10
079-021-041	WILLIAMS ROGER K & LOUISE G TRS	3537 DOTHAN DR	Modesto CA 95357	$31.10
079-021-042	OLIVAREZ ARNOLD & OLIVAREZ DARLENE	3533 DOTHAN DR	Modesto CA 95357	$31.10
079-021-043	MUSE MARTIN D & OWENS OLIVIA	3529 DOTHAN DR	Modesto CA 95350	$31.10
079-021-044	CAPPS FRANKLIN J & SUSANN J TRS	3525 DOTHAN DR	Modesto CA 95357	$31.10
079-021-045	PARRA CARLA	3521 DOTHAN DR	Modesto CA 95357	$31.10
079-021-046	AHLSTRAND GARY J SR & PAMELA M TRS	3517 DOTHAN DR	Modesto CA 95357	$31.10
079-021-047	AHLSTRAND GARY J SR & PAMELA M TRS	3513 DOTHAN DR	Modesto CA 95357	$31.10
079-022-001	GAMBLE ADAM F & AMBER	316 N MC CLURE RD	Modesto CA 95357	$31.10
079-022-002	MEDEIROS DOROTHY JEANNINE TR	312 N MC CLURE RD	Modesto CA 95355	$31.10
079-022-003	SINGH KRISHAN & KAUR RANJIT	308 N MC CLURE RD	Modesto CA 95354	$31.10
079-022-004	ARTEAGA RAUL ARTURO & GRACE	304 N MC CLURE RD	Modesto CA 95357	$31.10
079-022-005	MARTIN RONALD L & MARTIN FAITH A	301 MELBOURNE DR	Modesto CA 95357	$31.10
079-022-006	ARROYO MARGARITA	305 MELBOURNE DR	Modesto CA 95357	$31.10
079-022-007	RADLOFF HAROLD TRS & RADLOFF M KATHLEEN	309 MELBOURNE DR	Modesto CA 95357	$31.10
079-022-008	CRANE CHARLIE	313 MELBOURNE DR	Modesto CA 95357	$31.10
079-022-009	OCLIAZO LORALIE & JACK	3512 DOTHAN DR	Modesto CA 95357	$31.10

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-022-010	TORRES ALFREDO & RAQUEL	3516 DOTHAN DR	Modesto CA 95357	$31.10
079-022-011	PAL PARBIN & ROSHNI	3520 DOTHAN DR	Modesto CA 95357	$31.10
079-022-012	JAUREGUI PEDRO A & GUADALUPE V TRS	3524 DOTHAN DR	Modesto CA 95357	$31.10
079-022-013	COVARRUBIAS EDLYN ET AL	3528 DOTHAN DR	Modesto CA 95357	$31.10
079-022-014	SILVERIA TIMOTHY M	3532 DOTHAN DR	Modesto CA 95357	$31.10
079-022-015	LUIZINHO MANUEL G & MARIA L	3536 DOTHAN DR	Modesto CA 95357	$31.10
079-022-016	CARMONA JOSE F III & FELITA	3600 DOTHAN DR	Modesto CA 95357	$31.10
079-022-017	KUMAR AMAR	3604 DOTHAN DR	Modesto CA 95357	$31.10
079-022-018	CHAND ROVINESH	3608 DOTHAN DR	Modesto CA 95357	$31.10
079-022-019	CARLSON JOHN HENRY & GAYLEN TRS	3612 DOTHAN DR	Modesto CA 95357-1428	$31.10
079-022-020	MANZO TERESA & ENRIQUE	3616 DOTHAN DR	Modesto CA 95357	$31.10
079-022-021	CANELA FRANCISCO J	3620 DOTHAN DR	Modesto CA 95357	$31.10
079-022-022	JAUREGUI GRISELDA	3624 DOTHAN DR	Modesto CA 95357	$31.10
079-022-023	OLAGE IRENE A TR	3628 DOTHAN DR	Modesto CA 95357	$31.10
079-022-024	HERNANDEZ ARMANDO & ANALIA	3632 DOTHAN DR	Modesto CA 95357	$31.10
079-022-025	NOLL KARL P & NOLL GYDA J	312 ANSONVILLE LN	Modesto CA 95357	$31.10
079-022-026	LOPEZ DAVID & LOPEZ IRMA	316 ANSONVILLE LN	Modesto CA 95357	$31.10
079-022-029	CABELLO FRANCISCO A & CABELLO KAREN MICHELLE	3629 JARENA DR	Modesto CA 95354	$31.10
079-022-030	QUACH CAM ET AL	3625 JARENA DR	Modesto CA 95354	$31.10
079-022-031	CAMARENA JESUS D & ESTHER	3621 JARENA DR	Modesto CA 95357	$31.10
079-022-032	LOPEZ JOSE & CLAUDIA	3617 JARENA DR	Modesto CA 95357	$31.10
079-022-033	SANDOVAL IRMA	3613 JARENA DR	Modesto CA 00953	$31.10
079-022-034	VILLARREAL JOE & VIRGIE	3609 JARENA DR	Modesto CA 95357	$31.10
079-022-035	KUMAR AMAR	3605 JARENA DR	Modesto CA 95357	$31.10
079-022-036	GONZALEZ GUADALUPE & GONZALEZ ESPERANZA	3601 JARENA DR	Modesto CA 95357	$31.10
079-022-037	BOUNPHENG VIENG	3537 JARENA DR	Modesto CA 95357	$31.10
079-022-038	YU DENISE E ET AL	3533 JARENA DR	Modesto CA 95357	$31.10
079-022-039	FLORES DANIEL C & DONNA N	3529 JARENA DR	Modesto CA 95357	$31.10
079-022-040	BERTOLOTTI GUSTAVO	3525 JARENA DR	Modesto CA 95357	$31.10
079-022-041	WANG CHAO SHENG & WANG CHIEN LAN	3521 JARENA DR	Modesto CA 95357	$31.10
079-022-042	GRAY SHERRIE W	3517 JARENA DR	Modesto CA 95357	$31.10
079-022-043	SANCHEZ ZENAIDA	3513 JARENA DR	Modesto CA 95357	$31.10
079-022-045	MARKS WESLEY	3633 JARENA DR	Modesto CA 95357	$31.10
079-022-046	MARKS WESLEY	0 JARENA DR	Modesto CA 95357	$31.10
079-023-001	SKEEN LYNDSAY	248 N MC CLURE RD	Modesto CA 95357	$31.10
079-023-002	KHAN SHAH N	244 N MC CLURE RD	Modesto CA 95357	$31.10
079-023-003	SANTOS FLORENTINO C & MARIA A	240 N MC CLURE RD	Modesto CA 95357	$31.10
079-023-004	CAMARENA JOSE R & CAMARENA ISABEL C	236 N MC CLURE RD	Modesto CA 95357	$31.10
079-023-005	SIGHTS KURT H	232 N MC CLURE RD	Modesto CA 95357	$31.10
079-023-006	ESPITIA ANGEL VALDEZ ET AL	228 N MC CLURE RD	Modesto CA 95354	$31.10
079-023-007	CORTEZ LUIS A	224 N MC CLURE RD	Modesto CA 95357	$31.10
079-023-008	ELDWIN INVESTMENTS INC	220 N MC CLURE RD	Modesto CA 95357	$31.10
079-023-009	CUTLER DAVID J & JUDITH A TRS	216 N MC CLURE RD	Modesto CA	$31.10
079-023-010	CRISP JEFF C & CRISP DORTHY	221 MELBOURNE DR	Modesto CA 95357	$31.10
079-023-011	GRANT RYAN M & ANNE P	225 MELBOURNE DR	Modesto CA 95357	$31.10
079-023-012	SON DARA	229 MELBOURNE DR	Modesto CA 95357	$31.10
079-023-013	ALIABADI REZKA SHARLOU	233 MELBOURNE DR	Modesto CA 95357-1336	$31.10
079-023-014	HERNANDEZ JORGE MURILLO & MURILLO ANA P	237 MELBOURNE DR	Modesto CA 95357-1336	$31.10
079-023-015	AMINSALEHI KAMI	241 MELBOURNE DR	Modesto CA 95357-1336	$31.10
079-023-016	ALVARADO J JESUS E & GUTIERREZ MARIA ELVIA GUZMAN	245 MELBOURNE DR	Modesto CA 95357	$31.10
079-023-017	LEW KERN YUEN	249 MELBOURNE DR	Modesto CA 95357	$31.10
079-023-018	YU LENA XIAO QING	253 MELBOURNE DR	Modesto CA 95357	$31.10
079-023-019	ESPINOZA MIGUEL	3512 JARENA DR	Modesto CA 95357	$31.10
079-023-020	AGUILAR FELIX ET AL	3516 JARENA DR	Modesto CA 95357-1318	$31.10
079-023-021	WEDEL JERRY L & LINDA L	3520 JARENA DR	Modesto CA 95357	$31.10
079-023-022	MONTANEZ MAURILLO RODRIGUEZ	3524 JARENA DR	Modesto CA 95357	$31.10
079-023-023	BEDOY JAVIER & JUDITH M	3528 JARENA DR	Modesto CA 95357	$31.10
079-023-024	ENOS JEREMY	3532 JARENA DR	Modesto CA 95357	$31.10
079-023-025	VICTORIA ROBERTO	3600 JARENA DR	Modesto CA 95357	$31.10
079-023-026	CSMA FT LLC	3604 JARENA DR	Modesto CA 95357	$31.10
079-023-027	GALLO SANTOS & GALLO FELIPA	3608 JARENA DR	Modesto CA 95357-1320	$31.10
079-023-028	HALL SHARON	3612 JARENA DR	Modesto CA 95357	$31.10
079-023-029	LEMOS DUARTE M	245 GELF LN	Modesto CA 95357-1313	$31.10
079-023-030	NARAYAN UMESH ET AL	241 GELF LN	Modesto CA 95357	$31.10
079-023-031	BANUELOS MARTHA A	237 GELF LN	Modesto CA 95357	$31.10
079-023-032	SILVA RICHARD A TR	233 GELF LN	Modesto CA 95357-1313	$31.10
079-023-033	NEWMAN SUSAN ET AL	229 GELF LN	Modesto CA 95357	$31.10
079-023-034	ALFARO JOSE JR ET AL	225 GELF LN	Modesto CA 95357	$31.10

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-023-035	ACOSTA GARY SIMON TRS & ACOSTA SYLVIA ANN	221 GELF LN	Modesto CA 95354	$31.10
079-023-036	ESTRADA RICHARD THOMAS & SBRANTI-ESTRADA JOANNE N	217 GELF LN	Modesto CA 95357-1311	$31.10
079-023-039	AGUAYO ESMERALDA LOPEZ	3529 ANNISTON CT	Modesto CA 95350	$31.10
079-023-040	MARTINEZ DAVID & MORENO MARISSA	3525 ANNISTON CT	Modesto CA 95357	$31.10
079-023-041	PONTE JOSEPH JOAQUIN JR & PONTE VIRGINIA RUTH	3521 ANNISTON CT	Modesto CA 95357-1300	$31.10
079-023-042	TOWNSEND DONALD K & JOYCE A TRS	3517 ANNISTON CT	Modesto CA 95354	$31.10
079-023-043	FAGUNDES ANTONIO L & HAIR JACQUELINE K TRS	3513 ANNISTON CT	Modesto CA 95357	$31.10
079-023-044	TOWNSEND DONALD K & JOYCE A TRS	3512 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-045	TOMA SHAUN	3516 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-046	LOBATO JOSE B ET AL	3520 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-047	PRASAD CHANDRA SEN & DAYA WATI TRS	3524 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-048	MARTINE MARTIN D & EMERINA P	3528 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-049	SINGH BALWINDER TR	3532 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-055	BUCK NICOLE R	3529 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-056	BORK VIRGINIA L & BORK RICHARD D	3525 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-057	JOHNSON JEFFREY T & JOHNSON SUZANNE T	3521 HALLSBORO CT	Modesto CA 95354	$31.10
079-023-058	OLENCHALK MOLLY	3517 HALLSBORO CT	Modesto CA 95357-1315	$31.10
079-023-059	CAGUIAT RICALYN T	3513 HALLSBORO CT	Modesto CA 95357-1315	$31.10
079-023-060	SELLERS CLYDE W & SHERRY L	240 GELF LN	Modesto CA 95357-1312	$31.10
079-023-061	BONALES ERIK & LUZ	236 GELF LN	Modesto CA 95357	$31.10
079-023-062	MORA DELMA & MIGUEL	232 GELF LN	Modesto CA 95357	$31.10
079-023-063	VYBORNEY VERNON E & VYBORNEY VIRGINIA C	228 GELF LN	Modesto CA 95357	$31.10
079-023-064	SAALWAECHTER JENNIFER PATRICIA ET AL	224 GELF LN	Modesto CA 95357	$31.10
079-023-065	LAL NEAL E K & ANURADHA	220 GELF LN	Modesto CA 95357	$31.10
079-023-066	VANDER HEIDE RALPH PETER JR & KATHRYN NADZESKA	216 GELF LN	Modesto CA 95357	$31.10
079-023-067	RODRIGUEZ MELCHOR M ET AL	3533 ANNISTON CT	Modesto CA 95357	$31.10
079-023-068	KNOEPFLE RACHEL RENEE	3537 ANNISTON CT	Modesto CA 95357	$31.10
079-023-069	RODRIGUEZ MIGUEL A & EDITH E	3536 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-070	SIMMALY NICK & KEOSOUKANANH AM	3540 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-071	BRYANT KIMBERLY D	3541 HALLSBORO CT	Modesto CA 95357	$31.10
079-023-073	BOTELLO ALMA C	3533 HALLSBORO CT	Modesto 95357 CA	$31.10
079-023-075	ENOS EDWARD & JUDY	3537 HALLSBORO CT	Modesto 95350 CA	$31.10
079-024-001	LYEK LYSIRI & MIN DAISY	128 N MC CLURE RD	Modesto CA 95354	$31.10
079-024-002	YAN CAN LIANG & WU JIN LING	132 N MC CLURE RD	Modesto CA 95354	$31.10
079-024-003	GARCIA DWAYNE & KRISTI	136 N MC CLURE RD	Modesto CA 95357	$31.10
079-024-004	FAULKNER JAMES & SHARON D	200 N MC CLURE RD	Modesto CA 95357	$31.10
079-024-005	ARMSTRONG CHESTER A TR	204 N MC CLURE RD	Modesto CA 95357	$31.10
079-024-006	SIDHU BALDEV S & MANMOHAN K TRS	208 N MC CLURE RD	Modesto CA	$31.10
079-024-007	KHETSAVANH AMY S	212 N MC CLURE RD	Modesto CA 95357	$31.10
079-024-008	YOUSSEF KHOSHABA & ODISHO THURAYA	217 MELBOURNE DR	Modesto CA 95357-1335	$31.10
079-024-009	CUFRIZ NADIA	213 MELBOURNE DR	Modesto CA 95357	$31.10
079-024-010	VANN SOCHENDA	209 MELBOURNE DR	Modesto CA 95357	$31.10
079-024-011	GRANT ERIC A & GRANT KAMERA L	205 MELBOURNE DR	Modesto CA 95357	$31.10
079-024-012	GALAS VINCE N	201 MELBOURNE DR	Modesto CA 95357-1335	$31.10
079-024-013	BARBOSA MARCELO BERMILLO & MONICLAIR ROAQUIN	3508 BAYBORO DR	Modesto CA 95357	$31.10
079-024-014	ZAMORA VICTOR & ZAMORA VERONICA	3512 BAYBORO DR	Modesto CA 95357	$31.10
079-024-015	GONZALEZ ANDRES & ESPERANZA	3516 BAYBORO DR	Modesto CA 95357	$31.10
079-024-016	JORGENSEN FRANK E & MIRIAM M TRS	3520 BAYBORO DR	Modesto CA 95357	$31.10
079-024-017	GRANT JEFF	3524 BAYBORO DR	Modesto CA 95357-1305	$31.10
079-024-018	ESTRADA FRANCISCO & ESTRADA JULIA	3528 BAYBORO DR	Modesto CA 95357	$31.10
079-024-019	CREE DEBORAH J	3600 BAYBORO DR	Modesto CA 95357	$31.10
079-024-020	COLWELL DONALD SR & COLWELL JO ANN	3604 BAYBORO DR	Modesto CA 95357	$31.10
079-024-021	DAOUD OLGA P	3608 BAYBORO DR	Modesto CA 95357	$31.10
079-024-022	WEISS JULIE GRANT	3612 BAYBORO DR	Modesto CA 95357	$31.10
079-024-023	CW BROWER INC	3616 BAYBORO DR	Modesto CA 95357-1307	$31.10
079-024-024	BROOKS TODD	3620 BAYBORO DR	Modesto CA 95357	$31.10
079-024-025	GUERRERO VICENTE ALVARADO	3624 BAYBORO DR	Modesto CA 95357	$31.10
079-024-026	CAZAREZ ENRIQUE JR ET AL	200 GELF LN	Modesto CA 95354	$31.10
079-024-027	GONSALVES MATTHEW M	204 GELF LN	Modesto CA 95357-1310	$31.10
079-024-028	MARRIOTT ANNE K	208 GELF LN	Modesto CA 95357-1310	$31.10
079-024-029	KARELIN ZENA M	212 GELF LN	Modesto CA 95357	$31.10
079-024-030	FLORES CESAR J & MAYRA	213 GELF LN	Modesto CA 95357	$31.10
079-024-031	WILMINGTON SAVINGS FUND SOCIETY TRUSTEE	209 GELF LN	Modesto CA 95357	$31.10
079-024-032	MOU CHRISTINA	3617 BAYBORO DR	Modesto CA 95357	$31.10
079-024-033	WEAVER KRISTEN ELIZABETH TR	3613 BAYBORO DR	Modesto CA 95357	$31.10
079-024-034	BELASKI FRANKLIN LANE & MICHELLE KRYSTAL	3609 BAYBORO DR	Modesto CA 95357-1308	$31.10
079-024-035	WEAVER KRISTEN ELIZABETH TR	3605 BAYBORO DR	Modesto CA 95357-1308	$31.10
079-024-036	BEE TAO CHING & SUE CHEN	3601 BAYBORO DR	Modesto CA 95357-1308	$31.10

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079-024-037	PAL REENA D	3529 BAYBORO DR	Modesto CA 95357	$31.10
079-024-038	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3525 BAYBORO DR	Modesto CA 95357	$31.10
079-024-039	ZEIGER MIREYA MICHEL	3521 BAYBORO DR	Modesto CA 95357	$31.10
079-024-040	GALLARDO LYDIA	3517 BAYBORO DR	Modesto CA 95357	$31.10
079-024-041	KIST DAVID L & PADILLA YVETTE M	3513 BAYBORO DR	Modesto CA 95357	$31.10
079-024-042	SAMUEL MICHAEL & NIRONA	3512 ANNISTON CT	Modesto CA 95357	$31.10
079-024-043	RUIZ ADRIAN	3516 ANNISTON CT	Modesto CA 95357-1300	$31.10
079-024-044	KUMAR RAKESH R & PRASAD DOREEN V	3520 ANNISTON CT	Modesto CA 95351	$31.10
079-024-045	JK VALLEY PROPERTIES LLC	3524 ANNISTON CT	Modesto CA 95357	$31.10
079-024-046	CORREA FRANCISCO J & MURILLO BLANCA J	3528 ANNISTON CT	Modesto CA 95357	$31.10
079-024-049	RAMIREZ MICHAEL & MARILU	3532 ANNISTON CT	Modesto CA 95357-1300	$31.10
079-024-050	KNOEPFLE JEFF	3536 ANNISTON CT	Modesto CA 95357	$31.10
079-025-005	WHITE ALAN WAYNE SR & EVELYN KAY TRS	3501 YOSEMITE BLVD	Modesto CA 95357	$78.18
079-025-011	YOSEMITE AND CREEKWOOD INC	3621 YOSEMITE BLVD	Modesto CA 95357-0523	$214.94
079-025-015	CYPRESS EQUITIES GROUP III LP	0 CREEKWOOD DR	Modesto CA 95354	$1.70
079-025-017	BEARDEN ROBERT G TR	3513 YOSEMITE BLVD	Modesto CA 95357	$105.29
079-025-018	BEARDEN FAMILY LIMITED PARTNERSHIP	0 YOSEMITE BLVD	Modesto CA 95357	$77.59
079-025-019	DJU LLC	3601 YOSEMITE BLVD	Modesto CA 95357	$104.43
079-025-020	CYPRESS EQUITIES GROUP III LP	117 CREEKWOOD DR	Modesto CA 95354	$412.20
079-026-005	MC DONALDS CORP	3801 YOSEMITE BLVD	Modesto CA 95357	$94.03
079-026-006	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD #A	Modesto CA 09535-4000	$33.92
079-026-007	LEONG JICK C TRS & LEONG ALICE NG	YOSEMITE BLVD #B	Modesto CA 09535-4000	$30.84
079-026-008	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-0523	$242.97
079-026-009	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-0523	$25.85
079-026-010	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-0523	$43.53
079-026-011	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD #7	Modesto CA 95357-0523	$47.16
079-026-012	CREEKWOOD PLAZA LLC	YOSEMITE BLVD	Modesto CA 95357-0523	$45.71
079-026-013	CREEKWOOD PLAZA LLC	3801 YOSEMITE BLVD	Modesto CA 95357-0523	$1,007.34
079-026-014	PALLIOS ENTERPRISES	3801 YOSEMITE BLVD	Modesto CA 95357	$215.65
079-027-001	ESPINOZA EVERADO & MARIA LUZ	3701 JULENE DR	Modesto CA 95357	$31.10
079-027-002	BERGSTROM ROBERT E & LINDA R TRS	3705 JULENE DR	Modesto CA	$31.10
079-027-003	GILBERT LYNETTE & LANCE	3709 JULENE DR	Modesto CA 95357	$31.10
079-027-004	GREWAL MANMEET & JASKIRAN TRS	3713 JULENE DR	Modesto CA 95357	$31.10
079-027-005	VILLALPANDO HERIBERTO & ROSA	3717 JULENE DR	Modesto CA 95357	$31.10
079-027-006	GALLO JOE & ROSALIA	3721 JULENE DR	Modesto CA 95357	$31.10
079-027-007	VHAN SUJEEV	3725 JULENE DR	Modesto CA 95353	$31.10
079-027-008	GUDIEL JORGE G & MIRNA	3801 JULENE DR	Modesto CA 95357	$31.10
079-027-009	ADAIR KENNETH L	3805 JULENE DR	Modesto CA 95357	$31.10
079-027-010	MAKASYUK GUADALUPE	3809 JULENE DR	Modesto CA 95357	$31.10
079-027-011	HIATT RALPH W TR	3813 JULENE DR	Modesto CA 95357	$31.10
079-027-012	GIRTON BROOKS C	3817 JULENE DR	Modesto CA 95357	$31.10
079-027-013	TERRA MATTHEW ET AL	3821 JULENE DR	Modesto CA 95358	$31.10
079-027-014	CASTILLO ANGELICA	3825 JULENE DR	Modesto CA 95357	$31.10
079-027-015	DARPINIAN JANE L TR	3901 JULENE DR	Modesto CA 95357	$31.10
079-027-016	AWARD PROPERTIES	3905 JULENE DR	Modesto CA 95357	$31.10
079-027-017	GUPTILL CAROLYN S	3909 JULENE DR	Modesto CA 95357	$31.10
079-027-018	YOUNAN ALBERT M ET AL	3913 JULENE DR	Modesto CA 95354	$31.10
079-027-019	BURCIU VASILE & TABITA	3908 JULENE DR	Modesto CA 95355	$31.10
079-027-020	KANNO JANET	3900 JULENE DR	Modesto CA 95357-1355	$31.10
079-027-021	MUNOZ RUFINO O & REYNALDA	232 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-022	URY TRACY L TR	228 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-023	NIELSEN MARK C	224 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-024	TINOCO REBECCA K	220 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-025	SARDAR CAPITAL LLC	216 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-026	AQUINO NESTOR JOSE P & AQUINO LUCILLE J	212 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-027	SCANLAN MARY A ET AL	208 ANASTASIA DR	Modesto CA 95354	$31.10
079-027-028	ANDREINI CHRIS PAUL & VICKY ANN TRS	204 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-029	LINDSAY STANLEY & MICHELE	200 ANASTASIA DR	Modesto CA 95357	$31.10
079-027-030	WESCOTT WILLIAM	3824 TROON PL	Modesto CA 95357	$31.10
079-027-031	SANTANA LISA MARIE	3820 TROON PL	Modesto CA 95357	$31.10
079-027-032	BRIAR TRAVIS	3816 TROON PL	Modesto CA 95357	$31.10
079-027-033	GIRALDES VINCENT ROBERT & ANGELA	3812 TROON PL	Modesto CA 95357	$31.10
079-027-034	OROZCO EDUARDO & LOPEZ CELIA LIZETH HURTADO	3808 TROON PL	Modesto CA 95357	$31.10
079-027-035	AGUINIGA LINDA L ET AL	3804 TROON PL	Modesto CA 95357	$31.10
079-027-036	DE LEON GUSTAVO MUNOZ & MEDINA ARIANA CERVANTES	3800 TROON PL	Modesto CA 95357	$31.10
079-027-037	VALDEZ ARTHUR DAVID TRS & VALDEZ ANGELINE	3724 TROON PL	Modesto CA	$31.10
079-027-038	SIDHU BALDEV S & MANMOHAN K TRS	3720 TROON PL	Modesto CA 95357	$31.10
079-027-039	VEGA JUAN MANUEL & MARIA A	3716 TROON PL	Modesto CA 95357-1363	$31.10

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-027-040	CHAND VIJAY ET AL	3712 TROON PL	Modesto CA 95357	$31.10
079-027-041	SANCHEZ NOEMI	3708 TROON PL	Modesto CA 95357	$31.10
079-027-042	GOMEZ PATRICIA & FRANCISCO JAVIER	3704 TROON PL	Modesto CA 95357	$31.10
079-027-043	GARRISON JAMES R & STACY L	3700 TROON PL	Modesto CA 95357	$31.10
079-027-044	NAIR RAJESH & UMA	201 RECTOR LN	Modesto CA 95357	$31.10
079-027-045	SCHEID MICHAEL D & SCHEID MARILYN J	205 RECTOR LN	Modesto CA 95357	$31.10
079-027-046	RODRIGUEZ SALVADOR & MONIQUE	209 RECTOR LN	Modesto CA 95351	$31.10
079-027-047	HOLLAND DARRELL	213 RECTOR LN	Modesto CA 95357	$31.10
079-027-048	MUIR LARRY R & LESLIE A	217 RECTOR LN	Modesto CA	$31.10
079-027-049	TORRES LUIS JAVIER	221 RECTOR LN	Modesto CA 95357	$31.10
079-027-050	SABINIANO MARION N	3700 JULENE DR	Modesto CA 95357	$31.10
079-027-051	TRISTAN ROGER ET AL	3704 JULENE DR	Modesto CA 95357	$31.10
079-027-052	CHAND ATISH & REENA D	3708 JULENE DR	Modesto CA 95357	$31.10
079-027-053	WALDMAN MIKE & MARTHA	3712 JULENE DR	Modesto CA 95357	$31.10
079-027-054	MIRANDA CARMEN ET AL	3716 JULENE DR	Modesto CA 95357	$31.10
079-027-055	CHANHMISAY KEVIN S & TIFFANIE	3720 JULENE DR	Modesto CA 95357	$31.10
079-027-056	DOUGLAS MARY G	3724 JULENE DR	Modesto CA 95357	$31.10
079-027-057	ANAYA EFRAIN FERNANDEZ & FERNANDEZ ANJELITA	3800 JULENE DR	Modesto CA 95357	$31.10
079-027-058	GALLO SANTOS & GALLO FELIPA A	3804 JULENE DR	Modesto CA 95357	$31.10
079-027-059	OCHOA MARIO A & ROBLES LUZ D	3808 JULENE DR	Modesto CA 95357	$31.10
079-027-060	BLANAS FRANK G	3812 JULENE DR	Modesto CA 95357	$31.10
079-027-061	REINEKE SANDRA K	3816 JULENE DR	Modesto CA 95357	$31.10
079-027-062	DASS SULOCHANA & VIJAY	3820 JULENE DR	Modesto CA 95357	$31.10
079-027-063	HASKEL ANNA	3825 JARENA DR	Modesto CA 95357	$31.10
079-027-064	RAYGOZA JOSE JR	3821 JARENA DR	Modesto CA 95357-1360	$31.10
079-027-065	DHESI PARVINDER & KIRANJIT	3817 JARENA DR	Modesto CA	$31.10
079-027-066	HAMMONDS THEDFORD J	3813 JARENA DR	Modesto CA 95357	$31.10
079-027-067	FRIEDE SUKANTLA	3809 JARENA DR	Modesto CA 95357	$31.10
079-027-068	GUERRERO ANTHONY & GUERRERO DEBORAH	3805 JARENA DR	Modesto CA 95357	$31.10
079-027-069	ABOK MAWULE K & ALIMA A	3801 JARENA DR	Modesto CA 95357	$31.10
079-027-070	CHAND ATISH & CHAND REENA	3725 JARENA DR	Modesto CA 95357	$31.10
079-027-071	HAMILTON DAWN J	3721 JARENA DR	Modesto CA 95357	$31.10
079-027-072	CHANDRA KAVITA RAGINI	3717 JARENA DR	Modesto CA 95357	$31.10
079-027-073	NAVA MARGARITA ET AL	3713 JARENA DR	Modesto CA 95357	$31.10
079-027-074	CHAND RAJ RATTAN	3709 JARENA DR	Modesto CA 95354	$31.10
079-027-075	GALLO SANTOS & FELIPA A	3705 JARENA DR	Modesto CA 95357	$31.10
079-027-076	KOMMAVONG BOUNKONG & PHILAVONG ALING	3701 JARENA DR	Modesto CA 95357	$31.10
079-027-077	BRUHN JULEE	213 ANASTASIA DR	Modesto CA 95354	$31.10
079-027-078	BUER TYLER A & SCHWALKE LISA	3812 JARENA DR	Modesto CA 95357	$31.10
079-027-079	SIERRA JOSE M & RIOS LUSILA	3808 JARENA DR	Modesto CA 95357	$31.10
079-027-080	PRESINAL ERIX ALBERTO & NORMA EDITH	3804 JARENA DR	Modesto CA 95357	$31.10
079-027-081	LOPEZ LISANDRO ET AL	3800 JARENA DR	Modesto CA 95357	$31.10
079-027-082	RODRIGUEZ CURTIS LEE & HEIDI P	3724 JARENA DR	Modesto CA 95357	$31.10
079-027-083	MEDINA RAMON	3720 JARENA DR	Modesto CA 95354	$31.10
079-027-084	KNAUS SVETLANA	3716 JARENA DR	Modesto CA 95357	$31.10
079-027-085	KISARA SRINIVAS	3712 JARENA DR	Modesto CA 95357	$31.10
079-027-086	DOYLE CATHY M	220 RECTOR LN	Modesto CA 95357	$31.10
079-027-087	BAILEY GUY E & BAILEY DONNA M	212 RECTOR LN	Modesto CA 95357	$31.10
079-027-088	RHODA BRADY & EMILY	208 RECTOR LN	Modesto CA 95319	$31.10
079-027-089	MESSER KEVIN & KAREN	3717 TROON PL	Modesto CA 95357	$31.10
079-027-090	DE JESUS MARIO C & DE JESUS ARLENE M	3721 TROON PL	Modesto CA 95357	$31.10
079-027-091	AMERICAN RESIDENTIAL PROPERTIES OP L P	3725 TROON PL	Modesto CA 95357	$31.10
079-027-092	GARCIA JUAN & CARMEN A	3801 TROON PL	Modesto CA 95357	$31.10
079-027-093	WIERZBICKI JANE K	3805 TROON PL	Modesto CA 95354	$31.10
079-027-094	BROWN JOSHUA ET AL	3809 TROON PL	Modesto CA 95357	$31.10
079-027-095	LOPEZ ISAIAS & HIDIEJO	3813 TROON PL	Modesto CA 95357	$31.10
079-027-096	NAKUS LAUREN N	3817 TROON PL	Modesto CA 95357	$31.10
079-027-097	AGRESTI DEBRA MARIE	CREEKWOOD DR	Modesto CA 92658	$76.94
079-028-001	MCNALLY STEVE	205 SENTINEL DR	Modesto CA 95357	$31.10
079-028-002	TEIXEIRA TERRY	201 SENTINEL DR	Modesto CA 95357	$31.10
079-028-003	BARRAGAN BENJAMIN M & BARRAGAN IMELDA R	121 SENTINEL DR	Modesto CA 95357	$31.10
079-028-004	AWARD PROPERTIES LLC	117 SENTINEL DR	Modesto CA 95357	$31.10
079-028-005	HAWKINS TROY R	113 SENTINEL DR	Modesto CA 95357	$31.10
079-028-006	FARNON AARON D & FARNON LINDA M	109 SENTINEL DR	Modesto CA 95357	$31.10
079-028-007	NAVA YOLANDA GALLO	105 SENTINEL DR	Modesto CA 95357	$31.10
079-028-008	MICHAEL LAVINIA	101 SENTINEL DR	Modesto CA 95357	$31.10
079-028-009	SMOOK TIMOTHY	3900 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-010	ROCHA JOSE	3904 EL PORTAL PL	Modesto CA 95357	$31.10

FeeParcel	Owner	Situs Address	City/State/Zip	2017/18
079-028-011	PONS-LANGLOT ALFRED	3908 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-012	JOHNSON JOHN R & HUNTER KELLY N	3912 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-013	DEL VALLE MARIA R	3916 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-014	HUIHUI JOSEPH FREDERICK	3920 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-015	DURAN ROBERT JR & MELANIE JT	3924 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-016	BURCIU VASILE & TABITA	3928 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-017	WONG MAY TR	3932 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-018	ARELLANA-BARAJAS AIME GUADALUPE ET AL	3933 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-019	PRITCHARD INVESTMENTS LLC	3929 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-020	CABRAL TED M & ANA M	3925 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-021	VIERRA JAMES	3921 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-022	BOULTON BILL G	3917 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-023	MARTIN JEFFREY	3913 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-024	REED NANCY R & JOHNNY E	3909 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-025	RODRIGUEZ MICHAEL JAMES	3900 WESTFALL LN	Modesto CA 95357	$31.10
079-028-026	TANNER TOMMIE G & GRACIE L TRS	3904 WESTFALL LN	Modesto CA 95357	$31.10
079-028-027	CARRILLO SALINA	3908 WESTFALL LN	Modesto CA 95357	$31.10
079-028-028	SOUPHAVONG BOUATHONG	3912 WESTFALL LN	Modesto CA 95357	$31.10
079-028-029	WU WAN BEN	3916 WESTFALL LN	Modesto CA 95357	$31.10
079-028-030	HERNANDEZ JOSE J & CASTRO GAVY	3920 WESTFALL LN	Modesto CA 95350	$31.10
079-028-031	CAPISTRAN JUAN & BARRAGAN ELISA	3924 WESTFALL LN	Modesto CA 95357	$31.10
079-028-032	YOUNGER ROGER	3925 WESTFALL LN	Modesto CA 95357	$31.10
079-028-033	HOUSE BONITA E TR	3921 WESTFALL LN	Modesto CA 95357	$31.10
079-028-034	PRASAD RESHMI D	3917 WESTFALL LN	Modesto CA 95357-0420	$31.10
079-028-035	JIUEY JIMMY WING TR ET AL	3913 WESTFALL LN	Modesto CA	$31.10
079-028-036	BARRAGAN JESSE & BARRAGAN OLIVIA T	3909 WESTFALL LN	Modesto CA 95357	$31.10
079-028-037	OCNOA PAULO & MENDOZA MARIA DE JESUS	3901 WESTFALL LN	Modesto CA 95357	$31.10
079-028-040	VILLEGAS MARIE TR	3936 EL PORTAL PL	Modesto CA 95357	$31.10
079-028-041	JOHNSON LENDALL	257 SENTINEL DR	Modesto CA 95357	$31.10
079-028-042	BUSTAMANTE GONZALO & BUSTAMANTE LUZ	253 SENTINEL DR	Modesto CA 95355	$31.10
079-028-043	VICTORINO CHRISTOPHER J & KRISTI M	249 SENTINEL DR	Modesto CA 95357	$31.10
079-028-044	TAYLOR JIMMY P & SHEILA W TRS	245 SENTINEL DR	Modesto CA 95357	$31.10
079-028-045	ACEVEDO FAVIO SANDOVAL	241 SENTINEL DR	Modesto CA 95357	$31.10
079-028-046	FRIAS VERONICA	237 SENTINEL DR	Modesto CA 95357	$31.10
079-028-047	ALBERTO SILVIA	233 SENTINEL DR	Modesto CA 95357	$31.10
079-028-048	YOUNGER RONALD & YOUNGER LYDIA	229 SENTINEL DR	Modesto CA 95355-9768	$31.10
079-028-049	RODRIGUEZ SATURNINO ARIAS	225 SENTINEL DR	Modesto CA 95357	$31.10
079-028-050	ATKINS DEBRA MICHELLE	221 SENTINEL DR	Modesto CA 95357	$31.10
079-028-051	HINISH LONNIE O & PAMELA K TRS	217 SENTINEL DR	Modesto CA 95357	$31.10
079-028-052	HOOK JEFFREY ALLEN & HOOK KIMBERLY ANN	213 SENTINEL DR	Modesto CA 95357	$31.10
079-028-053	ZAMORA ANTONIO S & ZAMORA MARIA A	209 SENTINEL DR	Modesto CA 95357	$31.10
079-028-054	ROBERTSON BRETT A ET AL	212 SENTINEL DR	Modesto CA 95357	$31.10
079-028-055	COSTA JOE & COSTA MARY	216 SENTINEL DR	Modesto CA 95357	$31.10
079-028-056	CORREIA ADRIANA M	228 SENTINEL DR	Modesto CA 95357	$31.10
079-028-057	RUDDICKS LAWRENCE V & DIEDRE M	236 SENTINEL DR	Modesto CA 95357	$31.10
079-028-058	DAVIS BARBARA A	240 SENTINEL DR	Modesto CA 95357	$31.10
079-028-059	HANNINK DOUG & KATHY TRS	244 SENTINEL DR	Modesto CA 95350	$31.10
079-028-060	RUIZ NICHOLE	3905 SENTINEL CT	Modesto CA 95357	$31.10
079-028-061	NORTON STANLEY W & NORTON LAURIE K	3908 SENTINEL CT	Modesto CA 95357	$31.10
079-028-062	CIBRIAN EFRAIN ET AL	3904 SENTINEL CT	Modesto CA 95357	$31.10
079-028-065	BROWN TANYA M	313 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-066	BOSMA KRISTI K & BOSMA STEVEN R	309 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-067	RODRIGUEZ ALFRED	305 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-068	CISNEROS HEBER & CISNEROS ROSALINA	301 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-070	TOMA TITANIA Y	241 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-071	HERNANDEZ SALVADOR & BELTRAN MARIA T	237 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-072	LAGAN JASON	233 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-073	HARDIN MIKE A	229 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-074	SANGHA DILBAG SINGH ET AL	225 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-075	PADILLA RODRIGO	221 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-076	VELASCO CARLOS	217 YOSEMITE MEADOWS	Modesto CA 00953-0009	$31.10
079-028-077	SOTO GILBERTO & SOTO MARIA	213 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-078	PEREZ VALENTINE M ET AL	209 YOSEMITE MEADOWS	Modesto CA 95357	$31.10
079-028-079	MENDOZA LIBERATO ET AL	3929 WESTFALL LN	Modesto CA 95357	$31.10
079-028-080	SUMTER JASON ET AL	3928 WESTFALL LN	Modesto CA 95357	$31.10
079-028-081	NAVARRO JOSE R	3937 EL PORTAL PL	Modesto CA 95357	$31.10

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-263

Print

RESOLUTION CONFIRMING THE FISCAL YEAR 2017-18 DIAGRAM AND ASSESSMENT, AND ORDERING THE LEVY AND COLLECTION OF CHARGES WITHIN THE SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

WHEREAS, the City of Modesto by Resolution No. 2017-183, adopted on May 9, 2017, declared its intent to levy charges or assessments for the purpose of administering the maintenance of seventy-seven 200-watt high pressure sodium street lights in the Shackelford Landscape and Lighting District under the provisions of California Streets and Highways Code Sections 22500 through 22679, more commonly known as the Landscape and Lighting Act of 1972, and

WHEREAS, the charges against the real property are not levied with regard to property values but rather by allocated cost reports prepared by the Engineer of Work, and

WHEREAS, a public hearing was held on June 27, 2017, and

WHEREAS, the City of Modesto has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218, which was passed by the voters in November 1996. The City of Modesto has further determined the charges are in compliance with all laws pertaining to the levy of such charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it orders the levy and collection of such charges within City of Modesto Shackelford Landscape and Lighting District for Fiscal Year 2017-18, and in each subsequent fiscal year in which the charges may validly be levied; that a certified copy of this resolution

and **attached** documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 2017-18 County Tax Roll, and in each subsequent fiscal year in which the charges may validly be levied.

BE IT FURTHER RESOLVED that the diagram of said assessment district, **attached** hereto, and amount of levy thereon is hereby confirmed.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following votes:

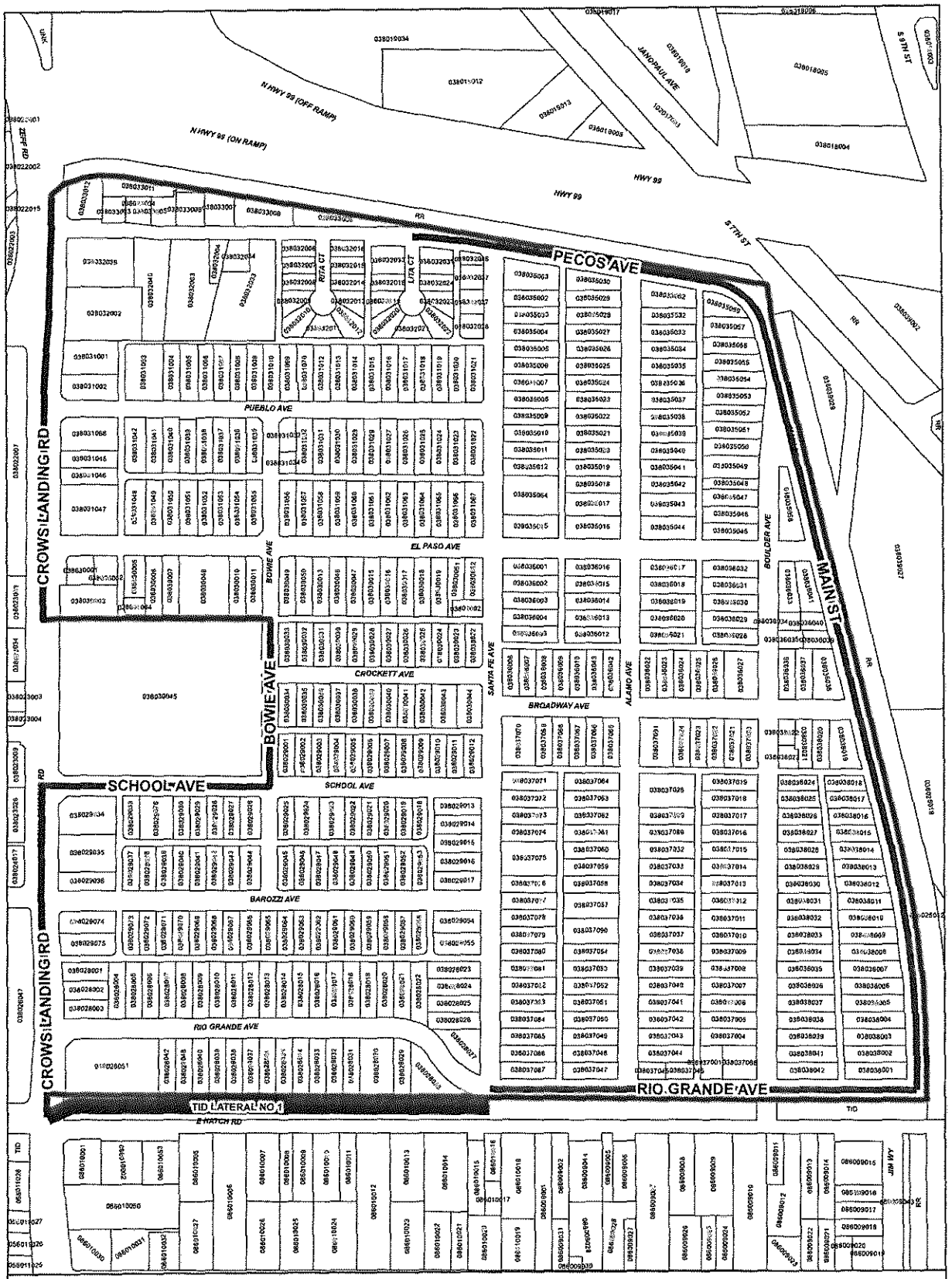
AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney



Assessment District Diagram

Shackelford Landscape and Lighting District

250 125 0 250

Feet

Date: 2/13/2015

MODESTO
CALIFORNIA

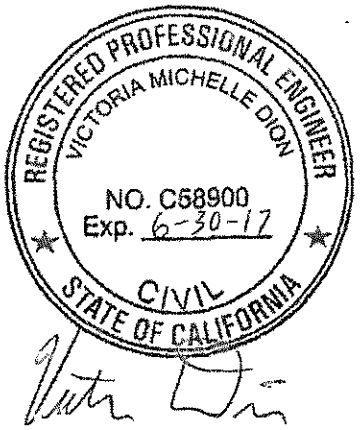
MODESTO
CALIFORNIA

City of Modesto
SHACKELFORD LANDSCAPE AND LIGHTING DISTRICT

A Landscape and Lighting District pursuant
to the Landscape and Lighting Act of 1972

ENGINEER'S ANNUAL REPORT

FISCAL YEAR
JULY 1, 2017 - JUNE 30, 2018



Prepared By:
Tina Rocha
Community Development Manager

Certified By:
Vickey Dion
City Engineer

Accepted By Motion:
Modesto City Council

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VI.	Annual Assessment List by Parcel & Property Owner

SECTION I HISTORY

On June 29, 1999, the Shackelford Landscape and Lighting District ("Shackelford LLD") was formed in accordance with the Landscape and Lighting Act of 1972 (California Streets and Highway Code §22500 through §22679) ("the Act") to install and maintain streetlights to deter crime, promote traffic safety, and aid law enforcement officers. All costs for the Shackelford LLD are funded by the annual assessments levied on each property within the district. The Act requires several courses of action on the part of City staff and City Council prior to August 10th of each year.

The Act initially requires the City Council to order, prepare, and file an Engineer's Annual Report for the City Council. This report is prepared for the purpose of detailing the plans and specifications for the maintenance, operation, and servicing of the District, including, but not limited to the materials, equipment, labor, and administrative expenses. The following services maintain facilities and improvements provided by the District as a special benefit to the parcel owners within the District; the cost of the services is paid entirely by the assessments levied by the District:

- Payment to local utility company for monthly power costs of energizing street lights in the District
- Payment to local utility company for maintenance of street lights in the District that the utility company owns (usually those lights that are mounted on wooden poles)
- Maintenance provided by the City of Modesto for street lights in the District that are owned by the City of Modesto (usually those lights that are mounted on steel poles)

Upon City Council's approval of the Engineer's Annual Report, the City Council adopts a resolution declaring its intent to levy and collect assessments within the Shackelford LLD for the following fiscal year and schedules a public hearing. This public hearing and proposed resolution levying the proposed assessments is in accordance with the annual assessment procedures.

Finally, in compliance with the Act, the City Council conducts the public hearing and adopts certain resolutions in accordance with the California Streets and Highways Code §22625 through 22641. The City Clerk is required to give the Modesto Bee notice of the public hearing no less than ten (10) days prior to the scheduled hearing date. All interested persons are afforded the opportunity to be heard during the public hearing. Should there be any protests, whether written or oral, the City Council may choose to continue the hearing to a later date and/or may change any part of the Engineer's Annual Report to address the concerns of the property owner(s). The adopted resolution is then forwarded to the Auditor-Controller of the County of Stanislaus for placement of such charges on the upcoming year's County Tax Roll.

SECTION II ANNUAL ASSESSMENT REVIEW AND SUMMARY

A. PARCEL REVIEW

There are 494 residential parcels within the Shackelford LLD, unless otherwise determined.

B. ANNUAL ASSESSMENTS

Each parcel receives equal benefits from the Shackelford LLD. The annual assessment levied is calculated by dividing the total cost estimate by the total number of parcels within the Shackelford LLD.

The total annual assessment for the Shackelford LLD for Fiscal Year 2017-2018 is $19,459.70. This is based on the amount needed for Fiscal Year 2017-18 based on projected expenses and fund balance.

C. PROJECTED ANNUAL ASSESSMENT SUMMARY

Residential Annual Assessment – 494 Parcels

	$19,459.70	Annual Assessment for Fiscal Year 2017-2018
÷	494	# of Parcels
$	39.39	Annual assessment per parcel

D. COMPARISON TO PREVIOUS FISCAL YEAR

The proposed 2017-2018 annual assessment for residential parcels has increased from $36.10 to $39.39 per parcel.

SECTION 3 FINANCIALS – ANNUAL ASSESSMENT REVENUE & EXPENSE PROJECTIONS

Shackelford LLD Fund 6470		Estimated FY 2016-17[1]	Proposed FY 2017-18
Beginning Fund Balance		$ 25,040	$ 16,129
Revenues (Cost Center 80015)	Account		
Special Assessments	47051	$ 9,968 [2]	$ 19,460 [3]
Interest Revenue on Bank Account	48010	$ (1)	
Estimated - Special Assessments		*$ 7,864* [4]	
Total Revenues		$ 17,830	$ 19,460
Expenses (Cost Center 80015)	Account		
Operating Budget			
Postage Expenses	52025	$ -	$ (100)
Electricity Utility Expenses	53040	$ (14,117)	$ (23,500)
Services City Forces - Interfund	54500	$ (2,035)	$ (3,292)
Estimated - Postage Expenses	*52025*	*$ (100)*	
Estimated - Electricity Utility Expenses	*53040*	*$ (9,383.00)*	
Estimated - Services City Forces - Interfund	*54500*	*$ (1,047.00)*	
Total Expenses		$ (26,741)	$ (26,892)
Ending Fund Balance		$ 16,129	$ 8,697 [5]

[1] The estimated amount shows what has been expended as of 02-28-17. There may be more expenses posted for the fiscal year; these are shown as *Estimated*.

[2] Actual revenue received for FY 2016-17 tax levy.

[3] Proposed levy.

[4] Estimated revenues for second installment of FY 2016-17 tax levy.

[5] Reserve funding equals 32.340% of Annual Operating Cost *(50% is maximum allowable)*

SECTION IV MAINTENANCE & PLAN SPECIFICATIONS

Plans and specifications are available for review in the Public Works Department, located at 512 Jefferson Street, Modesto, CA. For more information, contact Kelly Gallagher, Parks Operations Manager at (209) 524-2330.

SECTION V ANNUAL ASSESSMENT DISTRICT DIAGRAM

SECTION VI ANNUAL ASSESSMENT LIST BY PARCEL & OWNER

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-028-001	SERRANO ANTONIO R & SERRANO MARIA G	1328 CROWS LANDING RD	Modesto CA 95351	$39.39
038-028-002	STILLE JERRY	CROWS LANDING RD	Modesto CA 95358	$39.39
038-028-003	STILLE JERRY	1328 CROWS LANDING RD	Modesto CA 95351	$39.39
038-028-004	STILLE JERRY	115 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-005	GARCIA VALENTIN	119 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-006	CARDENAS JOSE J	123 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-007	RAMIREZ MARIA ELENA	127 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-008	GARIBAY AUDELIA ET AL	131 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-009	ANDREWS LUKE J & CAROLYN M	201 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-010	OLGUIN RACHEL O TR	205 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-011	YEPEZ EFREN & YEPEZ GUADALUPE OCHOA	209 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-012	MENDOZA EDGAR	213 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-013	AL SUMERI FAHMI	217 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-014	HERRERA MARIA	221 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-015	AMESCUA JOSE	225 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-016	GARCIA JOEL ACEVES	229 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-017	GUTIERREZ JESUS PALOMINOS	301 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-018	GARZA JOSE R & GARZA ROSA E	305 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-019	ACOSTA ELENA	309 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-020	DIAZ RODRIGO	313 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-021	CASTILLO NORMA GUADALUPE	317 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-022	VALDEZ-VALENCIA ELENA GUADALUPE	321 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-023	SOSA EFREN M & ANDREA A	1315 SANTA FE AVE	Modesto CA 95351	$39.39
038-028-024	HO CHINJUI & FAN MINGJEAN TRS	1319 SANTA FE AVE	Modesto CA 95357	$39.39
038-028-025	MELGOZA JAVIER & ADMA NASDHIRA	1323 SANTA FE AVE	Modesto CA 95351	$39.39
038-028-026	FLORES RAUL CASTILLO & CASTILLO BRAULIA A	1327 SANTA FE AVE	Modesto CA 95351	$39.39
038-028-027	NATH LEKHRAM	343 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-028	VARGAS MARIA HERNANDEZ DE ET AL	320 RIO GRANDE AVE	Modesto CA 95354	$39.39
038-028-029	BEAS MARIANO & MARIA C	318 RIO GRANDE AVE	Modesto CA 95358	$39.39
038-028-031	ARROYO ISMAEL GARIBY ET AL	306 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-032	AVILA OCTAVIO S	302 RIO GRANDE AVE	Modesto CA 09535	$39.39
038-028-033	MARES CARLOS	230 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-034	SANCHEZ JESUS	226 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-035	SPERONI STACEY	222 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-036	AVILES CYNTHIA	218 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-037	GARIBAY ET AL ISMAEL	214 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-028-038	TRUJILLO SALOME L & ET UX	210 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-039	AL-SUMERI FAHMI	206 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-040	SANDOVAL CARMEN ET AL	204 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-042	CARUSO SHOPPING CENTER INC	128 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-048	KNIGHT ELLEN FAITH TR	202 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-051	CARUSO SHOPPING CENTER INC	1418 CROWS LANDING RD	Modesto CA 95351	$39.39
038-028-052	CARDENAS JOSE JESUS	310 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-028-053	CARDENAS JOSE JESUS	316 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-029-001	DUARTE FELIPE B	221 SCHOOL AVE	Modesto CA 95354	$39.39
038-029-002	CARRILLO JOSE A	225 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-003	GRAGG EUGENE LAROY	229 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-004	HENDRIX SHIRLEY	301 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-005	RODRIQUEZ MARY P	305 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-006	MEZA ISIDRO	309 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-007	BURROWS DELORES I	313 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-008	ALBERTO LUCAS & MODESTA	317 SCHOOL AVE	Modesto CA 95351-	$39.39
038-029-009	ALBERTO LUCAS & ALBERTO MODESTA	321 SCHOOL AVE	Modesto CA 95351-	$39.39
038-029-010	SWARTS JACK ODELL TR	325 SCHOOL AVE	Modesto CA 95351	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-029-011	ANGELES REMIGIO & SANCHEZ DELMA	329 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-012	JIMENEZ JOSE L & JIMENEZ ESPERANZA G	333 SCHOOL AVE	Modesto CA 95351-	$39.39
038-029-013	LARA JOSE A & LARA BERTHA A	326 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-014	FIERRO ANTHONY A	1233 SANTA FE AVE	Modesto CA 95351	$39.39
038-029-015	GAYLE NOVI L	1237 SANTA FE AVE	Modesto CA 95351-	$39.39
038-029-016	PENA ARTURO & PENA ARCELIA	1241 SANTA FE AVE	Modesto CA 95351-	$39.39
038-029-017	JIMENEZ-FUENTES ROGELIO & JIMENEZ SELENE	1245 SANTA FE AVE	Modesto CA 95358-	$39.39
038-029-018	MODESTO CITY OF	SCHOOL AVE	Modesto CA 95351-	$39.39
038-029-019	VILLA ROGELIO ET AL	318 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-020	LLAMAS HILDA MARIA	314 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-021	MEZA ISIDRO	310 SCHOOL AVE	Modesto CA 95351-	$39.39
038-029-022	HOOVER ROBERT S JR TR ET AL	306 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-023	AGUAYO ISMAEL	302 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-024	ORTEGA RODOLFO & LETICIA	226 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-025	GUDINO FRANCISCO & GUDINO GUADALUPE	222 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-026	MODESTO CITY SCHOOL DIST	SCHOOL & BOWIE AVE	Modesto CA	$39.39
038-029-027	VANKIRK VENOY & ET UX	SCHOOL AVE	Modesto CA 95351-	$39.39
038-029-028	VANKIRK VENOY V TRS & VANKIRK MARJORIE H	206 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-029	VANKIRK VENOY V TRS & VANKIRK MARJORIE H	202 SCHOOL AVE	Modesto CA 95351-	$39.39
038-029-030	VANKIRK BLONDELL TR	128 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-033	AGUILERA CONNIE HEIRS OF	116 SCHOOL AVE	Modesto CA 95351	$39.39
038-029-034	VIAK DAVINDER S & SARBJIT TRS	1230 CROWS LANDING RD	Modesto CA 95351	$39.39
038-029-035	GARCIA JOSE & SOFIA TRS	1238 CROWS LANDING RD	Modesto CA 95351	$39.39
038-029-036	SERRANO VICTOR & GUADALUPE	1246 CROWS LANDING RD	Modesto CA 95351	$39.39
038-029-037	MARTIN WILLIAM R TRS & MARTIN JUDITH L	117 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-038	MARTIN WILLIAM R TRS & MARTIN JUDITH	BAROZZI AVE	Modesto CA	$39.39
038-029-039	GARIBAY MARIA DE JESUS	125 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-040	GARCIA ROBERTO P ET AL	129 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-041	ARNETT SANDRA JEAN ET AL	201 BAROZZI AVE	Modesto CA 95361	$39.39
038-029-042	TORRES SIXTO A & GALVAN OFELIA FLORES	205 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-043	HERNANDEZ ASCENCION & LUCIA	209 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-044	CASTILLO ALMA	213 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-045	MADRIGAL UBALDO ADAM	221 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-046	DIAZ RODRIGO	225 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-047	BARAJAS JOSE & BARAJAS MARIA	229 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-048	JIMENEZ ANTONIO F & JIMENEZ TERESA F	301 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-049	PULIDO JOSE G ET AL	305 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-050	ACEVES ANGEL & ELVA TRS	309 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-051	LOPEZ NESTOR	313 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-052	CASTILLO GUSTAVO DIAZ	317 BAROZZI AVE	Modesto CA 95351-	$39.39
038-029-053	GARIBAY ISMAEL	321 BAROZZI AVE	Modesto CA 95351-	$39.39
038-029-054	MARTINEZ ANTONIO & MARTINEZ GEORGINA M	1305 SANTA FE AVE	Modesto CA 95351	$39.39
038-029-055	CALDERON LUIS ET AL	1309 SANTA FE AVE	Modesto CA 95354	$39.39
038-029-056	PEREZ LETICIA M	322 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-057	MARTINEZ SALVADOR & MARTHA	318 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-058	BRISENO JOSE & CAMACHO MIREYA SOSA	314 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-059	GALVAN LUIS & MARIA ANGELICA	310 BAROZZI AVE	Modesto CA 95350	$39.39
038-029-060	CALDERON MANUEL ET AL	306 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-061	GOODRICH PATRICIA A	302 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-062	LOPEZ NICOLAS	230 BAROZZI AVE	Modesto CA 95351-	$39.39
038-029-063	GARCIA FELIPE O & GARCIA CHRISTINA	226 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-064	GARCIA MARIO A & GARCIA MARY G	222 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-065	JIMENEZ PETRA	218 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-066	SOTO RAUL	214 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-067	MORENO MARTIN DE SANTIAGO & MARISOL	210 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-068	JAUREGUI JESUS	206 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-069	ALVARADO SALVADOR & ALVARADO MARIA E	202 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-070	NELSON MARY E ET AL	128 BAROZZI AVE	Modesto CA 95351	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-029-071	MARTIN JUDITH L TR	BAROZZI AVE	Modesto CA	$39.39
038-029-072	BONILLA MARTIN ADALBERTO	120 BAROZZI AVE	Modesto CA	$39.39
038-029-073	ESPINDOLA ROSARIO T	116 BAROZZI AVE	Modesto CA 95351	$39.39
038-029-074	FELIX RAFAELA	1304 CROWS LANDING RD	Modesto CA 95350-	$39.39
038-029-075	FELIX RAFAELA	1312 CROWS LANDING RD	Modesto CA 95351	$39.39
038-029-076	TAYLOR BENNIE W JR ET AL	120 SCHOOL AVE	Modesto CA 95351	$39.39
038-030-001	EL DORADO MARKET INC	1304 CROWS LANDING RD	Modesto CA 95358	$39.39
038-030-002	CH SET FREE CHRISTIAN FELLOWSH	110 EL PASO AVE	Modesto CA 95351	$39.39
038-030-003	EL DORADO MARKET INC	1308 CROWS LANDING RD	Modesto CA 95351	$39.39
038-030-004	MODESTO CITY SCHOOLS	EL PASO AVE	Modesto CA 95351-	$39.39
038-030-005	MODESTO CITY SCHOOLS	116 EL PASO AVE	Modesto CA 95351-	$39.39
038-030-006	MODESTO CITY SCHOOLS	120 EL PASO AVE	Modesto CA 95351	$39.39
038-030-007	CH GOD OF	124 EL PASO AVE	Modesto CA 95351-	$39.39
038-030-010	BECERRA REFUGIO & ARMAS BENIGNA	208 EL PASO AVE	Modesto CA 95358-	$39.39
038-030-011	BECERRA REFUGIO E & ARMAS BENIGMA	212 EL PASO AVE	Modesto CA 95351	$39.39
038-030-013	GALVAN ROBERTO	228 EL PASO AVE	Modesto CA 95351	$39.39
038-030-015	RIOS HENRY V & RIOS LYDIA F	304 EL PASO AVE	Modesto CA 95351-	$39.39
038-030-016	CARDENAS VIDAL & CARDENAS SOCORRO	308 EL PASO AVE	Modesto CA 95351	$39.39
038-030-017	MUNOZ CRISOFORO R	312 EL PASO AVE	Modesto CA 95351	$39.39
038-030-018	GARCIA FRANCISCO J	316 EL PASO AVE	Modesto CA 95350-	$39.39
038-030-019	KETNER ET AL VERA W	320 EL PASO AVE	Modesto CA 95351	$39.39
038-030-021	CAMARGO LAURA A ET AL	1113 SANTA FE AVE	Modesto CA 95351-	$39.39
038-030-022	SALDANA JUAN D & ET UX	329 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-023	SHERMAN DAVID H TR	325 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-024	MORENO CARLOS & EVANGELINA TRS	321 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-025	MURILLO ARMANDO & ARELLANO CONSUELO	317 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-026	LUNA JOSE GUADALUPE JR	313 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-027	MURILLO SUSANA	309 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-028	GOMEZ REFUGIO	305 CROCKETT AVE	Modesto CA 95351-	$39.39
038-030-029	VENEGAS-ZENDEJAS EVANGELINA	301 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-030	MURILLO SUSANA	233 CROCKETT AVE	Modesto CA 95351-	$39.39
038-030-031	MECCA DIANE MARIA TR	229 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-032	CARRERA ZOILO & IRMA	225 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-033	TAH 2015-1 BORROWER LLC	1120 BOWIE AVE	Modesto CA 95351	$39.39
038-030-034	ARAGON AGUSTIN & MEDINA MARTINA	220 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-035	NAVARRO FRANCISCO & NAVARRO ROSA O	224 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-036	LUNA JESUS	228 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-037	LUNA FRANCISCO ET AL	232 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-038	LUNA JUAN I & ET UX	300 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-039	KINGSTON PATTI CAINE ET AL	304 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-040	LUNA CARLOS	308 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-041	LUNA CARLOS & LUNA LETICIA	312 CROCKETT AVE	Modesto CA 95351-	$39.39
038-030-042	GONZALEZ MANUEL	316 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-043	MEDINA HERIBERTO	320 CROCKETT AVE	Modesto CA 95351	$39.39
038-030-044	MENDOZA ERIKA NUNEZ	1211 SANTA FE AVE	Modesto CA 95351-	$39.39
038-030-046	GARZA JOSE ROBERTO & GARZA ROSA E	232 EL PASO AVE	Modesto CA 95351	$39.39
038-030-047	LINARES FELIPE P & LINARES MARTHA A	300 EL PASO AVE	Modesto CA 95351	$39.39
038-030-048	CH GOD OF	200 EL PASO AVE	Modesto CA 95351	$39.39
038-030-049	ROMERO ROSALVA L	220 EL PASO AVE	Modesto CA 95351	$39.39
038-030-050	PARSONS JOSEPH J TR	224 EL PASO AVE	Modesto CA 95351-	$39.39
038-030-051	REYES JOSE G	326 EL PASO AVE	Modesto CA 95351	$39.39
038-030-052	MELGOZA CRISTOBAL & ANITA	328 EL PASO AVE	Modesto CA 95351	$39.39
038-031-001	RAMIREZ FERNANDO	930 CROWS LANDING RD	Modesto CA 95351	$39.39
038-031-002	RAMIREZ FERNANDO	938 CROWS LANDING RD	Modesto CA 95351-	$39.39
038-031-003	AGUILERA SALVADOR	117 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-004	MENDEZ LOURDES	125 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-005	FONG CARLOS ALBERTO URENA	129 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-006	VALLE XAVIER	201 PUEBLO AVE	Modesto CA 95351	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-031-007	PADILLA FRANCISCO C & PADILLA MARIA E	205 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-008	RODRIGUEZ RUBEN GARZA & ROSEMARY	209 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-009	GARCIA IRMA	213 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-010	CHAVEZ JOEL C	217 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-012	GOOLSBY WAYNE R	229 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-013	INIGUEZ JORGE S ET AL	233 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-014	GALVAN MARIA ANGELICA	303 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-015	FRANCO JOSE A & FRANCO HORTENCIA P	305 PUEBLO	Modesto CA 95351	$39.39
038-031-016	SALGADO REFUGIO ET AL	309 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-017	LEW JOE	313 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-018	MERIWETHER SANDY Y	317 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-019	GUZMAN JULIAN M & MOTA-GUZMAN DELIA	321 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-020	ESPINOZA LAZARO ET AL	325 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-021	TORRES MARGARITO M	921 SANTA FE AVE	Modesto CA 95351	$39.39
038-031-022	MADRIGAL GUILLERMO ET AL	1007 SANTA FE AVE	Modesto CA 95351	$39.39
038-031-023	GILMORE DANIEL	324 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-024	MENDOZA ENRIQUE T & MENDOZA IRMA A	320 PUEBLO AVE	Modesto CA 95355	$39.39
038-031-025	CARDENAS JESUS ET AL	316 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-026	FUNK MARIA	312 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-027	ROBBINS JAMES P & ROBBINS PATRICIA C	308 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-028	CASTRO RAYMOND & CASTRO MARTHA E	304 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-029	GALVAN JOSE LUIS & SOLEDAD	300 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-030	SIGALA STEVE & TERESA	232 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-031	BLEVINS RALPH D & JACQUELINE E	228 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-032	HERNANDEZ RENE	224 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-033	ABSHER GLOBAL INVESTMENTS INC	220 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-034	ABSHER GLOBAL INVESTMENTS INC	220 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-035	CABRERA AGUSTIN	212 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-036	SIGALA STEVE & TERESA	208 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-037	MADRIGAL RAFAELA	204 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-038	OCHOA JOSE LUIS	200 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-039	LARA CONSUELO M	128 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-040	AL-SUMERI FAHIMI	124 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-041	DEA BILLY & FRANCES Y	120 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-042	WOODMAN BEN A & WODMAN TANIA L	116 PUEBLO AVE	Modesto CA 95351-	$39.39
038-031-045	GUAJARDO HECTOR	1010 CROWS LANDING RD	Modesto CA 95351	$39.39
038-031-046	GUAJARDO HECTOR	1014 CROWS LANDING RD	Modesto CA 95358	$39.39
038-031-047	PORRAS SIXTO	1024 CROWS LANDING RD	Modesto CA 95351-	$39.39
038-031-048	LOZANO SANDRA LUZ SUAREZ	117 EL PASO AVE	Modesto CA 95358	$39.39
038-031-049	FLORES MIGUEL ANGEL	121 EL PASO AVE	Modesto CA 95351	$39.39
038-031-050	REYNOSO JORGE	125 EL PASO AVE	Modesto CA 95351	$39.39
038-031-051	CENTENO MARIA	129 EL PASO AVE	Modesto CA 95351-	$39.39
038-031-052	ORTEGA GILBERTO H & ORTEGA FRANCISCA	201 EL PASO AVE	Modesto CA 95351-	$39.39
038-031-053	ORTEGA GILBERTO H & ORTEGA FRANCISCA Z	205 EL PASO AVE	Modesto CA 95351	$39.39
038-031-054	BETTENCOURT LULA JENE	209 EL PASO AVE	Modesto CA 95351	$39.39
038-031-055	MENDEZ LOURDES	213 EL PASO AVE	Modesto CA 95351	$39.39
038-031-056	YEFREMENKO ALEKSANDR	221 EL PASO AVE	Modesto CA 95351-	$39.39
038-031-057	LOTT ROBERT LYNDELL & BETTY ROSEMARY	225 EL PASO AVE	Modesto CA 95351-	$39.39
038-031-058	GONZALEZ ROSA TERESITA COYT	229 EL PASO AVE	Modesto CA 95351	$39.39
038-031-059	GONZALEZ ROSA TERESITA COYT	233 EL PASO AVE	Modesto CA 95351	$39.39
038-031-060	GARZA JUAN P ET AL	301 EL PASO AVE	Modesto CA 95351	$39.39
038-031-061	GARZA JOAQUIN J JR & GARZA GRACIELA	305 EL PASO AVE	Modesto CA 95351	$39.39
038-031-062	GARZA JOSE ROBERTO & GARZA ROSA E	309 EL PASO AVE	Modesto CA 95351	$39.39
038-031-063	MENDEZ LOURDES	313 EL PASO AVE	Modesto CA 95351	$39.39
038-031-064	GARZA JOSE ROBERTO & ROSA E	317 EL PASO AVE	Modesto CA 95351-	$39.39
038-031-065	GARZA JOSE R & GARZA ROSA E	321 EL PASO AVE	Modesto CA 95351	$39.39
038-031-066	GOMEZ JUSTINO	325 EL PASO AVE	Modesto CA 95351-	$39.39
038-031-067	GOMEZ JUSTINO & GOMEZ MARTINA	1019 SANTA FE AVE	Modesto CA 95351-	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-031-068	JIB DICKENS INVESTMENTS LLC	1002 CROWS LANDING RD	Modesto CA 95351	$39.39
038-031-069	JOHNSON DAVID J & JOHNSON LAVELDA C	221 PUEBLO AVE	Modesto CA 95351	$39.39
038-031-070	CASTILLO RUBEN & CASTILLO M MAGDALENA	225 PUEBLO AVE	Modesto CA 95351	$39.39
038-032-002	MENDOZA ROBERTO & LIVIER	924 CROWS LANDING RD	Modesto CA 95351-	$39.39
038-032-003	GORDO BRUCE ANTHONY	132 PECOS AVE	Modesto CA 95351-	$39.39
038-032-004	GARCIA FERNANDO	208 PECOS AVE	Modesto CA 95351	$39.39
038-032-006	CORTEZ EDDIE T	101 RITA CT	Modesto CA 95351	$39.39
038-032-007	CORTEZ EDDIE T	105 RITA CT	Modesto CA 95351-	$39.39
038-032-008	ZENDEJAS VALENTIN LUNA	109 RITA CT	Modesto CA 95351	$39.39
038-032-009	INIGUEZ BERNABE ET AL	113 RITA CT	Modesto CA 95351-	$39.39
038-032-010	INIGUEZ ISMAEL & INIGUEZ MARIA G	117 RITA CT	Modesto CA 95351	$39.39
038-032-011	ASCENCIO MARTIN G ET AL	122 RITA CT	Modesto CA 95351	$39.39
038-032-012	ALSUMERI FAHMI	118 RITA CT	Modesto CA 95351	$39.39
038-032-013	BRIONES GUADALUPE	114 RITA CT	Modesto CA 95351	$39.39
038-032-014	YOUNG RUTH	110 RITA CT	Modesto CA 95351	$39.39
038-032-015	CERVANTES JUANA LAURA ROSAS	106 RITA CT	Modesto CA 95351	$39.39
038-032-016	INIGUEZ BERNABE ET AL	102 RITA CT	Modesto CA 95351	$39.39
038-032-018	ZAVALA-PATINO DALILA	109 LITA CT	Modesto CA 95351	$39.39
038-032-019	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	113 LITA CT	Modesto CA 95351-	$39.39
038-032-020	GUERRERO JESSICA GARCIA ET AL	117 LITA CT	Modesto CA 95351	$39.39
038-032-021	FLORES PEDRO & ET UX	122 LITA CT	Modesto CA 95351	$39.39
038-032-022	MALDONADO VERA MARIO F	118 LITA CT	Modesto CA 95351-	$39.39
038-032-023	FERNANDEZ JESUS M	114 LITA CT	Modesto CA 95351-	$39.39
038-032-024	TANAKA TAD TADASHI TRS & TANAKA EVA WONG	110 LITA CT	Modesto CA 95351	$39.39
038-032-027	SIGALA STEVE	913 SANTA FE AVE	Modesto CA 95351	$39.39
038-032-028	RIDER TARA LOUISE	917 SANTA FE AVE	Modesto CA 95351	$39.39
038-032-031	WONG ERNEST H & KLOCKO ANNE L TRS	106 LITA CT	Modesto CA 95351	$39.39
038-032-032	SAMRA GURMIT	105 LITA CT	Modesto CA 95351-	$39.39
038-032-033	PENALOZA FRANCISCO M	220 PECOS AVE	Modesto CA 95351	$39.39
038-032-034	SOLORIO DANIEL SR & SOLORIO SHERRY A	214 PECOS AVE	Modesto CA 95351	$39.39
038-032-036	GARCIA MARIANO & GARCIA ELVA	328 PECOS AVE	Modesto CA 95351-	$39.39
038-032-037	VALENCIA HUMBERTA M	909 SANTA FE AVE	Modesto CA 95351-	$39.39
038-032-039	MENDOZA ROBERTO & LIVIER	900 CROWS LANDING RD	Modesto CA 95358	$39.39
038-032-040	STANISLAUS COUNTY OF	PECOS AVE	Modesto CA 95358	$39.39
038-033-003	MENDOZA ROBERTO & LIVIER	105 PECOS AVE	Modesto CA 95351-	$39.39
038-033-004	MENDOZA ROBERTO & LIVIER	121 PECOS AVE	Modesto CA 95351	$39.39
038-033-005	SUMPTER HENRY C III	127 PECOS AVE	Modesto CA 95351	$39.39
038-033-006	NAVARRO RAMON V & JUSTINE	201 PECOS AVE	Modesto CA 95351	$39.39
038-033-007	TUCKER KRISTY	209 PECOS AVE	Modesto CA 95351	$39.39
038-033-008	CORTEZ ED	215 PECOS AVE	Modesto CA 95351	$39.39
038-033-009	GILMORE DANIEL A	215 PECOS AVE	Modesto CA 95351	$39.39
038-033-011	MENDOZA ROBERTO & LIVIER	109 PECOS RD	Modesto CA	$39.39
038-033-012	MENDOZA ROBERTO & LIVIER	854 CROWS LANDING RD	Modesto CA 95351	$39.39
038-035-002	RIVERA CONSUELO B	912 SANTA FE AVE	Modesto CA 95351-	$39.39
038-035-003	DUONG SUNSHINE & WEBB NICHOLAS E	918 SANTA FE AVE	Modesto CA 95351	$39.39
038-035-004	LOPEZ MARTIN & PATRICIA	920 SANTA FE AVE	Modesto CA 95351-	$39.39
038-035-005	VILLA ROGELIO JR	924 SANTA FE AVE	Modesto CA 95354	$39.39
038-035-006	KAUR PARMINDER	928 SANTA FE AVE	Modesto CA 95351	$39.39
038-035-007	DIAZ RAYMOND	932 SANTA FE AVE	Modesto CA 95351	$39.39
038-035-008	BRINKMAN LOUAIN TR	936 SANTA FE AVE	Modesto CA 95351-	$39.39
038-035-009	DEL VALLE ROCIO	1002 SANTA FE AVE	Modesto CA 95351-	$39.39
038-035-010	PALOMARES JESUS HECTOR	1006 SANTA FE AVE	Modesto CA 95351	$39.39
038-035-011	CORTES EUGENIO & ESPINO DE CORTES GUILLERMINA	1010 SANTA FE AVE	Modesto CA 95351	$39.39
038-035-012	KEM SOKHOM & VANTHA TRS	1014 SANTA FE AVE	Modesto CA 95351	$39.39
038-035-015	CASTILLO ANGELA ESTER	1028 SANTA FE AVE	Modesto CA 95351-	$39.39
038-035-016	SANCHEZ ARMANDO RAMIREZ	1029 ALAMO AVE	Modesto CA 95351	$39.39
038-035-017	HUERTA MARTHA	1023 ALAMO AVE	Modesto CA 95351	$39.39
038-035-018	HERNANDEZ MARIA G ET AL	1019 ALAMO AVE	Modesto CA 95351	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-035-019	MURILLO GUILLERMINA	1015 ALAMO AVE	Modesto CA 95351	$39.39
038-035-020	MANZO ANTONIO	1011 ALAMO AVE	Modesto CA 95351	$39.39
038-035-021	TOVAR MANUEL & ROSIE	1007 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-022	HERNANDEZ MANUEL & HERNANDEZ MARIA	1001 ALAMO AVE	Modesto CA 95351	$39.39
038-035-023	PINA FRANCISCO REYES	937 ALAMO AVE	Modesto CA 95351	$39.39
038-035-024	GIL RICARDO	933 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-025	SHARMA RAJIV & MRIDULA	929 ALAMO AVE	Modesto CA 95351	$39.39
038-035-026	ESCALANTE OSCAR	925 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-027	DE LA TORRE MIGUEL ET AL	921 ALAMO AVE	Modesto CA 95351	$39.39
038-035-028	PADILLA JAIME & ROSE FONSECA DE	917 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-029	VELASQUEZ ERIK NEVAREZ	913 ALAMO AVE	Modesto CA 95351	$39.39
038-035-030	HERNANDEZ ANTONIO & GUADALUPE	412 PECOS AVE	Modesto CA 95351	$39.39
038-035-032	ANGLIN JAMES JR & ET UX	916 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-033	ANGLIN JAMES R & ANGLIN ALETA M	920 ALAMO AVE	Modesto CA 95351	$39.39
038-035-034	ANGLIN JAMES JR & ET UX	924 ALAMO AVE	Modesto CA 95351	$39.39
038-035-035	R RENTALS LLC	928 ALAMO AVE	Modesto CA 95351	$39.39
038-035-036	GARCIA RAMON & ET UX	932 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-037	AGUILAR JOSE P & ENDELIA	936 ALAMO AVE	Modesto CA 95351	$39.39
038-035-038	JAUREGUI ANTONIO	1002 ALAMO AVE	Modesto CA 95351	$39.39
038-035-039	OLVERA EMETERIO & ET UX	1006 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-040	KAUR MANJIT	1010 ALAMO AVE	Modesto CA 95351	$39.39
038-035-041	CHAVEZ MANUEL G & ET UX	1014 ALAMO AVE	Modesto CA 95351	$39.39
038-035-042	BARRAGAN JOHN J & LETICIA R	1018 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-043	GOMEZ LETICIA ET AL	1024 ALAMO AVE	Modesto CA 95351-	$39.39
038-035-044	SANTANA ELSA	505 EL PASO AVE	Modesto CA 95351-	$39.39
038-035-045	VASQUEZ ALFREDO & ET UX	1029 BOULDER AVE	Modesto CA 95351-	$39.39
038-035-046	SANCHEZ FRANCISCO & HUERTA MARIA ISABEL	1025 BOULDER AVE	Modesto CA 95351	$39.39
038-035-047	KEM SOKHOM & VANTHA TRS	1021 BOULDER AVE	Modesto CA 95351-	$39.39
038-035-048	CALDERSON PEDRO OMAR R JR	1019 BOULDER AVE	Modesto CA 95351-	$39.39
038-035-049	TORRES JOSE	1017 BOULDER AVE	Modesto CA 95351	$39.39
038-035-050	RAMIREZ AGUSTIN JR	1007 BOULDER AVE	Modesto CA 95351	$39.39
038-035-051	NAVARRETE JAVIER	1005 BOULDER AVE	Modesto CA 95351-	$39.39
038-035-052	SALDANA HILARIO	1001 BOULDER AVE	Modesto CA 95351	$39.39
038-035-053	GARZA JOSE ROBERTO & ROSA ELGNA	935 BOULDER AVE	Modesto CA 95351	$39.39
038-035-054	GARZA JOAQUIN JR	931 MAIN ST	Modesto CA 95351-	$39.39
038-035-055	JONES RICHARD J	927 MAIN ST	Modesto CA 95351	$39.39
038-035-056	SANCHEZ ANTONIO R & SANCHEZ MARIA	923 MAIN ST	Modesto CA 95351	$39.39
038-035-057	PERKINS STEVEN A & ELSSY E TRS	919 MAIN ST	Modesto CA 95351	$39.39
038-035-058	ALEMAN MARIA HEIRS OF ET AL	1026 BOULDER AVE	Modesto CA 95351	$39.39
038-035-059	BURRELL JOSEPHINE THOMPSON TR	530 PECOS	Modesto CA 95351	$39.39
038-035-062	GALVAN ALICIA	912 ALAMO AVE	Modesto CA 95351	$39.39
038-035-063	BELTRAN AMPARO TR	908 SANTA FE	Modesto CA 95351	$39.39
038-035-064	MONTES GUADALUPE C	1018 SANTA FE AVE	Modesto CA 95351	$39.39
038-036-001	GOMEZ JUSTINO & GOMEZ MARTINA	1104 SANTA FE AVE	Modesto CA	$39.39
038-036-002	MULLINS GUY E JR	1106 SANTA FE AVE	Modesto CA 95351	$39.39
038-036-003	MACIEL BENJAMIN & MARISELA JIMINEZ	1110 SANTA FE AVE	Modesto CA 95358	$39.39
038-036-004	GOMEZ JUSTINO & GOMEZ MARTINA	1114 SANTA FE AVE	Modesto CA 95351-	$39.39
038-036-005	GOMEZ JUSTINO & GOMEZ MARTINA	1118 SANTA FE AVE	Modesto CA 95351-	$39.39
038-036-006	ALEMAN ARMANDO ET AL	1124 SANTA FE AVE	Modesto CA 95351	$39.39
038-036-007	ARREGUIN PABLO & ARREGUIN ESTHER	405 BROADWAY AVE	Modesto CA 95351	$39.39
038-036-008	MOTA-NAVARRO IGNACIO & GUTIERREZ-DE MOTA TERESITA	409 BROADWAY AVE	Modesto CA 95351-	$39.39
038-036-009	GILL HARJINDER	413 BROADWAY AVE	Modesto CA 95351	$39.39
038-036-010	FLORES JORGE LUIS ET AL	417 BROADWAY AVE	Modesto CA 95351	$39.39
038-036-012	RAMIREZ MARIA DEL REFUGIO GARZA DE	1117 ALAMO AVE	Modesto CA 95351	$39.39
038-036-013	SIGALA STEVE	1113 ALAMO AVE	Modesto CA 95358	$39.39
038-036-014	LOPEZ MARIBEL PEREZ	1109 ALAMO AVE	Modesto CA 95351-	$39.39
038-036-015	GOMEZ JUSTINO	1105 ALAMO AVE	Modesto CA 95358	$39.39
038-036-016	MULLINS GUY EUGENE JR	1101 ALAMO AVE	Modesto CA 95351	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-036-017	GARCIA RICARDO	1102 ALAMO AVE	Modesto CA 95351	$39.39
038-036-018	ALVARA GONZALO & MARISELA	1106 ALAMO AVE	Modesto CA 95351	$39.39
038-036-019	LOPEZ FRANCISCO M & LOPEZ DELIA T	1110 ALAMO AVE	Modesto CA 95351	$39.39
038-036-020	ARROYO RAFAEL & ALMA PATRICIA	1114 ALAMO AVE	Modesto CA 95351	$39.39
038-036-021	TELLECHEA RUBEN & DAHLIA	1118 ALAMO AVE	Modesto CA 95351	$39.39
038-036-022	GOMEZ ESTELA A	501 BROADWAY AVE	Modesto CA 95351	$39.39
038-036-023	SOUZA DAWN ET AL TRS	505 BROADWAY AVE	Modesto CA 95351-	$39.39
038-036-024	GARCIA JUAN M & BLAKE ALMA D	507 BROADWAY AVE	Modesto CA 95351	$39.39
038-036-025	PADILLA ANGEL GAIL ET AL	509 BROADWAY AVE	Modesto CA 95358	$39.39
038-036-026	MENDOZA AGUSTIN	517 BROADWAY AVE	Modesto CA 95351	$39.39
038-036-027	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	1125 BOULDER	Modesto CA 95351	$39.39
038-036-028	WALLACE DANNY L & WALLACE ESTHER G	1119 BOULDER AVE	Modesto CA 95351	$39.39
038-036-029	GROKHOLSKY YAKOV	1113 BOULDER AVE	Modesto CA 95351	$39.39
038-036-030	AMADOR OLIVER RAY	1109 BOULDER AVE	Modesto CA 95351	$39.39
038-036-031	ORTEGA MARIA	1105 BOULDER AVE	Modesto CA 95351	$39.39
038-036-032	CHRISTIANSEN JON FREDERICK	1101 BOULDER AVE	Modesto CA 95351-	$39.39
038-036-033	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	602 EL PASO AVE	Modesto CA 95351-	$39.39
038-036-034	GROKHOLSKY YURY	1114 BOULDER AVE	Modesto CA 95351	$39.39
038-036-035	ZABALZA RUBEN JR	1118 BOULDER AVE	Modesto CA 95351	$39.39
038-036-036	SOLANO MIGUEL ANGEL LOPEZ	601 BROADWAY AVE	Modesto CA 95351-	$39.39
038-036-037	CRISANTOS FERNANDA ALVAREZ	605 BROADWAY AVE	Modesto CA 95350	$39.39
038-036-038	SHAIBI YEHIA AHMED QASSEM & KASSIM FATIMA TRS	613 BROADWAY AVE	Modesto CA 95351-	$39.39
038-036-039	AZEVEDO DANIEL ROBERT ET AL	1117 MAIN ST	Modesto CA 95351	$39.39
038-036-040	WILSON CLIFFORD & WILSON LILA P	1113 MAIN ST	Modesto CA 95351	$39.39
038-036-041	OLVERA DAVID R ET AL	606 EL PASO AVE	Modesto CA 95351	$39.39
038-036-042	AGUILAR ENDELIA ET AL	425 BROADWAY AVE	Modesto CA 95351-	$39.39
038-036-043	LEDEZMA LOURDES	421 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-001	EL BUEN SAMARITANO ASEMBLEAS DE DIOS	521 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-037-004	VASQUEZ JOSE A	1329 BOULDER AVE	Modesto CA	$39.39
038-037-005	VASQUEZ JOSEF	1325 BOULDER AVE	Modesto CA 95351	$39.39
038-037-006	LOPEZ ENRIQUETA P & ANTONIO	1321 BOULDER AVE	Modesto CA 95351	$39.39
038-037-007	RIVERA LILIA R	1317 BOULDER AVE	Modesto CA 95351	$39.39
038-037-008	AVILA MIGUEL A	1313 BOULDER AVE	Modesto CA 95351	$39.39
038-037-009	GUTIERREZ GUADALUPE	1309 BOULDER AVE	Modesto CA 95358	$39.39
038-037-010	PEREZ VICENTE & EVANGELINA	1305 BOULDER AVE	Modesto CA 95351	$39.39
038-037-011	GONZALEZ YOLANDA V	1301 BOULDER AVE	Modesto CA 95351-	$39.39
038-037-012	ROMERO ADRIAN	1245 BOULDER AVE	Modesto CA 95351	$39.39
038-037-013	GOMEZ LUIS SR & GOMEZ JUANA	1241 BOULDER AVE	Modesto CA 95351	$39.39
038-037-014	GARZA JOAQUIN JR	1237 BOULDER AVE	Modesto CA 95351	$39.39
038-037-015	ASCENCIO MIGUEL G & ASCENCIO HERMELINDA F	1233 BOULDER AVE	Modesto CA 95351	$39.39
038-037-016	KAUR MANJIT	1229 BOULDER AVE	Modesto CA 95351	$39.39
038-037-017	RAMIREZ JULIA GARZA ET AL	1225 BOULDER AVE	Modesto CA 95351	$39.39
038-037-018	DUONG SUNSHINE NHU & WEBB NICHOLAS E	1221 BOULDER AVE	Modesto CA 95351	$39.39
038-037-019	MAI MICHAEL	1217 BOULDER AVE	Modesto CA 95351	$39.39
038-037-020	CONTRERAS RICARDO	526 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-021	PEREZ EMIGDIO SILVA	522 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-022	GARCIA MARIBEL	518 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-023	GALVAN ROBERTO & GALVAN EMMA	514 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-024	OCHOA GEORGE	510 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-028	MODESTO CITY OF	ALAMO AVE	Modesto CA 95351	$39.39
038-037-029	GALVAN ROBERTO & EMMA	1226 ALAMO AVE	Modesto CA 95351	$39.39
038-037-032	VILLA ROGELIO JR	1234 ALAMO AVE	Modesto CA 95351	$39.39
038-037-033	PELAYO OSCAR	1238 ALAMO AVE	Modesto CA 95351	$39.39
038-037-034	PELAYO OSCAR	1242 ALAMO AVE	Modesto CA 95351	$39.39
038-037-035	LOPEZ VICTORIANO A & ET UX	1246 ALAMO AVE	Modesto CA 95351	$39.39
038-037-036	PEREZ AURELIO & PEREZ MARIA ROCIO	1302 ALAMO AVE	Modesto CA 95351	$39.39
038-037-037	PELAYO ARTURO & PELAYO EDELMIRA S	1306 ALAMO AVE	Modesto CA 95351	$39.39
038-037-038	ESTRADA MARIA ELENA	1310 ALAMO AVE	Modesto CA 95351	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-037-039	VASQUEZ APOLINAR	1316 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-040	OSUNA ANTONIO V HEIRS OF	1318 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-041	OSUNA ISIDRA	1322 ALAMO AVE	Modesto CA 95350	$39.39
038-037-042	RIOS HENRY V & RIOS LYDIA F	1326 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-043	GARZA JUAN P	1330 ALAMO AVE	Modesto CA 95351	$39.39
038-037-044	GARZA JUAN PABLO	1334 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-045	GARCIA DIEGO O	1336 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-046	GARZA JUAN PABLO	511 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-037-047	TEMPLO ROSA DE SARON	421 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-037-048	PADILLA BENJAMIN G	1333 ALAMO AVE	Modesto CA 95351	$39.39
038-037-049	GARCIA ELPIDIO	1329 ALAMO AVE	Modesto CA 95351	$39.39
038-037-050	HORN ADELLA R	1325 ALAMO AVE	Modesto CA 95351	$39.39
038-037-051	SOSA LUIS	1321 ALAMO AVE	Modesto CA 95351	$39.39
038-037-052	ZERMENO REFUGIO & MARIA	1317 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-053	ANGLIN JAMES JR & ET UX	1313 ALAMO AVE	Modesto CA 95351	$39.39
038-037-054	MORENO MANUEL & DE LA TORRE HILDA	1309 ALAMO AVE	Modesto CA 95351	$39.39
038-037-057	REATEGUI NELSON JR	1245 ALAMO AVE	Modesto CA 95351	$39.39
038-037-058	BURCIAGA RAYMOND SR & RAMONA	1241 ALAMO AVE	Modesto CA 95351	$39.39
038-037-059	VASQUEZ JOSE ATILIO	1237 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-060	LOMELI GUSTAVO A	1233 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-061	WINTERS SHIRLEY J ET AL TRS	1229 ALAMO AVE	Modesto CA 95351	$39.39
038-037-062	ORTEGA ANGELA	1225 ALAMO AVE	Modesto CA 95358	$39.39
038-037-063	ORTEGA GILBERTO H & ORTEGA FRANCISCA	1221 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-064	PEREZ LUIS A ET AL	1217 ALAMO AVE	Modesto CA 95351	$39.39
038-037-065	GUERRA-MARTINEZ RIGOBERTO A	1209 ALAMO AVE	Modesto CA 95351	$39.39
038-037-066	ROMERO ALEJO S & ROMERO FRANCISCA	422 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-067	DE LEON HECTOR S	418 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-068	CHAIREZ JOHNY LOPEZ ET AL	414 BROADWAY AVE	Modesto CA 95351-	$39.39
038-037-069	RIOS JUVENTINO	410 BROADWAY AVE	Modesto CA 95351	$39.39
038-037-070	SANDHU PARAMVEER	406 BROADWAY AVE	Modesto CA 95351-	$39.39
038-037-071	GARCIA VERONICA C	1218 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-072	TELLECHEA FLORENTINO JR & TELLECHEA JOSEFINA B	1222 SANTA FE AVE	Modesto CA 95351-	$39.39
038-037-073	HENDRIX GUYLANN J	1226 SANTA FE AVE	Modesto CA 95351-	$39.39
038-037-074	MARTINEZ MARIA DE JESUS ET AL	1230 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-075	DE LA TORRE HUGO	1234 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-076	NINO ARTURO	1242 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-077	DE LA RIVA JOEL	1246 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-078	ROMO MARTIN & ROMO ANA LUZ	1302 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-079	GONZALEZ MELECIO CERVANTES	1306 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-080	ANDERSON TRINA ET AL	1310 SANTA FE AVE	Modesto CA 95351-	$39.39
038-037-081	SOTO MARY ET AL	1314 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-082	MY COMMUNITY LLC	1318 SANTA FE AVE	Modesto CA 95351-	$39.39
038-037-083	COX CLEDOUS E & CUELLAR-COX MARGARET	1322 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-084	DEA BILLY & FRANCES	1326 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-085	AVILA RAFAEL RAMIRO CASTRO ET AL	1330 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-086	NORTH CAL INVESTORS LLC	1334 SANTA FE AVE	Modesto CA 95351	$39.39
038-037-087	TEMPLE BAUTISTA ROSA DE SARON INC	411 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-037-088	CH ASAMBLEAS DE DIOS BUEN SAMA	525 RIO GRANDE AVE	Modesto CA 95351	$39.39
038-037-089	RUELAS FELIPE	1230 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-090	RANGEL JAVIER & MARIA	1301 ALAMO AVE	Modesto CA 95351-	$39.39
038-037-091	BIBLE WAY TABERNACLE	502 BROADWAY AVE	Modesto CA 95351	$39.39
038-038-001	CONTRERAS PEDRO	611 RIO GRANDE AVE	Modesto CA 95351-	$39.39
038-038-002	JIMENEZ VICTOR ET AL	1333 MAIN ST	Modesto CA 95351	$39.39
038-038-003	FLORES AGUSTIN & FLORES IRENE M	1329 MAIN ST	Modesto CA 95351	$39.39
038-038-004	TURNER REBECCA	1325 MAIN ST	Modesto CA 95351-	$39.39
038-038-005	TURNER REBECCA	1321 MAIN ST	Modesto CA 95351-	$39.39
038-038-006	TORRES RUMALDO ET AL	1317 MAIN ST	Modesto CA 95351	$39.39
038-038-007	ARREQUIN PABLO	1313 MAIN ST	Modesto CA 95350-	$39.39

Parcel	Owner	Situs	City State Zip	Parcel Fee
038-038-008	ARREQUIN PABLO	1309 MAIN ST	Modesto CA 95351	$39.39
038-038-009	GRADILLA ANTONIO & URSUA PIEDAD	1305 MAIN ST	Modesto CA 95351	$39.39
038-038-010	GRANADOS JACINTO ET AL	1301 MAIN ST	Modesto CA 95351-	$39.39
038-038-011	GARZA JOAQUIN JR	1245 MAIN ST	Modesto CA 95351	$39.39
038-038-012	ROMERO BAUDELIO SR ET AL	1241 MAIN ST	Modesto CA 95351	$39.39
038-038-013	GOMEZ IGNACIO & MARIA GUADALUPE	1237 MAIN ST	Modesto CA 95351	$39.39
038-038-014	PALOMO GUADALUPE E	1233 MAIN ST	Modesto CA 95351-	$39.39
038-038-015	COX JASON & GLORIA	1229 MAIN ST	Modesto CA 95351	$39.39
038-038-016	TOOR INDERJIT S	1225 MAIN ST	Modesto CA 95351	$39.39
038-038-017	GLOBAL CAPITAL FUND 4 LLC	1221 MAIN ST	Modesto CA 95351	$39.39
038-038-018	SINGH JAGDEV & GILL RANJIT KAUR	1217 MAIN ST	Modesto CA 95351	$39.39
038-038-019	LEW JOE	614 BROADWAY AVE	Modesto CA 95351	$39.39
038-038-020	RODRIGUEZ FEDERICO	610 BROADWAY AVE	Modesto CA 95351-	$39.39
038-038-021	ALMOLAIKI ABDO	606 BROADWAY AVE	Modesto CA 95351	$39.39
038-038-022	CH APOST ASBY FTH CHRIST JESUS	602 BROADWAY AVE	Modesto CA 95351	$39.39
038-038-023	CORTEZ ANTONIO	1214 BOULDER AVE	Modesto CA 95351	$39.39
038-038-024	LINARES ANA & MARCOS C	1218 BOULDER	Modesto CA 95351	$39.39
038-038-025	BARAJAS JAVIER & IRMA N	1222 BOULDER AVE	Modesto CA 95351-	$39.39
038-038-026	NAYARES CARLOS M & ET UX	1226 BOULDER AVE	Modesto CA 95351	$39.39
038-038-027	GONZALEZ JESUS & GREGORIA	1230 BOULDER AVE	Modesto CA 95351	$39.39
038-038-028	CASILLAS HERIBERTO & MARIA	1234 BOULDER AVE	Modesto CA 95351	$39.39
038-038-029	DIAZ MA INES	1238 BOULDER AVE	Modesto CA 95351	$39.39
038-038-030	BARRON JOSE F & BARRON DOLORES M	1242 BOULDER AVE	Modesto CA 95351	$39.39
038-038-031	VELASQUEZ PEDRO ET AL	1246 BOULDER AVE	Modesto CA 95351	$39.39
038-038-032	RIOS AURELIO ET AL	1302 BOULDER AVE	Modesto CA 95351-	$39.39
038-038-033	CEJA LUZ ELENA CHAVEZ DE	1306 BOULDER AVE	Modesto CA 95358-	$39.39
038-038-034	AL-SUMERI FAHMI	1310 BOULDER AVE	Modesto CA 95351	$39.39
038-038-035	OLIDEM-LEONOR CHRISTINA	1314 BOULDER AVE	Modesto CA 95351	$39.39
038-038-036	LOPEZ MARTHA	1318 BOULDER AVE	Modesto CA 95351	$39.39
038-038-037	CHAVEZ JOSE & CHAVEZ ANA M	1322 BOULDER AVE	Modesto CA 95351	$39.39
038-038-038	AGUILAR FELIPE	1326 BOULDER AVE	Modesto CA 95351	$39.39
038-038-039	BANUELOS IFRAEL	1330 BOULDER AVE	Modesto CA 95351	$39.39
038-038-041	DEA FRANCES Y ET AL	1334 BOULDER AVE	Modesto CA 95351	$39.39
038-038-042	DEA FRANCES Y ET AL	603 RIO GRANDE AVE	Modesto CA 95351	$39.39

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-264

Print

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDMENT TO PRECISE PLAN AREA NO. 23 IN THE VILLAGE ONE SPECIFIC PLAN AREA, TO AMEND THE CONFIGURATION OF 57 SINGLE-FAMILY RESIDENTIAL LOTS WITH ALLEY ACCESS TO 59 STREET-ACCESSED SINGLE-FAMILY RESIDENTIAL LOTS, PROPERTY LOCATED WEST OF CLAUS ROAD AND NORTH OF FLOYD AVENUE

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, New FH, LLC has proposed an amendment to Precise Plan No. 23 in the Village One Specific Plan area to amend the configuration of 57 single-family residential lots with alley access to 59 street-accessed single-family lots, property located west of Claus Road and North of Floyd Avenue; and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-10 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on June 6, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on June 27, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Amendment to Precise Plan No. 23 of the Village One Specific Plan, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of June, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-10

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2017-10

For the proposed:

PPA-17-001: Amendment to Village One Precise Plan No. 23 Reconfiguration of Master Plan to Remove Alleys from Portion of Site

TSP-17-003: Vesting Tentative Subdivision Map to Re-subdivide Unbuilt Portion of Falling Leaf Subdivision Map to new 59-Lot Subdivision, Trails at Falling Leaf Re-subdivision

FDP-17-001: Final Development Plan, Trails at Falling Leaf

NW Corner of Floyd Avenue and Claus Road

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

March 8, 2017

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed Precise Plan Amendment and associated tentative map and Final Development Plan ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: PPA-17-001/TSM-17-003/FDP-17-001—Amendment to Precise Plan No. 23 of the Village One Specific Plan, with Vesting Tentative Subdivision Map and Final Development Plan (The Trails at Falling Leaf)

B. Address or Location: Northwest corner of Floyd Avenue and Claus Road; Modesto, CA

C. Applicant: New FH, LLC (attn.: Randy Bling), c/o Florsheim Homes
1701 W. March Lane, Suite D; Stockton, CA 95207

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Village Residential (VR)

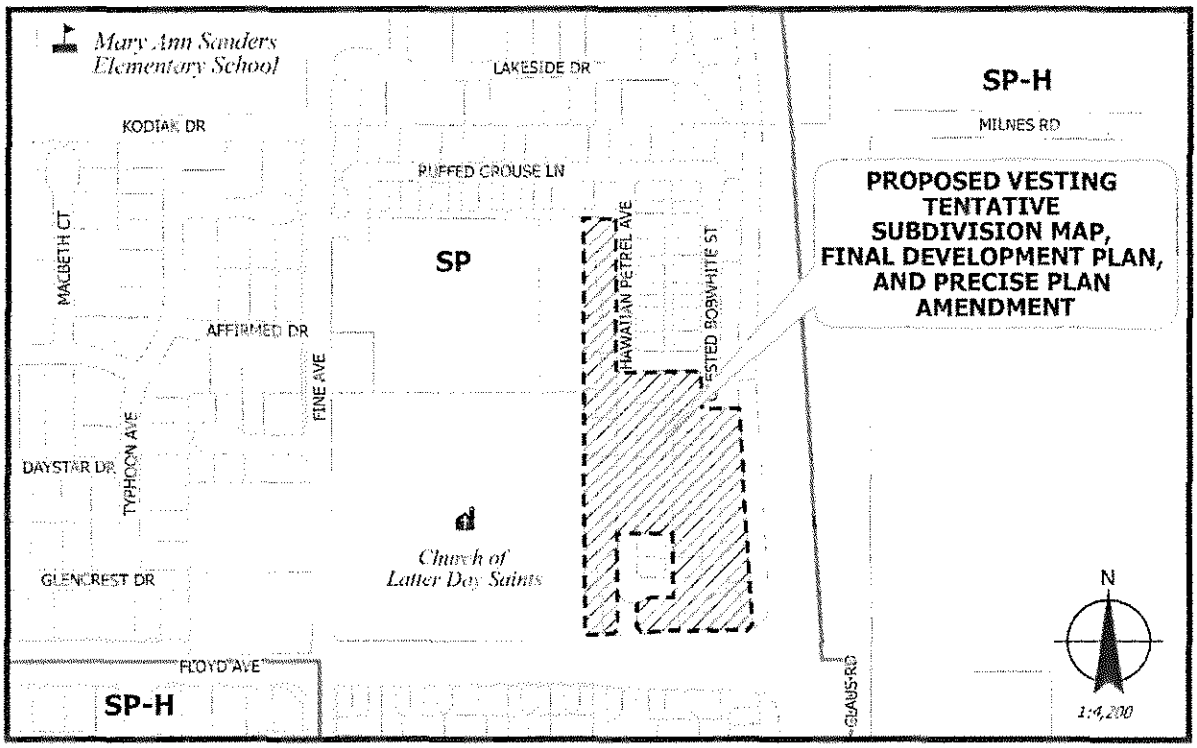
F. Current Zoning Classification(s): SP (Village One Specific Plan)

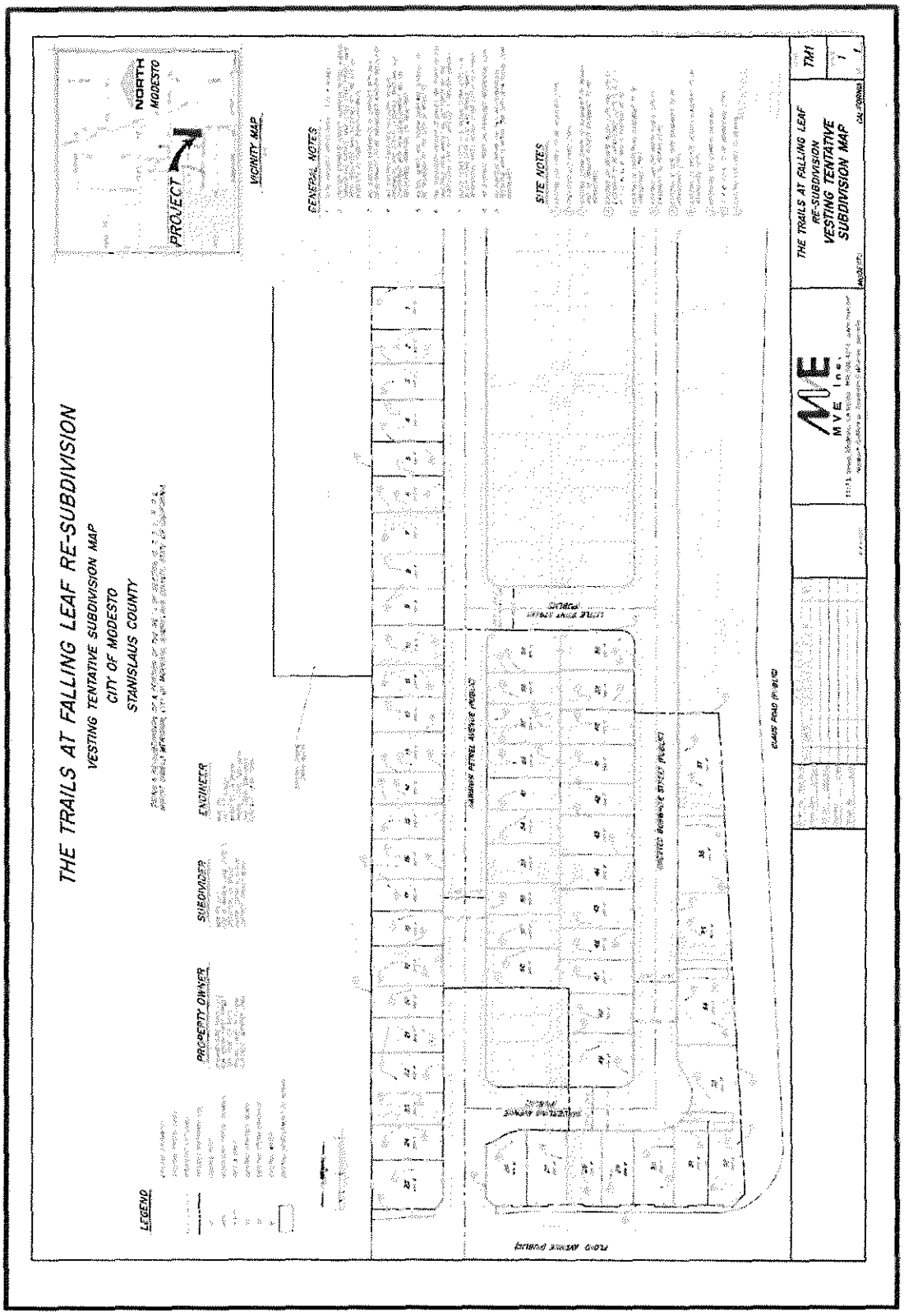
G. Surrounding Land Uses:

North: SP (Specific Plan) Zone, Single-Family Residential uses
South: SP (Specific Plan) Zone, Single-Family Residential uses
East: SP-H (Specific Plan-Holding), Vacant Land, Future Claus Expressway right-of-way
West: SP (Specific Plan) Zone, Church of Latter Day Saints; cellular tower facility, single family residence and vacant land.

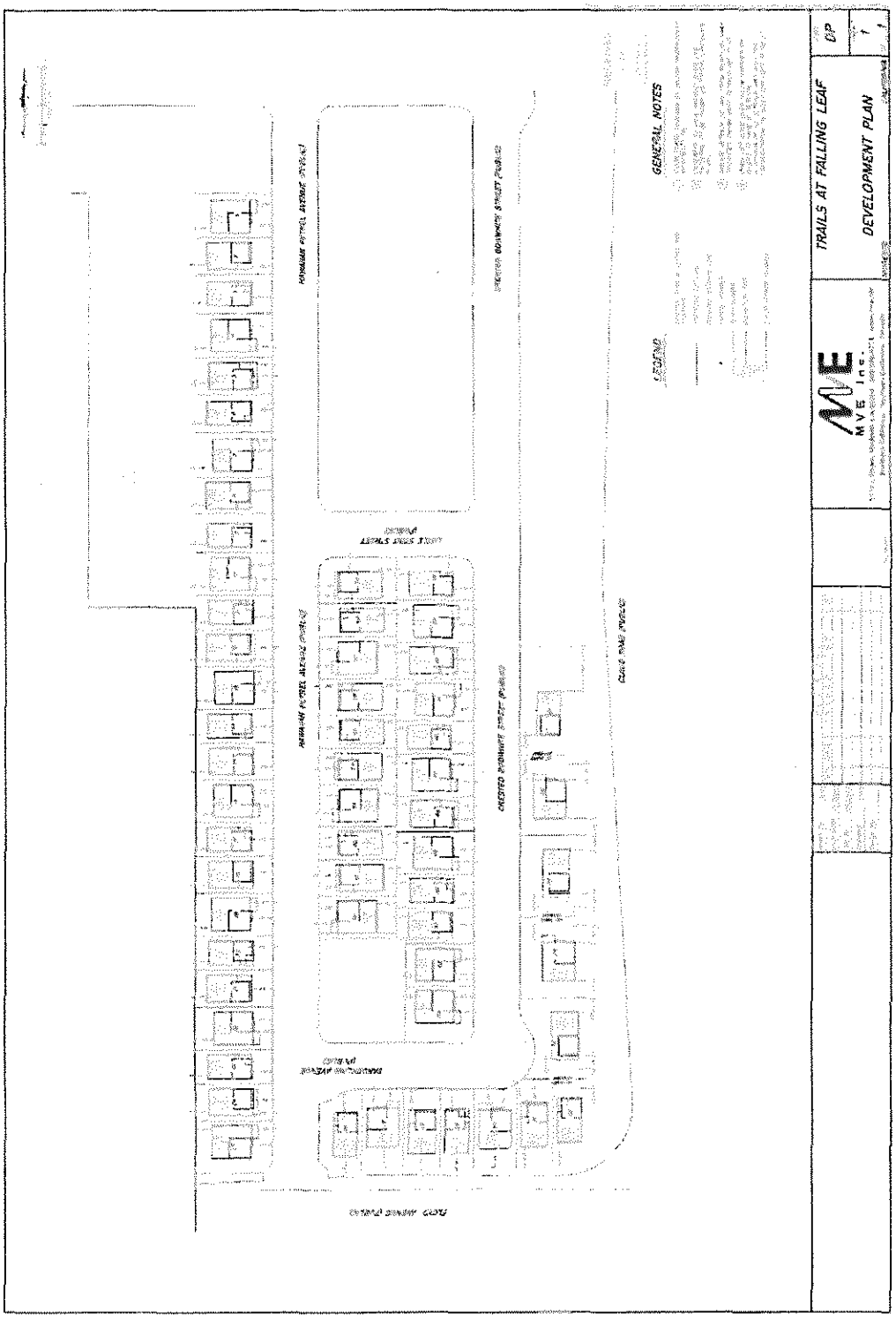
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposal to amend Precise Plan No. 23 of the Village One Specific Plan area, in order to reconfigure an unbuilt alley-loaded portion of the residential Falling Leaf Subdivision Map into a new 59-lot residential subdivision without alleys. Project involves a Final Development Plan for new single-family homes on small lots in accordance to the Village One Specific Plan, and a new vesting tentative subdivision map to re-subdivide a 57-lot portion of the recorded Final Map to create 59 lots.





VESTING TENTATIVE SUBDIVISION MAP
TSM-17-003



SITE PLAN FOR FINAL DEVELOPMENT PLAN: THE TRAILS AT FALLING LEAF
FDP-17-001

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

B. No new or additional mitigation measures or alternatives are required.

C. The subsequent project is within the scope of the project covered by the Master EIR.

D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

_____	Associate Planner	April 6, 2017
Project Manager	Title	Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other	☒	☐

	mitigation of impacts as a prerequisite to future development.		

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1) The project site is an unbuilt 57-lot portion of the recorded Falling Leaf Subdivision Map. All street infrastructure is in place and the project would re-subdivide the existing lots while keeping the infrastructure in place. The proposed re-subdivision would remove alleys from the site plan, allowing for front-loaded residential lots. Two new lots would be added to the original site plan, which would not result in an increase in traffic compared to what was originally approved for the site.

(2) The proposed project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) There are no significant changes in the level of service as a result of the project and therefore there are no significant cumulative (long term) traffic impacts.

(4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.

(5) The single-family units will provide parking in accordance to the residential requirements of the Municipal Code.

(6) The proposed project has been reviewed by Traffic, Planning and Transit staff, who indicated no concerns. The project would not conflict with any adopted plans for alternative transportation.

(7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-44 and AQ-46 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☒	☐
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☒	☐
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.				
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☒	☐

Discussion:

(1) The project involves the removal of finished alleyways in a portion of the recorded and improved Falling Leaf Subdivision Map that had infrastructure improvements installed but no homes built. The proposal is to allow for front-loaded single-family homes rather than homes with garages accessed from the alleyways. Emissions associated with the project would result from construction activity, with residential traffic volume at an amount no higher than what was originally assumed for the site.

(2) The project was referred to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), who indicated no concerns.

(3) The project is consistent with the City's policies regarding air quality. Therefore, project-specific effects will be less than significant.

(4) The proposed residential subdivision is not in itself a significant contributor to air pollution levels. The primary source of air pollution associated with the project would be residential traffic related, and would not result in a significant impact. The PM10 emissions created through construction activity will be mitigated as called for by the MEIR with the measures listed above.

(5) Construction activities for the project could potentially include the application of architectural coatings and asphalt paving materials that could generate localized temporary odors. The use of diesel-powered construction equipment could also generate localized temporary odors. Construction activities will be mitigated as called for by the MEIR with the mitigation measures listed above. Further, uses permitted within the proposed residential development would not create objectionable odors that would affect a substantial number of people.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at

various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with,	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Modesto Urban Area General Plan.				
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1-4) The project would not generate a significant amount of noise. There will be construction-related noise associated with the project involving heavy equipment; however, mitigation measures N-1 and N-2 will be applied to the project, which would mitigate those impacts to a less than significant level.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new

mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding agricultural lands from the MEIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The site is comprised of 57 finished but unbuilt residential lots within the Falling Leaf Subdivision proposed to be re-subdivided into 59 residential lots for the development of single-family homes. The site is not used for agricultural purposes.

(2) The site is within the Village One Specific Plan area inside the Planned Urbanized Area. The project is not located outside of the 2008 planning area boundaries.

(3) The project site is not zoned for agricultural uses nor is under a Williamson Act contract.

(4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The surrounding properties are developed with single-family residential uses, a church and right-of-way for the future Claus Road expressway.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering staff who indicated no concerns with water supply or demands of the project.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of

the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
existing commitments.				

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan.

(2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes SWPH-13, Table V-7-1(j), Policies for Sensitive Biological Habitats, Burrowing Owls, from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of

whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☒	☐
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☒	☐	☒

Discussion:

(1) The project involves the re-subdivision of a 57-lot portion of the Falling Leaf Subdivision Map into 59 single-family residential lots, with the removal of finished alleyways serving the original 57-lot configuration. The lots to be re-subdivided are considered finished lots, but have not been constructed with new homes.

Burrowing owls, which are listed in the MEIR as a Special Status Wildlife Species, have been known to establish nests in burrows in the vicinity of the project site. Burrowing Owl nests were identified in a storm-drain basin located at the northeast corner of Bear Cub Lane and Kodiak Drive, approximately 1000 feet east of the project site. The owls were passively relocated in 2013 in accordance with California Department of Fish and Wildlife Guidelines in order to complete needed improvements to the basin.

If Burrowing Owls are present on the project site at the time of construction, disturbance could destroy occupied nests. Construction activities during the owls' breeding season could result in the loss of fertile eggs or nestlings, or lead to nest abandonment. The loss of occupied Burrowing Owl habitat (habitat known to have been occupied by owls during the nesting season within the past three years), or reduction in the number of owls within the County, directly or indirectly through nest abandonment or reproductive suppression, is considered to be a significant impact the California Department of Fish and Wildlife. Additionally, raptors, including owls and their nests, are protected under both federal and state laws and regulations, including the Migratory Bird Treaty Act and California Fish and Game Code Section 3503.5. Implementation of the mitigation measures SWPH-13, Table V-7-1, from the MEIR would reduce the potential impact on this species to a less-than-significant level.

(2) The California Department of Fish and Wildlife were consulted in the course of preparing the General Plan MEIR, and implementation of mitigation measures recommended by the DFW would reduce impacts to sensitive species to less than significant.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The project site is not a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR.

(5) The project would not interfere with local policies or ordinances protecting biological resources.

(6) The proposed project would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined consistent with Public Resources Code section	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5024.1(c).				

Discussion:

(1) The project is consistent with the archeological and historical resource policies in the General Plan.

(2-3) The project site is comprised of finished yet unbuilt single-family residential lots. No buildings are to be altered or demolished as a result of the project.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) The project would not conflict with local policies affecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be

incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☐	☒
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the storm drainage policies in the Urban Area General Plan.

(2) The project was referred to the Land Development Engineering Department who indicated no concerns with storm water runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FW-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0345E dated September 26, 2008.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The City's Land Development Engineering Staff have reviewed the project and indicated no concerns that the project would cause significant flooding or unanticipated sources of runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space.

(3) The project would result in an increase in the use of existing park facilities; however, deterioration or other physical changes to the facilities are not expected to occur as a result of the project.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools and Sylvan Schools who indicated no opposition to the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.				

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) This project was referred to the Solid Waste Division for review, who indicated no concerns over service to the project area.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
California as of March 2008.				

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
relating to visual resources in the Urban Area General Plan.				
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2) The project would not impact views from riverside areas and parks.

(3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The site is designated Village Residential the General Plan. The project is therefore consistent with the current General Plan Land Use designation and with land use and planning policies in the General Plan.

(2) The project would not divide an established community. The surrounding area is developed with residential uses including a church to the west. The proposed subdivision is consistent with the surround uses and would not divide existing neighborhood.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☒	☐
3) The proposed project would conflict with the	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.				

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project is required to develop in accordance with climate change policies included in the UAGP and the MIER.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO_2 emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO_2 emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the Air Resources Board. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Generation of Noise:

N-3: The project shall comply with the City's noise ordinance. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

SWPH-13, Table V-7-1(j): Implementation of formal CDFG guidelines to avoid and minimize impacts to Burrowing Owls.

In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFG guidelines for Burrowing Owls shall be completed prior to the start of construction. Burrowing owl habitat on the project site and within a 500-foot (150 m) buffer zone shall be assessed. If the habitat assessment concludes that the site and immediate vicinity lack suitable Burrowing Owl habitat, no additional action would be warranted. However, if suitable habitat is located on, or immediately adjacent to, the site, all Burrowing Owl habitat shall be mapped at an appropriate scale, and the following mitigation measures should be implemented:

1. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for Burrowing Owls, in conformance with CDFG guidelines, shall be completed no more than 30 days prior to construction within suitable habitat.

2. No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.

3. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting Burrowing Owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.

4. If accidental take (disturbance, injury, or death of owls) occurs, the CDFG will be notified immediately.

If pre-construction surveys determine that Burrowing Owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing Burrowing Owl foraging habitat and breeding habitat should be acquired and preserved. An area of 6.5 acres 2.6 ha) (the amount of land found to be necessary to sustain a pair or individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement, the project applicant shall secure the performance of its mitigation duties by providing the CDFG with security in the form of funds that would:

1. Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of HM lands;

2. Provide initial protection and enhancement activities on the HM lands, potentially including, but not limited to, such measures as fencing, trash clean up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFG;

3. Establish an endowment for the long-term management of the HM lands; and

4. Reimburse the CDFG for reasonable expenses incurred as a result of the approval and implementation of this agreement.

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Flooding and Water Quality:

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-265

RESOLUTION APPOINTING JOSEPH P. LOPEZ AS INTERIM CITY MANAGER AND AMENDING RESOLUTION 2017-164 TO REFLECT THE NEW TITLE

WHEREAS, on May 2, 2017 the City Council adopted Resolution 2017-164, setting the salary and benefits for Joe Lopez as Acting City Manager; and

WHEREAS, Joe Lopez has served as Acting City Manager since that date; and

WHEREAS, the City Council now desires to change his title to "Interim City Manager;" and

WHEREAS, this Resolution will formally appoint Joe Lopez as Interim City Manager and amend Resolution 2017-164 to simply change the title from "Acting City Manager" to "Interim City Manager;" and

WHEREAS, this Resolution will not change the salary or any benefit previously approved by the City Council for the Acting City Manager position.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Joe Lopez is appointed as Interim City Manager effective immediately.

2. Joe Lopez' assignment as Interim City Manager is subject to the complete discretion of the City Council, and such assignment may be terminated by the City Council at any time for any or no reason. At such time that the City Council terminates such assignment, Joe Lopez shall return to his Deputy City Manager position at the salary and benefits previously set.

3. Resolution 2017-164, is hereby amended to change its applicability from the position of "Acting City Manager" to "Interim City Manager." The salary and

benefits will all remain the same and will now apply to Joe Lopez as Interim City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-266

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE AMENDED AND RESTATED SERVICE AGREEMENT FOR THE SUPPLY AND ACCEPTANCE OF SOLID WASTE BETWEEN COVANTA STANISLAUS, INC. AND THE CONTRACTING COMMUNITIES, THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS WITH AN EFFECTIVE DATE OF JULY 5, 2017, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT

WHEREAS, in 1989 Covanta Stanislaus, Inc. began operating a Waste-to-Energy (WTE) Facility off of Interstate 5 in Crows Landing, California, under a Service Agreement with the County of Stanislaus and the City of Modesto ("Contracting Communities"), and

WHEREAS, a Joint Powers Authority (JPA) between the Contracting Communities was formed, with two representatives of the Stanislaus County Board of Supervisors and two members of the Modesto City Council as Committee members, and

WHEREAS, the Waste-to-Energy Facility receives 243,000 tons of the Contracting Communities' waste annually and processes it as fuel for the plan to generate up to 22.5 megawatts of electricity per year, and

WHEREAS, July 1, 2012 the Contracting Communities and Covanta negotiated the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste and have been operating under that Service Agreement, and

WHEREAS, in the fall of 2016, Covanta requested that the Contracting Communities consider an amendment to the Service Agreement to increase the allowable tonnage of Special Waste that Covanta can procure from 12,200 tons per contract year to 30,000 tons per year, and

WHEREAS, during negotiating sessions the Contracting Communities requested

that Covanta accept an amendment that changes the liability of Unforeseen Circumstance Costs from the Contracting Communities bearing 25% and Covanta bearing 75%, to the Contracting Communities bearing 0% and Covanta bearing 100% of the Unforeseen Circumstance Costs risk, and

WHEREAS, the Contracting Communities and Covanta reached a mutual agreement to amend the terms of the Service Agreement as stated, and

WHEREAS, these amendments will have a positive fiscal impact on the Contracting Communities as they will alleviate future financial burden on the Contracting Communities for Unforeseen Circumstances Costs, and

WHEREAS, this was presented at the regularly scheduled meeting of the Stanislaus County/City of Modesto Waste-to-Energy JPA Committee on June 15, 2017, and

WHEREAS, the Stanislaus County/City of Modesto WTE JPA Committee approved the First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste , and recommend forwarding it to the Modesto City Council and the Stanislaus County Board of Supervisors for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the **attached** First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste between Covanta Stanislaus Inc. and the Contracting Communities, the City of Modesto and County of Stanislaus with an effective date of July 5, 2017.

BE IT FURTHER RESOLVED, that the Acting City Manager, or his designee, is hereby authorized to execute the First Amendment to the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste, in a form approved by the City

Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM

By: _____
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO AMENDED AND RESTATED SERVICE AGREEMENT FOR THE SUPPLY AND ACCEPTANCE OF SOLID WASTE

This First Amendment to Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste (this ***"Amendment"***) is entered into as of July ___, 2017 (the ***"Effective Date"***), by and among the County of Stanislaus, a political subdivision of the State of California, acting by and through its Board of Supervisors (the "***County***"), the City of Modesto, a municipal corporation, acting by and through its City Council (the "***City***"), and Covanta Stanislaus, Inc., a California corporation (the "***Company***"). The County and City are collectively referred to herein as the "***Contracting Communities***."

Recitals

A. The Contracting Communities and the Company are parties to that certain Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste dated as of July 1, 2012 (the ***"Service Agreement"***); capitalized terms used but not defined in this Amendment shall have the meanings given them in the Service Agreement;

B. The Contracting Communities and the Company wish to amend the Service Agreement as provided in this Amendment.

Agreement

NOW, THEREFORE, for and in consideration of the mutual covenants in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, and intending to be legally bound, the Contracting Communities and the Company hereby agree as follows:

1. Special Waste. (a) Section 4.03(d)(ii) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

"(ii) From July___, 2017 until the expiration or termination of this Agreement, up to 30,000 Tons per Contract Year of Special Waste arranged by the Company shall have priority over Contracting Communities Excess Waste. Contracting Communities will incur no liability if Company accepts Excess Waste from Contracting Communities that effectively limits Company's ability to reach 30,000 tons per Contract Year of Special Waste.

Special Waste deliveries to the Facility arranged by the Company shall in no event exceed the amounts set forth in Section 4.03(d)(i) and (ii) above for the periods set forth therein."

(b) Section 4.03(c) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

"(c) Fees from Excess Waste and Special Waste. If the Company is procuring for the Facility from third parties Excess Waste that constitutes the first 30,000 Tons per Contract Year of Special Waste, then the Company shall retain for its own account the entire Third Party Tipping Fee for that Special Waste. For all other Excess Waste so procured (including Special Waste in excess of 30,000 Tons per Contract Year), (i) the Company shall retain for its own account the portion of the Third Party Tipping Fee for such Excess Waste up to the then applicable Excess Waste Tipping Fee, and (ii) the portion of such Third Party Tipping Fee in excess of the then applicable Excess Waste Tipping Fee shall be split 60% to the Company and 40% to Contracting Communities. The Company agrees that the Contracting Communities may dispose at the Facility, free of charge, Special Waste arising out of governmental activities occurring within Stanislaus County, such as illegal drugs confiscated by law enforcement agencies"

(c) The following sentence is hereby added to the end of Section 4.01(a) of the Service Agreement:

"From July___, 2017 until the expiration or termination of this Agreement, the Company and the Contracting Communities, by mutual written agreement, may agree to reduce the Guaranteed Tonnage on such terms and conditions as they may agree, in each party's sole individual discretion."

2. Unforeseen Circumstances. (a) Section 6.05(c)(3) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

"From July ___, 2017 until the expiration or termination of this Agreement:

(i) The Company shall bear 100% of Unforeseen Circumstance Costs and the Contracting Communities shall bear 0% of Unforeseen Circumstance Costs.

(ii) If upon expiration or termination of this Agreement on or after January 2, 2016 there is any balance of Excess Electric Revenues remaining, then such balance shall be for the account of the Company."

(iii) As of the date of execution of this agreement, Unforeseen Circumstances Costs attributable to Contracting Communities are $0.00.

(b) Section 6.05(d) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

*"(d) Unforeseen Circumstance Cost Limit. If the cumulative total of Unforeseen Circumstance Costs incurred from and after the Service Commencement Date by the Company exceeds $15,000,000, excluding Excess Electric Revenues applied pursuant to Section 6.05(c)(3)(ii) above (such net amount being the "**Initial UCC Termination Threshold**"), then the Company shall have the right to terminate this Agreement without payment of any termination fee (a "**UCC Termination**") by providing written notice of termination to the Contracting Communities within 90 days after having provided to the Contracting Communities written notice that such Initial UCC Termination Threshold has been reached. The Contracting Communities, acting jointly, shall have the right to avoid the UCC Termination by agreeing in writing to pay, and paying to the Company, within 30 days after receipt of the termination notice as to amounts already then incurred by the Company (and when and as incurred as to amounts incurred thereafter), the amount incurred by the Company in excess of the Initial UCC Termination Threshold (the "**Termination Avoidance Amount**"). If the Company does not exercise an applicable UCC Termination or if the Contracting Communities avoid the UCC Termination pursuant to the immediately preceding sentence, then this Agreement shall continue uninterrupted and in full force and effect, unless and until additional Unforeseen Circumstance Costs, in excess of the Initial UCC Termination Threshold, incurred by the Company exceed a cumulative total of $1,500,000 (a "**Subsequent UCC Termination Threshold**"), at which time a UCC Termination right shall arise for the Company again in accordance with the foregoing provisions of this Section 6.05(d), based on a Subsequent UCC Termination Threshold amount of $1,500,000 (rather than the Initial UCC Termination Threshold) and including the termination avoidance provisions. If the Company does not timely exercise the UCC Termination when the Subsequent UCC Termination Threshold is reached, or if the Contracting Communities avoid the UCC Termination pursuant to the immediately preceding sentence, then this same process shall apply each time a new Subsequent UCC Termination Threshold is reached during the Service Term."*

(c) Section 6.05(e) of the Service Agreement is hereby deleted in its entirety and replaced with the following:

*"(e) Constructive Total Loss. If the Second UCC Notice states that the Unforeseen Circumstance is expected to result in aggregate Capital Costs together with net increases in operation and maintenance costs of the Facility, over the remainder of the Service Term in each case ("**Restoration Costs**") in excess of $22 million (the **"Loss Termination Threshold"**), the Company shall include clear and convincing evidence of such Restoration Costs in the Second UCC Notice. The Contracting Communities will state in their response notice, to be delivered within 20 days of receipt of the Second UCC Notice, whether they agree or disagree that the Restoration Costs will exceed the Loss Termination Threshold. If the Contracting Communities do not so agree, then such disagreement will be subject to dispute resolution pursuant to Section 9.20. If the Contracting Communities state in their response notice that they agree that the Restoration Costs will be greater than the Loss Termination Threshold, or the decision delivered in the arbitration so determines, as applicable (either being a **"Restoration***

Cost Substantiation"), *then the Company shall have the right to terminate this Agreement without paying any termination fee by providing to the Contracting Communities no less than 180 days and no more than 240 days written notice of termination (a "****Termination Notice****"). Such Termination Notice shall be delivered within 30 days after Restoration Cost Substantiation. Upon the effective date of the termination, the Facility Site Lease Agreement shall terminate, Section 7.04 of the Facility Site Lease Agreement will apply and neither the Contracting Communities nor the Company shall have any further rights or obligations under this Agreement, except for any rights or obligations which expressly survive termination of this Agreement."*

3. Ratification. Except as otherwise provided in this Amendment, the Service Agreement remains in full force and effect, and the Company and the Contracting Communities hereby ratify and confirm the Service Agreement, as amended by this Amendment.

[Signatures appear next page]

EXECUTED as of the Effective Date

COUNTY OF STANISLAUS
Department of Environmental Resources

By: _____
Stan Risen, Chief Executive Officer

"County"

Covanta Stanislaus, Inc.

By: _____
Title: _____

"Covanta"

APPROVED AS TO FORM:
John D. Doering, County Counsel

By: _____
Amanda DeHart, Deputy County Counsel

CITY OF MODESTO

By: _____
Joseph P. Lopez, Acting City Manager

"City"

CITY OF MODESTO

By: _____
Adam U. Lindgren, City Attorney

"City"

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-267

RESOLUTION APPROVING THE PURCHASE OF PIPE SADDLES TO FERGUSON WATERWORKS, MODESTO, CA, AND PACE SUPPLY CORPORATION, STOCKTON, CA, FOR A TWO YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $70,000, AND $350,000 OVER FIVE YEARS, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING AGREEMENT

WHEREAS, the City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for purchase of pipe saddles, and

WHEREAS, on April 12, 2017, the Purchasing Division issued RFB No. 1617-27 for the purchase of Pipe Saddles on the City's website under the commodity codes for pipe, tubing and accessories, nine companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Two companies chose to respond. All companies provided responsive and responsible bids, and one local vendor responded, and

WHEREAS, based on providing lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, and based on the pricing submitted, the local vendor, Ferguson Waterworks, didn't qualify for local vendor preference under the Modesto Municipal Code, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City. As allowed by the resolution, the City Manager's Office approved an exception to this freeze for this procurement. Justification for this exception is based upon the need of the Utilities Department to strengthen and maintain a safe infrastructure of water supply and sewers to

ensure reliable fire protection, water and storm/sewer service to City of Modesto customers.

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bids for the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, the cost for these services will be covered by the Water funds through existing budget cost centers 4100-45020, 45040 and various CIP projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of pipe saddles to Ferguson Waterworks, Modesto, CA, and Pace Supply Corporation, Stockton, CA, for a two year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $70,000 and $350,000 over five years in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to issue and enter into a purchasing agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-268

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR FINAL DESIGN REPORT FOR THE RIVER TRUNK REHABILITATION (GALLO) AND THE CANNERY SEGREGATION DIVERSION STRUCTURE PROJECTS IN THE AMOUNT OF $41,676, AND AUTHORIZING THE ACTING CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT

WHEREAS, to provide reliability to the River Trunk sewer and Cannery Segregation Trunk sewer, a diversion structure is necessary to allow the bypass of flows in the event one of these trunks experiences a failure, and

WHEREAS, the diversion structures will allow flow to be redirected to one of the trunks to maintain service while repairs can be made, and

WHEREAS, additionally, a section of the River Trunk between the Beard Brook Siphon junction structure and Santa Cruz Avenue was discovered to be severely corroded at the crown of the pipe, and

WHEREAS, the damaged section of the River Trunk consists of 2,160 feet of 45 to 48-inch unlined reinforced concrete pipe that runs through the Gallo Winery property, and

WHEREAS, immediate repairs were needed to prevent the pipe from collapsing and to restore reliability for this critical sewer trunk, and

WHEREAS, the goal of the project is to restore the structural integrity of the pipe and provide a plastic lining that will resist future corrosion, and

WHEREAS, on April 14, 2015, by Resolution No. 2015-118, Council approved an agreement with Carollo Engineers, Inc. (Carollo) to provide design, bid and

engineering during construction services for the River Trunk Rehabilitation (Gallo) and the Cannery Segregation Diversion Structure Projects, and

WHEREAS, during the bid phase of the Cannery Segregation Diversion Structure Project, City staff discovered the project would require coordination with the concurrently planned Tuolumne Regional River Park (TRRP) Phase 2 Project, and

WHEREAS, as part of the TRRP Phase 2 Project, the Parks Department was designing a bike trail project within the Cannery Segregation Diversion Structure project limits, and

WHEREAS, additional coordination efforts were required to merge final grading of both projects, and to address the soil loading issues associated with the bike trail grading on the River Trunk and Cannery Segregation Trunk, and

WHEREAS, a revised grading design was prepared along with revised bid items and construction cost estimates, and

WHEREAS, additionally, during the first bid phase of the River Trunk Rehabilitation Project within the Gallo facility, the City received a bid protest resulting in the project needing to be rebid, and

WHEREAS, the plans and specifications were revised to provide clarification, and

WHEREAS, the additional coordination and construction document revisions resulted in extended effort in the following tasks: 1) Project Management; 2) Bid Phase Services; and 3) Engineering Services During Construction, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to the freeze for this procurement, and

WHEREAS, justification for this exception is that the projects were previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable utilities, and a budget transfer from reserves, to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the first amendment to the agreement is for professional services and, therefore, exempt from the bid requirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Carollo Engineers, Inc., Walnut Creek, CA, for Final Design Report for the River Trunk Rehabilitation (Gallo) and the Cannery Segregation Diversion Structure Projects in the amount of $41,676.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-269

RESOLUTION APPROVING A LIST OF PROJECTS TO BE FUNDED WITH MEASURE L TAX PROCEEDS IN FISCAL YEAR 2017-2018, INCLUDING CERTAIN PROJECTS IN THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM AND APPROVING THE BUDGET ADJUSTMENT FOR EACH PROJECT

WHEREAS, in November, 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase for transportation and pavement rehabilitation projects known as Measure L, and

WHEREAS, the City of Modesto's estimated share of Measure L funds is approximately $8.9 Million, and

WHEREAS, on October 4, 2016, the City Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission ("Commission"). The Commission will consist of eleven members appointed by the City Council, and

WHEREAS, the Commission has not yet been formed and in order to avoid delaying the design and construction of the first Measure L projects, staff is seeking City Council approval of a list of proposed projects and the necessary budget adjustments, and

WHEREAS, the local Measure L funds that the City will receive are divided into three categories, and

WHEREAS, the City anticipates receiving $6.87 Million annually for the Local Streets and Roads category which is to be used exclusively for repair and maintenance of our City streets, and

WHEREAS, the City anticipates receiving $1.37 Million annually for the Traffic Management category which is to be used to upgrade intersections, widen roads, signalize intersections, install traffic calming devices, etc., and

WHEREAS, the City anticipates receiving $687,000 annually for the Bike and Pedestrian Improvement category which is to be used for local connectivity between communities, local schools, trails and recreation facilities, and

WHEREAS, on May 24, 2016, by Resolution 2016-220 the City Council approved a list of proposed projects to be funded upon the successful passage of Measure L within the first 5 years, which is shown in **Exhibit A, attached** hereto, and

WHEREAS, staff reviewed the list and is recommending a more specific and expanded list of projects, which is shown in **Exhibit C, attached** hereto, to be funded with Measure L funds in Fiscal Year 2017-2018, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit B, attached** hereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the list of projects to be funded with Measure L tax proceeds in Fiscal Year 2017-2018, including the projects in the Fiscal Year 2017-2018 Capital Improvement Program shown in **Exhibit C, attached** hereto.

BE IT FURTHER RESOLVED that Council hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit B** in order to fund the various Capital Improvement Projects with Measure L proceeds.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

StanCOG Expenditure Plan Project List
Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
Local Streets and Roads (50%)					
Pavement Rehabiliation	Carpenter Rd.	1.75 CL miles of Overlay, Mill/Fill or Reconstruction	$2.9 M	July 2017	November 2018
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	100 lane miles of Slurry or 24 lane-miles of Rubber Cape Seal	$3.9 M	July 2017	November 2018
Pavement Rehabiliation	Claus Rd., La Loma Ave., Tully Rd.	3.5 CL miles of Overlay, Mill/Fill or Reconstruction	$3.4 M	July 2018	November 2019
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	87 lane miles of Slurry or 15 lane-miles of Mill/Fill	$3.4 M	July 2018	November 2019
Pavement Rehabiliation	Oakdale Rd, Orangeburg Ave	3.25 CL miles of Overlay, Mill/Fill or Reconstruction	$3.1M	July 2019	November 2020
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	90 lane miles of Slurry or 21 lane-miles of Rubber Cape Seal or 14 lane-miles of Mill/Fill	$3.5M	July 2019	November 2020
Pavement Rehabiliation	Prescott Rd	1.7 CL miles of Overlay and Mill/Fill	$2.1M	July 2020	November 2021
Pavement Maintenance and/or Rehabilitation	Various Residential and/or Collector Streets	120 lane miles of Slurry or 29 lane-miles of Rubber Cape Seal or 19 lane-miles of Mill/Fill	$4.7M	July 2020	November 2021
Pavement Maintenance and/or Rehabilitation	Various Residential, Collector and Arterial Streets	175 lane miles of Slurry or 42 lane-miles of Rubber Cape Seal or 27 lane-miles of Mill/Fill or 9 lane-miles of Reconstruction or some combination thereof	$6.8M annually until 2041	Annually	Annually
Total			**$171,868,971**		

StanCOG Expenditure Plan Project List
Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
Traffic Management (10%)					
Traffic Managemet - Safety	Improve traffic flow and safety around schools	Improve traffic flow and safety around schools (i.e. Modesto High School, Garrison Elementary,Johansen High, Orchard Elemenatary, Burbank Elementary, Orville Wright Elementary, etc)		July 2017	June 2044
Traffic Management - Safety	Intersection Improvements for Traffic Safety and Traffic Flow	Intersection improvements for traffic safety and flow at various intersections (i.e. Orangeburg/Coffee, Standiford/Hahn, etc)		July 2017	June 2044
Traffic Management - Congestion	Expansion of Existing Advanced Traffic Management System (ATMS)	Expansion of existing Advanced Traffic Management System (ATMS) to allow for communication from the Traffic Operations Center (TOC) to traffic signal locations.		July 2017	June 2044
Traffic Management - Safety	Safety Improvements at High Collision Locations	Safety Improvements at locations where collision history shows a pattern or at high collision frequency locations		July 2017	June 2044
Traffic Management - Safety	Installation and Upgrade to EVP - for Fire and Police	Installation and Upgrades to the Emergency Vehicle Pre-Emption equipment for the Fire Department and Police Department		July 2017	June 2044
Traffic Management - Safety and Congestion	Installation and Maintenance of Intersection Control Devices	Installation and maintenance of traffic control devices at various locations (i.e. traffic signals, roundabouts, etc)		July 2017	June 2044
Traffic Management - Safety and Congestion	Collision Database software program	Purchase and implementation of a Collision Database software program to provide trends and track collision patterns throughout the City of Modesto		July 2017	June 2044
Traffic Management - Safety and Congestion	Traffic Adaptive	Upgrade to Traffic Adaptive communications		July 2025	June 2044
TOTAL			**$34,373,800**		

StanCOG Expenditure Plan Project List
Agency: City of Modesto

Type	Projects	Description	Budget	Start	Complete
Bike/Pedestrian (5%)					
Bike/Pedestrian	Bike/Pedestrian (Non-motorized) Master Plan	Bike/Pedestrian (Non-motorized) Master Plan		July 2017	June 2019
Bike/Pedestrian	MJC Class 1 Bike Path -Phase 3	Complete MJC East and West cycle track to Virginia Corridor		July 2018	June 2019
Bike/Pedestrian	Dry Creek Trail Maintenance	Ongoing trail maintenance		Ongoing	
Bike/Pedestrian	G St Bicycle Facility	Improve from Paradise to Burney		July 2019	June 2020
Bike/Pedestrian	H St Bicycle Facility	Improve from Paradise to 19th		July 2020	June 2021
Bike/Pedestrian	Virginia Corridor Trail Maintenance	Ongoing trail maintenance		Ongoing	
Bike/Pedestrian	Projects to be determined following approval of the Bike/Pedestrian Master Plan	TBD		TBD	
TOTAL:			**$17,186,897**		

Exhibit B

Measure L funding requst FY 17/18

CIP #	Project Name	Task	Amount	From Measure L Cost Center
101036	Carpenter Rd. Street Improvements	EDA	$435,000	
		CA	$246,500	
		CON	$2,218,500	
		Total	**$2,900,000**	14625(Local Streets & Roads)
101037	Lakewood Neighborhood Street Improvements	EDA	$250,000	
		CA	$162,500	
		CON	$1,462,500	
		Total	**$1,875,000**	14625(Local Streets & Roads)
101038	Wylie, Floyd and Carver Street Improvements	EDA	**$300,000**	14625(Local Streets & Roads)
101039	Task Force to establish school safety needs	EDA	**$45,000**	14626(Traffic Management)
101040	Improve Traffic Flow and Safety @ Orville Wright Elementary	EDA	$70,000	
		CA	$25,000	
		CON	$225,000	
		Total	**$320,000**	14626(Traffic Management)
101043	Replace 120 obsolete traffic controllers	CON	**$585,000**	14626(Traffic Management)
100884	HSIP-5059(204)Emergency Vehicle Premeption	CON	**$61,500**	14626(Traffic Management)
100719	CML-5059(190) New Traffic Signals Floyd/Millbrook, Prescott/Mt. Vernon, Roselle/Belharbour	CON	**$160,000**	14626(Traffic Management)
100634	CML-5059(185) Upgrade Traffic Signals 9th/B, 7th/G, 7th/H, 7th/I	CON	**$175,000**	14626(Traffic Management)
100990	System Safety Analysis Report Program	EDA	**$25,000**	14626(Traffic Management)
100882	ATPL-5059(209) MJC Bike Path Phase II	CON	**$300,000**	14627(Bike and Pedestrian)
101041	Non-motorized master plan (Active Transportation Plan)	EDA	**$300,000**	14627(Bike and Pedestrian)
101042	Paradise Rd. - environmental documents for ATP Project	ENV	**$25,000**	14627(Bike and Pedestrian)

Subtotal of request	
$5,075,000	14625(Local Streets & Roads)
$1,371,500	14626(Traffic Management)
$625,000	14627(Bike and Pedestrian)
$7,071,500	

Exhibit C page 1 of 3

City of Modesto

Proposed Fiscal Year 2017/18 Measure L Projects

Local Streets & Roads (Annual Budget - $6,874,758/yr.)

Type of Work	Project	Design	Construction	Total Budget	Notes
Pvmt. Rehab.	**Carpenter Rd. Street Improvements**	$435,000	$2,465,000	**$2,900,000**	
	Design - City Staff/Consultant	$369,750			
	Topographic Survey & Monumentation Preservation - City Staff/Consultant	$65,250			
Pvmt. Rehab.	**Lakewood Neighborhood Street Improvements (Residential Streets)**	$250,000	$1,625,000	**$1,875,000**	
	Pavement Rehabilitation & ADA Curb Ramp Improvements				
	Design - City Staff/Consultant	$212,500			
	Topographic Survey & Monumentation Preservation - City Staff/Consultant	$37,500			
Pvmt. Rehab.	**Portions of Wylie Dr., Floyd Ave., and Carver Ave. Street Impv. (Collector Streets)**	$300,000		**$300,000**	
	Pavement Rehabilitation & ADA Curb Ramp Improvements				Construction in FY 18/19 with designated Measure L funds in the amount of $1,700,000.
	Design - City Staff/Consultant	$255,000			
	Topographic Survey & Monumentation Preservation - City Staff Consultant	$45,000			
~~**Pvmt. Rehab.**~~	~~**Annual Slurry Program with PW staff (Residential Streets)**~~		~~$1,345,000~~	~~**$1,345,000**~~	
	~~Place 75 lane-miles of Type II Slurry on residential streets~~				
	~~New 5-man slurry crew~~		~~$365,000~~		~~On-going annual cost for PW to slurry 75 lane miles =$865,000~~
	~~Material cost~~		~~$500,000~~		
	~~One-time cost for FY17/18 for truck, sign & striping traffic grinder~~		~~$480,000~~		
~~**Pvmt. Rehab.**~~	~~**Annual Striping Program with PW staff**~~		~~$413,000~~	~~**$413,000**~~	
	~~2 new Traffic Operation Technicians~~		~~$151,000~~		
	~~1 new Maintenance Worker I/II~~		~~$57,000~~		
	~~2 new 1,000 hour employees for paint crew~~		~~$30,000~~		
	~~One-time cost for FY17/18 for paint truck & equipment~~		~~$175,000~~		
			TOTAL:	**$5,075,000**	

To be discussed at a later date

Exhibit C page 2 of 3
City of Modesto
Proposed Fiscal Year 2017/18 Measure L Projects

Traffic Management (Annual Budget - $1,374,952/yr.)

Type of Work	Project	Design	Construction	Total Budget	Notes
Traffic Mgt. - Safety	**Task Force coordination to establish school safety needs.**	$45,000		**$45,000**	
	City Staff	$45,000			
Traffic Mgt. - Safety	**Improve Traffic Flow and Safety @ Orville Wright Elementary School**	$70,000	$250,000	**$320,000**	
	Design - City Staff/Consultant	$50,000			Construction funds to be programmed in FY 18-19
	Topographic Survey & Monumentation Preservation - City Staff Consultant	$20,000			
Traffic Mgt. - Safety	**Replace 120 Obsolete Traffic Controllers**		$585,000	**$585,000**	
	Replace 120 of 157 existing obsolete traffic controllers with modern model 2070 controllers to improve citywide traffic flow		$585,000		
Traffic Mgt. - Safety	**HSIP 5059 (204) - Emergency Vehicle Preemption**		$61,500	**$61,500**	
	Needed Match money		$61,500		Match Funds, Construction Ready
Traffic Mgt. - Safety	**CML 5059 (190) - New Traffic Signal 2013 - (Floyd Ave./Millbrook Ave., Prescott Rd./Mt. Vernon and Roselle/Belharbour**		$160,000	**$160,000**	
	Needed Match money		$160,000		Match Funds, Construction Ready
Traffic Mgt. - Safety	**CML 5059 (185) - Upgrade Traffic Signals 2013 - (9th/B St., 7th/G St., 7th/H St., & 7th/I St. intersections)**		$175,000	**$175,000**	
	Needed Match money		$175,000		Match Funds
Traffic Mgt. - Safety	**System Safety Analysis Report Program (SSARP)**	$25,000.00		**$25,000**	
	Grant will allow the city to perform a "Systematic Safety Analysis". City will hire a consultant to evaluate our road network and to identify and recommend safety projects for future Highway Safety Improvement Program (HSIP) funding opportunities.	$25,000			City Match - $25,000, SSARP Allocation - $225,000, Total - $250,000
			TOTAL:	**$1,371,500**	

Exhibit C page 3 of 3
City of Modesto
Proposed Fiscal Year 2017/18 Measure L Projects

Bike/Pedestrian (Annual Budget - $685,000/yr.)

Type of Work	Project	Design	Construction	Total Budget	Notes
Bike /Ped.	**ATPL-5059(209) MJC Phase II Bike Path**		$300,000	**$300,000**	Match Funds, Construction Ready
	Needed Match money		$300,000		
Bike /Ped.	**Non-motorized master plan - consultant**	$300,000		**$300,000**	
	Hire consultant to prepare the non-motorized master plan	$300,000			
Bike /Ped.	**ATP Cycle III - Paradise Road - Environmental (NEPA/CEQA)**	$25,000		**$25,000**	
	Needed Match money	$25,000			Match Funds Will need construction match in FY19/20
			TOTAL:	**$625,000**	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-270

RESOLUTION ACCEPTING AN UPDATE REPORT OF EMERGENCY FLOOD REPAIRS TO THE RIVER TRUNK SEWER SYTEM

WHEREAS recent emergency release of flows from the Don Pedro Reservoir in February 2017, resulted in emergency repairs, including the River Trunk, and

WHEREAS, the River Trunk conveys approximately 50% of the City's sewer flows to the Sutter Avenue Primary Treatment Plant, and

WHEREAS, the repairs resulted in substantial Utilities staff labor, equipment charges, and several emergency construction contracts to assist the City with necessary repairs, and

WHEREAS, the report documents the activities as well as serves as the background information to inform City Manager and Council of emergency repairs and contracts in accordance with Section 8-3.102(e) of the Modesto Municipal Code, and

WHEREAS, Section 8-3.102(e) of the Modesto Municipal Code allows the City Manager to approve and authorize contracts in the amount of $200,000 or less for projects that are of urgent necessity for the preservation of life, health and property, and

WHEREAS, the City Manager reported the circumstances of the emergency to City Council within ten days of the emergency, and

WHEREAS, given this was an emergency condition with critical operational impacts to the wastewater systems there was not sufficient time to follow the standard bid process to procuring construction contracts, and

WHEREAS, the two locations that sustained damage; the Calaveras Sewer Subtrunk break at Tuolumne Boulevard and the River Trunk collapse at Neece Drive,

required urgent repair in order to provide continued operational service of the River Trunk sewer system, and

WHEREAS, City staff received approval for FEMA reimbursement of the emergency response and repairs resulting from the flood events, and

WHEREAS, City staff is coordinating with FEMA representatives on the reimbursement requirements, and

WHEREAS, the emergency repairs have been completed and City staff will be recommending acceptance of the repairs at a future Council Meeting, once all work has been completed and all costs have been tabulated.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an update report of emergency flood repairs to the River Trunk sewer system be accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-271

RESOLUTION APPOINTING JOSEPH CAHILL TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Joseph Cahill meets the requirements of the position and is willing to serve on the Commission, and

WHEREAS, the Appointments Committee met on June 1, 2017 and recommended appointment of Joseph Cahill to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Joseph Cahill is hereby appointed to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2021.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-272

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED JULY 3RD, 2014 WITH BORTON PETRINI, LLP IN AN AMOUNT NOT TO EXCEED $17,200 TO FINALIZE BILLING

WHEREAS, the City entered into an agreement with Borton Petrini, LLP, in the amount $40,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, by Resolution No. 2015-199, City approved a First Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, by Resolution No. 2016-290, City approved a Second Amendment, with an increased budget of $95,000 for continued representation; and

WHEREAS, by Resolution No. 2016-507, City approved a Third Amendment, with an increased budget of $30,000 for continued representation; and

WHEREAS, in January of this year the City terminated its relationship with Borton & Petrini, LLP; and

WHEREAS, the City Attorney's office has been negotiating outstanding invoices and asking for a percentage to be written-off; and

WHEREAS, the City Attorney's office has drafted a Fourth Amendment to the Legal Services Agreement with Borton Petrini, LLP to finalize billing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Fourth Amendment to the Legal Services Agreement with Borton Petrini, LLP, in an amount not to exceed $17,200 to finalize billing, as provided in **Exhibit A attached** hereto and incorporated herein, and

further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FOURTH AMENDMENT TO LEGAL SERVICES AGREEMENT

This Fourth Amendment for Legal Services (this "**Fourth Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **BORTON PETRINI, LLP** a Professional Corporation ("**Attorney**"), located at 201 Needham Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") to provide legal advice, representation and assistance to City in defense of tort claims, as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement to finalize billing by increasing the previously approved amount of fees from $195,000 to $212,200.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Borton Petrini, LLP dated July 3rd, 2014, amended by Resolution No. 2015-199 , 2016-290 and 2016-507 is amended as follows:

1. Section 2(a) of Paragraph 2,"Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred and twelve thousand and two hundred dollars ($212,200)."

2. Entire Agreement. The parties to this Fourth Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, remain in full force and effect to the extent they are not in conflict with this Fourth Amendment. This document, including all exhibits, contain the entire agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Fourth Amendment. No alteration to the terms of this Fourth Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority.** The person signing this Fourth Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Fourth Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Interim City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
BORTON PETRINI, LLP
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-273

Print

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED AUGUST 8TH, 2016 WITH LIEBERT CASSIDY WHITMORE IN AN AMOUNT NOT TO EXCEED $47,500 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN LABOR AND EMPLOYMENT MATTERS

WHEREAS, the City Attorney's Office is in need of outside counsel services that relate to labor and employment; and

WHEREAS, Liebert Cassidy Whitmore has concluded the arbitration and currently represents the City in one lawsuit; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Liebert Cassidy Whitmore; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with Liebert Cassidy Whitmore to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a Second Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in an amount not to exceed $47,500 to continue representing the City of Modesto in labor and employment matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this "**Second Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **LIEBERT CASSIDY WHITMORE,** ("**Attorney**"), located at 5250 N. Palm Avenue, Suite 310, Fresno, California 93704. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") for services for legal advice, representation and assistance on matters involving labor and employment law; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $155,000 to $202,500.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Liebert Cassidy Whitmore, dated August 8th, 2016, and amended on December 13th, 2016 by Resolution 2016-510 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred and two thousand and five hundred dollars ($202,500)."

2. **Entire Agreement**. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 8th, 2016, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Interim City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
LIEBERT CASSIDY WHITMORE

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-274

RESOLUTION ADOPTING THE STANCOG STATE ROUTE 99 CORRIDOR ENHANCEMENT PLAN AS THE OFFICIAL LANDSCAPE AND ARCHITECTURE GUIDANCE DOCUMENT FOR FUTURE PROJECTS IMPLEMENTED ON STATE ROUTE 99

WHEREAS, the State Route 99 Corridor Enhancement Plan (Plan), **attached** hereto as **"Exhibit A,"** is the culmination of a year-long coordination effort between representatives of the cities of Ceres, Modesto, and Turlock, Stanislaus County, the California Department of Transportation (Caltrans), StanCOG, and others, and

WHEREAS, the objective of the Plan is the development of an aesthetic and practical strategy for the enhancement and beautification of the approximately 25-mile segment of the State Route 99 Corridor that traverses Stanislaus County, and

WHEREAS, the Plan provides design concepts, guidance documents, and resources for planning highway structures and landscapes, controlling soil erosion, improving water quality, and providing resources for transportation project funding, and

WHEREAS, the Plan developed multiple landscape and structural aesthetic design concepts showcasing the scenic and unique ecological characteristics found in Stanislaus County, and

WHEREAS, the Plan offers a menu of designs that includes urban, light industrial-commercial, agricultural, and riparian themes, and

WHEREAS, the StanCOG Policy Board approved the plan via Resolution 16-27 at its regularly scheduled meeting of March 15, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto adopts the State Route 99 Corridor Enhancement Plan as the official landscape and architecture guidance document for future projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

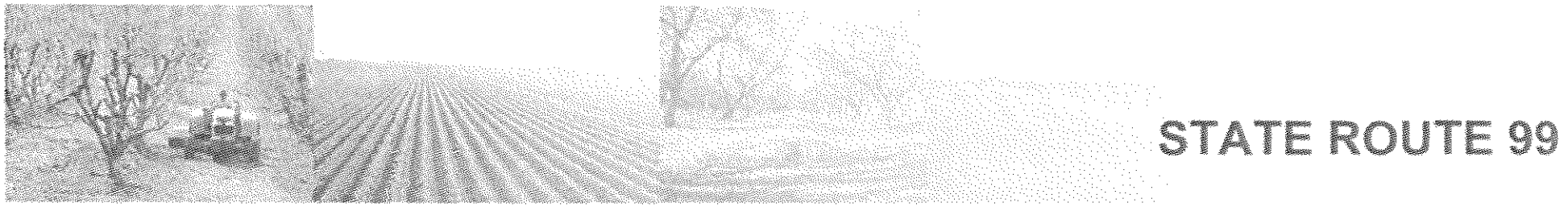
(SEAL)

APPROVED AS TO FORM:

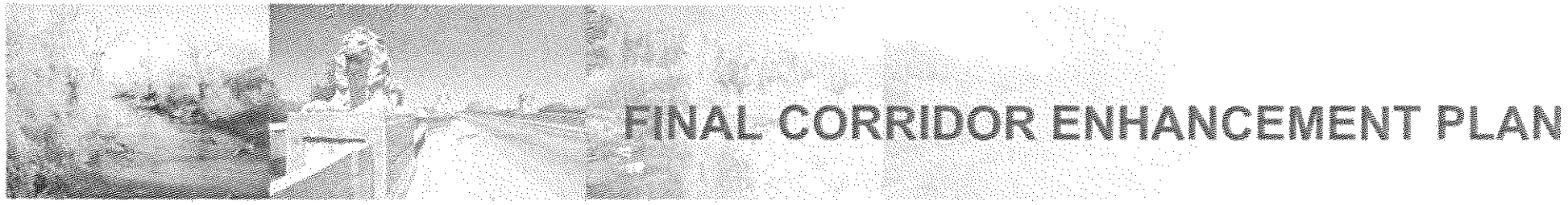
By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

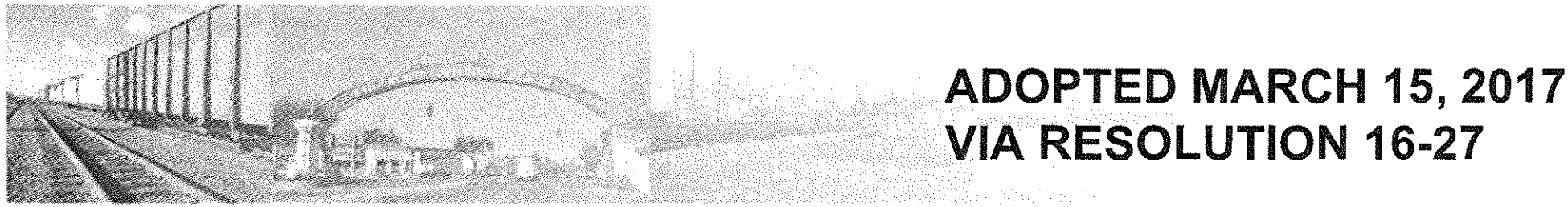
(State Route 99 Final Corridor Enhancement Plan)



STATE ROUTE 99



FINAL CORRIDOR ENHANCEMENT PLAN



ADOPTED MARCH 15, 2017
VIA RESOLUTION 16-27

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1. Introduction

1.1 Purpose of the Study

"Beautify State Route 99 in Stanislaus County
to Promote Economic Vitality
and Improve Overall Livability and Quality of Life in the Region."

The mission statement above, envisioned by the Stanislaus Council of Governments (StanCOG) and the Beautify 99 Campaign Steering Committee, is the source and inspiration for the development of this State Route 99 Corridor Enhancement Plan. The document provides design concepts, guidance documents and resources for planning highway structures and landscapes, controlling soil erosion, improving water quality and providing resources for transportation project funding. It is not the intension of this document to provide design documentation for specific locations within the corridor, but rather to provide a design approach for the entire corridor.

StanCOG serves the communities and governments of Stanislaus County as a Metropolitan Planning Organization and a Regional Transportation Planning Agency. It was established in 1971 by a Joint Powers Agreement to address regional issues. One such issue is the unsightly appearance of the twenty five mile segment of SR99 within Stanislaus County. The ***State Route 99 Corridor Enhancement Plan*** actively responds to this issue by providing the guidance needed to transform the corridor into a welcoming and attractive commuter and trade route to stimulate sustainable economic development, tourism and livable communities.

Also known as the ***Golden State Highway*** and the ***Main Street of the Central Valley***, the entire length of State Route 99 extends from east of Red Bluff where SR99 intersects SR39 to south of the town of Mettler where SR99 merges with I-5, a total length of 416 miles. Other corridor enhancement plans that have been prepared include the "SR 99 Corridor Enhancement Master Plan" (Dec. 2004), prepared by the California Department of Transportation for the 274 mile long segment between Kern and Sacramento counties and the "Highway 99 Beautification Masterplan" (July 2000) prepared by the Fresno Council of Governments for the 31.59 mile long segment of SR99 in Fresno County.

This publication represents the culmination of a year-long planning effort on the part of representatives of the Stanislaus Council of Governments (StanCOG), cities of Modesto, Ceres and Turlock, Beautify 99 Campaign Steering Committee, California Department of Transportation-District 10 and the design-engineering team of Haygood & Associates Landscape Architects of Albany, CA, Rajappan & Meyer Consulting Engineers, Inc. of San Jose, CA and WRECO Consulting Engineers of Walnut Creek, CA. See Section 1.4 for a complete list of the organizations and their members.

1.2 Assessment of Existing Environment

State Route 99 serves as a regional north-south highway within Stanislaus County and connector to the county's nine incorporated cities and thirty-six unincorporated communities.

Between the north and south county lines, extending from the Stanislaus River to south of Turlock, the 24.74 mile long segment of highway is located within flat terrain bordered on the east and west by the Sierra Nevada and Diablo Ranges respectively. The urban centers of the cities of Modesto, Ceres and Turlock are clustered along the highway. Beyond these nodes of urbanization, vast stretches of land are in agricultural production extending to the foothills of the adjacent mountain ranges. Orchards are next to the highway, limiting long range vistas. Cultivated fields are farther to the east and west and it is from these vantage points that long range views are afforded across open land where one can appreciate the vastness of the Central Valley and a connection with the natural environment. Rivers are important natural features in the landscape. The Stanislaus and Tuolumne rivers meander through the valley floor carrying water from Sierra Nevada Range. From a distance, the course of the rivers can be traced across the land by virtue of the tall trees and shrubs that grow long their banks. The water and vegetation provide rich environments for wildlife.

Stanislaus County lies in the fertile Central Valley of California. The warm climate, rich alluvial soils and natural water-ways attracted farmers to the region in the early 1800's. Today it is the single most productive agricultural region in the world, generating annual revenues in excess of $4.4 billion from its top ten commodities alone including almonds, milk, cattle, walnuts, chickens, silage, turkeys, fruit and nut nursery and almond pollination. As agriculture grew, so did the need for housing, services and industry. Today's population exceeds half a million inhabitants. Today that diversity is visible from State Route 99.

1.3 Design Concept for Overall Corridor

The Route 99 Corridor Enhancement Plan showcases the scenic and unique ecological characteristics found in Stanislaus County through the landscape and structural aesthetics design concepts that are presented in this document. Beauty, pride, agriculture, industry and community have long been experiences vital to Stanislaus County. State Route 99 provides the setting and opportunity to express these experiences that make the County a special place to live, to cultivate and care for the land, to be industrious and participate in maximizing the quality of life of its citizens. The designs reflect a strength of character and offer of welcome as each interchange serves as a gateway to urban, industrial/commercial, agricultural and riparian communities and environments. Each of the design themes in this document highlights unique characteristics of the land uses along the corridor and together they provide a unified and attractive corridor representative of the high quality of life within Stanislaus County.

1.4 Acknowledgements

StanCOG wishes to thank the tireless efforts of its staff, the members of the 99 Beautification Steering Committee, the Project Development Team and the Design Team without whom the State Route 99 Corridor Enhancement Plan would not have come to fruition. They are:

StanCOG Staff:

Member Name	Organizational Affiliation	Title at Organization
Rosa De León Park	StanCOG	Executive Director
Elisabeth Hahn	StanCOG	Senior Planner
Isael Ojeda	StanCOG	Assistant Planner

99 Beautification Committee

Member Name	Organizational Affiliation	Title at Organization
Dave White	Stanislaus Business Alliance	CEO
Heather Harris	Stanislaus Business Alliance	Assistant to the CEO
Toby Wells	City of Ceres	City Manager
Bill Sandhu	City of Modesto	Director of Public Works
Brent Sinclair	City of Modesto	Interim Deputy City Manager, Operations
Jim Holgersson	City of Modesto	City Manager
Melinda Evans-Perez	City of Modesto	Executive Assistant, Redevelopment
Michelle Thomson	City of Modesto	Executive Assistant to the City Manager
Dennis Agar	Caltrans	Director, District 10
Kenneth Baxter	Caltrans	Deputy Dist. Dir.: Planning, Local Assistance and Environmental
Sam Haack	Caltrans	Deputy Dist. Dir.: Maintenance and Operations
Lynn Dickerson	Gallo Center for the Arts	CEO
Cecil Russell	Modesto Chamber of Commerce	CEO
Mike Zagaris	PMZ	CEO
Keith Boggs	County of Stanislaus	Assistant Executive Officer
Linda Chambers	County of Stanislaus	Executive Assistant, CEO Office
Rosa De León Park	StanCOG	Executive Director
Sheryl Swartz	County of Stanislaus	Confidential Assistant
Stan Risen	County of Stanislaus	CEO
Keimi Espinoza	County of Stanislaus	Confidential Assistant, Public Works
Matt Machado	County of Stanislaus	Director of Public Works
Kellie Weaver	City of Turlock	City Clerk
Mike Pitcock	City of Turlock	Director of Development Services/City Engineer
Hank Barrett	Valley First Credit Union	President/CEO
Bruce Abanathie	SCVTA	Principal Planner, Planning & Program Development.
Todd Falduti	Macerich	Senior Property Manager, Vintage Faire Mall

Project Development Team

Member Name	Organizational Affiliation	Title at Organization
Stan Risen	County of Stanislaus	CEO
Jim Holgersson	City of Modesto	City Manager
Elisabeth Hahn	StanCOG	Senior Planner
Toby Wells	City of Ceres	City Manager
Bill Sandhu	City of Modesto	Director of Public Works
Keith Boggs	County of Stanislaus	Assistant Executive Officer
Rosa De León Park	StanCOG	Executive Director
Matt Machado	County of Stanislaus	Director of Public Works
Mike Pitcock	City of Turlock	Director of Development Services/City Engineer
Keimi Espinoza	County of Stanislaus	Confidential Assistant, Public Works
Sheryl Swartz	County of Stanislaus	Confidential Assistant
Linda Chambers	County of Stanislaus	Executive Assistant, CEO Office
Michelle Thomson	City of Modesto	Executive Assistant to the City Manager
Melinda Evans-Perez	City of Modesto	Executive Assistant, Redevelopment
Sam Haack	Caltrans	Deputy Dist. Dir.: Maintenance and Operations
Kellie Weaver	City of Turlock	City Clerk
Brad Cole	Caltrans	Senior Landscape Architect

Design Team

Member Name	Organizational Affiliation	Title at Organization
Leah Haygood, PhD	Haygood & Associates	Principal
Simon Kenney	Haygood & Associates	Senior Associate
Charlene Saito	Haygood & Associates	Senior Associate
Analette Ochoa, PE	WRECO	Senior Associate
Lee Taubeneck, PE	Rajappan & Meyer Engineers	Principal Project Manager

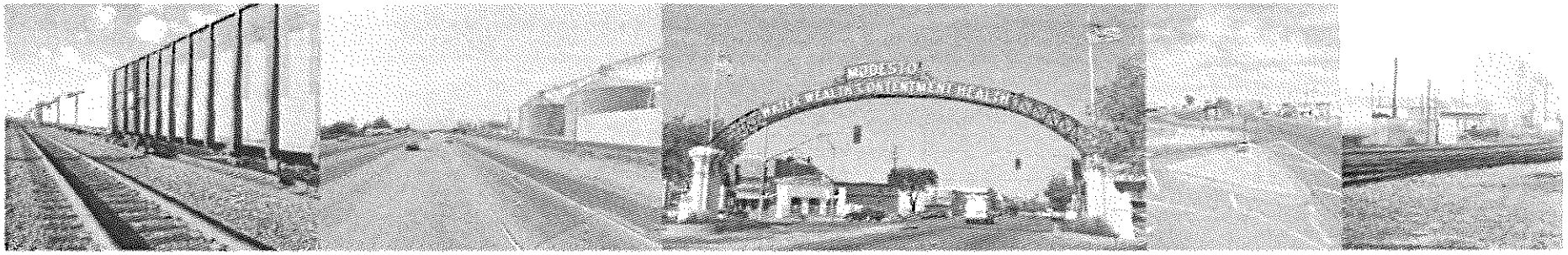
2. Identification of Corridor Themes

Land uses that we see from Route 99 are agricultural, light industrial/ commercial, riparian and urban. Identified as themes, design concepts for each land use and guidance documents are provided to serve as a basis for development of highway improvement projects on Route 99 in Stanislaus County. The unique characteristics of each land use described below are the sources of inspiration for the landscape, structures and paving concepts.

2.1 Agricultural

Agriculture connects us to a unique form of the natural environment, one that is arranged and organized by human hand and ingenuity. It is something we experience as we drive along a country road passing row upon row of trees and leafy stalks. If we are fortunate to be a passenger, we watch the angles in the spaces between rows change from one direction to another, the soundless rhythm of the cultivated land. Within this green network so firmly rooted to the earth, buds, flowers, fleshy fruits and nuts form, burst and fall in their own time. While most are gathered and taken to market, others are pecked, scooped and carried on the wing. Rows, leaves, angles and fruit are the sources of inspiration for the patterns and motif used in the aesthetic treatment of the overcrossing, walls and paving for the Agricultural Theme.

2.2 Light Industrial-Commercial



Industry and commerce are important and visible companions to agriculture in Stanislaus County. Industrial structures are practical, emerging from the necessities of function and purpose to protect, contain and transport fragile and perishable goods. Commercial architecture is an outgrowth of the marketplace where the language of form is dynamic, inviting and encouraging people to buy and sell, sit and walk, enter and leave. The Modesto arch welcomes those who arrive and reminds others of home. Storefronts support bright colors, distinctive shapes and strong messages announcing what to buy and how much it will cost. The elements of welcome, commerce, transport and purpose are the sources of inspiration for the columns, arched shapes, horizontal bands and colorful accents used in the landscape and architectural features of the Light Industrial-Commercial Theme.

2.3 Riparian

Riparian is a place where water and land meet, a co-existence of the natural environment and what is engineered by humankind. Abundant trees and grasses thrive along the banks of the Stanislaus and Tuolumne rivers that meander through the valley of Stanislaus County, providing rich habitats for wildlife and sources of recreation and respite for weary workers. Crossing the threshold from land to stream brings us closer to what is simple and peaceful in life. We see the wind blowing grasses and rippling surfaces of water, a flush of birds bursting from trees and reeds, the sky reflected in a quiet pond. Flowing water, grasses and waterfowl are the sources of inspiration for the Riparian Theme.

2.4 Urban

Urban refers to cities and cultures, places where people live and work side by side, interact and cooperate, express creatively and purposefully in densely populated areas. More than in any other land use, it is in the urban environment where individual preferences are expressed in architecture and landscapes. Personal environments are created to reflect perceptions of home and the natural world. People go to town for goods and services, gather at cafes to enjoy the company of others, attend sports and cultural events to be entertained and informed and enjoy the out-of-doors in community parks. City buildings, lighted environments, marquees and tree-shaded parks are among the features that are the sources of inspiration for the Urban Theme.

2.5 Locations of Each Theme Along Route 99 Corridor

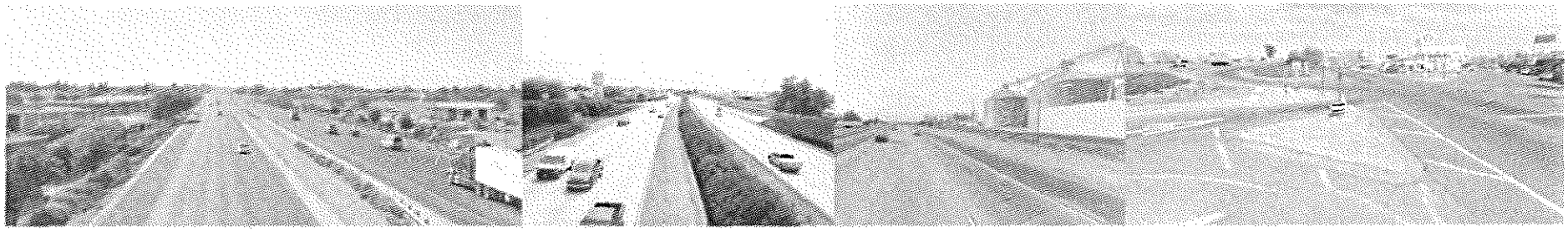
Legend

The legend below provides the color-code for each of the four themes whose location and extent along State Route 99 in Stanislaus County is illustrated on the strip maps that follow the legend.

Visual characteristics observed that differ from local land use plans are noted on the strip maps. With each project that emerges, local planning documents will need to be reviewed and a visual inspection conducted of the project area to determine if the existing visual characteristics are still consistent with the design themes presented in this document or whether they have changed over time and are better represented by one of the other design themes provided. The photos below are representative of land use characteristics in each of the design theme areas. See the Section D of the Appendices for additional photos.

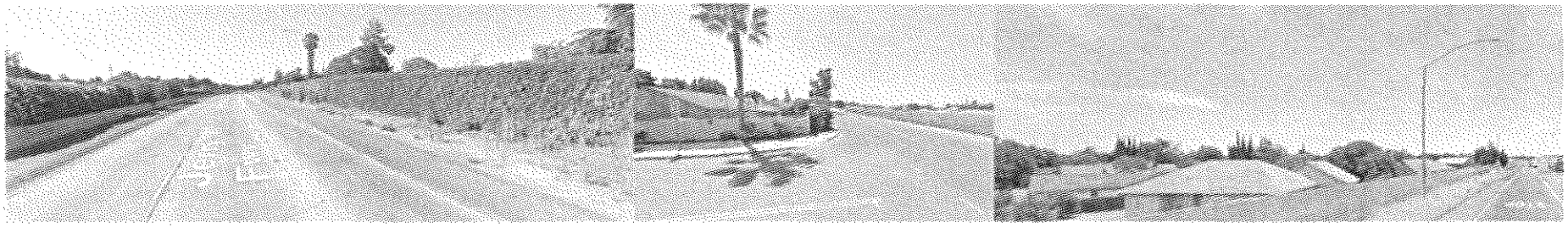
Agricultural

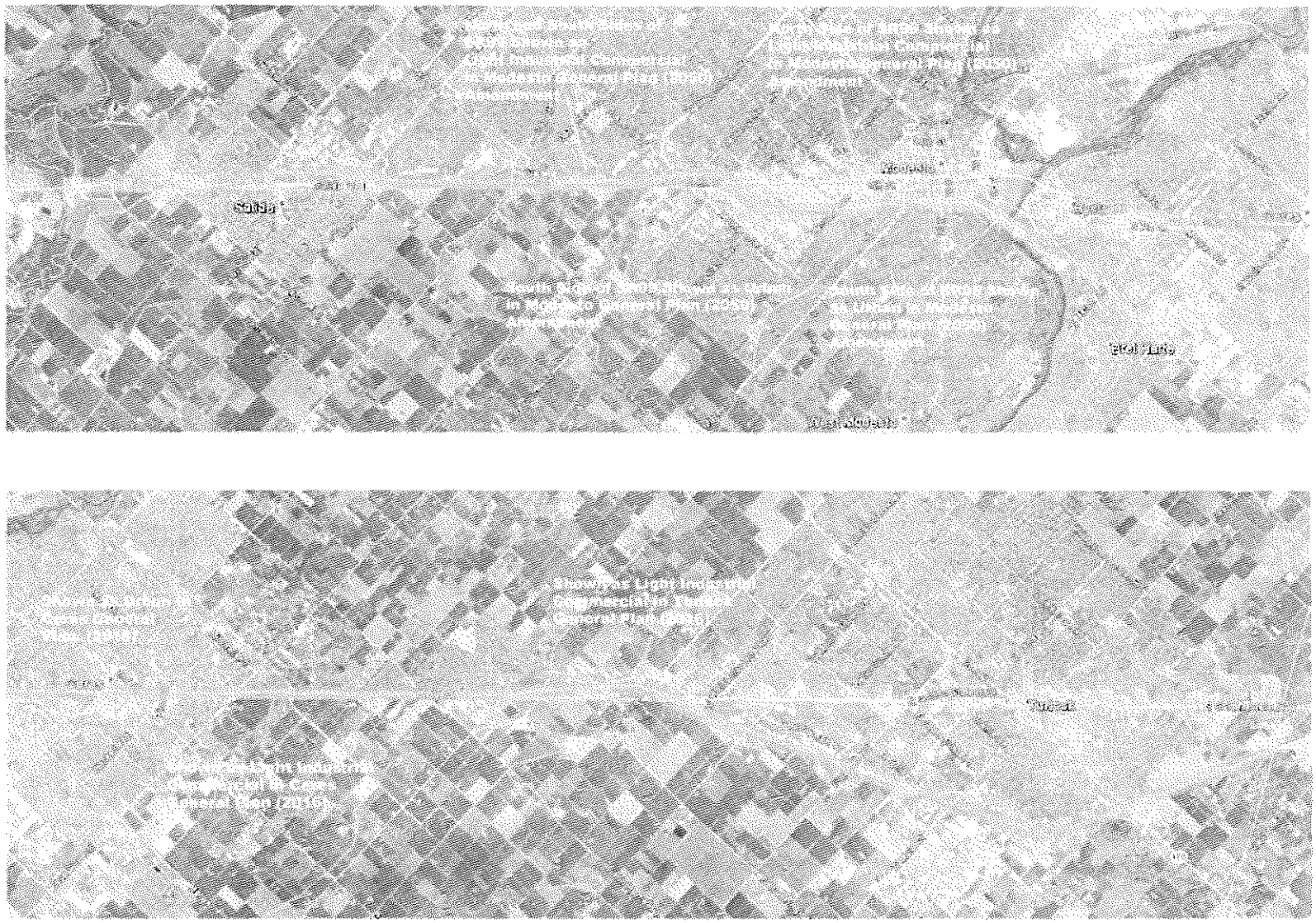
Light Industrial Commercial



Riparian

Urban





LEGEND

Agriculture

Light Industrial-Commercial

Riparian

Urban

3. Landscape and Aesthetic Treatment for Structures, Pavement & Lighting

The following pages illustrate concept designs for use within each of the four themed areas: Agricultural, Industrial-Commercial, Riparian and Urban. The concepts include landscape and hardscape features within interchanges and the highway corridor. Illustrated are the arrangement and species of plants, groundcover materials, rock gabions, walls and gore paving. Photos of the materials are included. Design concepts for structural features and slope paving are provided in elevation drawings including overcrossings, abutments, slope paving, soundwalls and retaining walls. The lighting selection for each of the themed areas is provided in Section 3.6. See Section 7 for Recommendations for Implementation. The following sections describe the features in each theme.

3.1 Agricultural

The landscape design for the interchange draws upon features that we see within the agricultural areas of Stanislaus County: Rows of trees and shrubs, irrigation canals and almond orchards. Similar to a cultivated field, the landscape concept extends to the limits of the available space, from right-of-way line to edge of highway. See Section 3.9. Within this space, we see representations of field crops and orchard trees arranged row upon row. Oriented on an angle, the rows set up the familiar rhythm that we see when we travel along a country road looking across the land. Also familiar are the necessary features of agriculture such as the irrigation ditch and the access road that strike paths of least resistance through the fields. These features are represented in the landscape concept by highway ramps and a long rectangular shape representing an irrigation canal. Paved with natural cobbles and edged with a 30" wide concrete band, the canal cuts through the center of the design. Plants selected for the concept have growth patterns that are reminiscent of the agricultural environment.

The design patterns and motifs on structures such as walls, abutments, columns, railings and slope paving draw upon the theme of the linear cultivated row. The motif shown on the concrete structures is a leafy branch with clusters of mature almonds. The retaining walls have window panels with almond branches appearing in different positions in each window, simulating the experience of the motorist viewing a landscape while driving.

The railings and lights are finished in the standard Caltrans green, RAL 6005, including all fabricated and standard steel pieces, chain link fabric, light bases, poles and fixtures and all hardware and conduits that are attached, or adjacent to green-finished metal surfaces.

3.2 Light Industrial-Commercial

The wheels of industry and commerce are the inspiration for the design of the landscape and structures aesthetics of the Light Industrial-Commercial themed areas. See Section 3.10. The landscape concept includes concentric circular shapes created by plants, rock filled gabions and gravel mulch, reflective of the life, steel and grit that make industry and commerce work with determination and purpose. The natural landscape that surrounds the circles provides a soft backdrop against which the circular focal points are highlighted in the design. Together, there is a harmonious balance between the natural and constructed elements in the environment. The Italian Poplar trees in the design are tall and vertical. Chinese Pistache and Purple Leaf Plum trees are rounded and colorful.

The design elements on the structures for this themed area include linear and rounded shapes. Monumental concrete sentinels stand at the east and west entrances to the overcrossing. Mounted on top of the sentinels are silver colored perforated stainless steel domes that are illuminated from within, emitting pinpoint rays of light during the night. The metalwork is finished in black including posts, rails, hardware, lights and fixtures. The barrier has a smooth horizontal band that is finished by hand with a brick red concrete sacking. The red horizontal stripe is a theme color that is repeated throughout the entire length of Route 99 in California. Rectangular window-like panels on the soundwalls and retaining walls include views of the themes' linear and rounded shapes as if viewing them through a moving vehicle.

3.3 Riparian

Flowing lines swirl around the contours of the Riparian themed landscape, simulating the streams and shallows that course through the valley floor of Stanislaus County. Seasonal forces of flowing water push and scour the earth and rock into valleys, leaving ridges and mounds with trees and grasses clinging to their uppermost regions. The Riparian theme landscape reflects these elements in sinuous dry river beds created with gravel and boulders and mounded areas planted with trees, shrubs and groundcover. See Section 3.11. The natural-appearing landscape is created by random and unstructured placement of trees and shrubs. Meadows of poppies blanket the interchange and extend along the highway. A design feature of the Plan is a California poppy-lined highway, funded and reseeded on a yearly basis by members of the community through the Adopt-a-Highway, or similar program.

Images of reeds and waterfowl are highlighted in the structural aesthetics for the bridges, walls and paving. The undulating pattern on the bridge railing, representing flowing water, complements the reeds and waterfowl that are featured on the bridge structures and walls along the highway.

The metal work on the bridge, lights, hardware and conduits attached to them will be finished in the standard Caltrans green color, RAL 6005 (Standard Dark Green).

3.4 Urban

"Elegant and sophisticated" appropriately describe the Urban theme design concepts. The landscape for the interchange is tastefully simple, evoking images of a beautiful city park with well-defined paths, bordered by colorful shrubs and shaded by generous canopies of leafy trees. See Section 3.12.

The design elements on the overcrossing reflect images of the center of town with bright lights, decorative railings, stepped building facades and marquees. The metal elements and conduits in contact with metal are finished in black. The horizontal band on the barrier of the overcrossing has a red stripe applied by hand using a brick red concrete sacking over a fractured concrete formliner finish. The rectangular window shapes on the retaining and soundwalls have snaps of cityscapes within them as if viewed from the window of a moving vehicle.

3.5 Consistent Design Features Throughout Corridor

Four land use themes are showcased in the document with individual design concepts. Equally important is the appearance of cohesiveness throughout the Route 99 corridor in Stanislaus County, achieved through the use of selected common features. For example, rectangular window patterns appear on the vertical surfaces of soundwalls and retaining walls throughout the corridor. Frames and motifs are created with custom formliners. The motifs in each window change in succession as if viewing the landscape through the window of a moving vehicle. The soundwalls and retaining walls have the same color, block design and basic configuration.

Soundwalls are constructed of 8"x8"x16" concrete masonry units in a stack-bond pattern. The caps are 16"-long concrete masonry units. The field color and caps are light tan, ground face blocks with specks of black-colored aggregate. Below the cap is a 16" high light gray horizontal stripe, from 8"x8"x16" precision surface blocks with specs of black-colored aggregate. The patterns on the soundwalls walls are created with

split face blocks of the same light tan block color used for the field.

Retaining walls match the light tan color of the soundwalls, achieved by mixing pigment into the concrete. The surfaces of the walls are sacked completely and evenly using matching light tan sacking concrete. No mica is added to the surface. Color-staining concrete is avoided due to uneven results. No sandblasting is to be used to texture or clean wall surfaces. Light-textured grit is added to the sacking mix to mimic a light sandblast finish. Where retaining walls abut overcrossing wing walls and abutments, retaining walls are the same light tan color described in this paragraph. Abutments and wing walls are plain gray concrete.

Slope paving field resembles the soundwall field color and texture. To mimic the dark speckled surface of the concrete block, the surface is seeded with black mica in an even distribution so that the light tan concrete is dominant and the black mica serves as the accent color. The concrete surface on the slope paving is scored in an 8"x16" stack-bond pattern to match the soundwall block design.

Decorative formliner panels for soundwalls, retaining walls and slope paving are created from custom formliners with the designated patterns. The integral concrete color matches the field color in the retaining walls. No mica is added to the surface. Finishes are smooth.

Control joints are designed to work with the graphic elements of the design. At retaining walls, control joints are centered vertically, outside of and between concrete window panels. No control joints are to go through decorative concrete panels with themed design features. On slope paving, control joints will be required within the decorative panels due to their length. For the Agricultural theme, align the joints with the two valley "V" hinge points in the angular pattern; avoid the almond cluster. On the Industrial-Commercial theme avoid the round shape. Avoid scoring through the birds on the Riparian theme and for the Urban theme, score only along exterior frames and in 8"x16" score joint pattern.

Gore paving will be integral-colored concrete matching the light tan color of the retaining walls. The score joint pattern is shown on the design concepts in the following pages. The surface texture will be a medium broom finish drawn ninety-degrees to direction of travel.

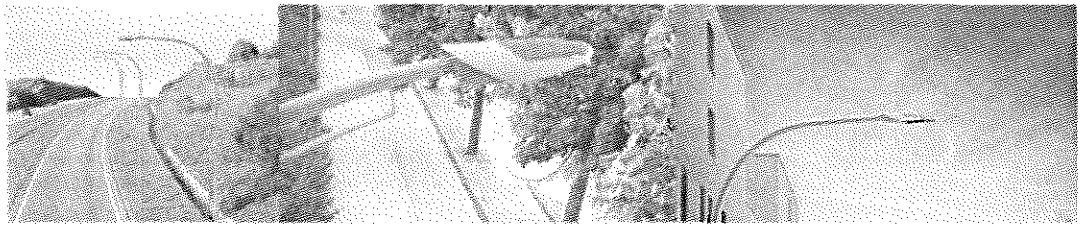
Bridges, barriers, abutments and wing walls are plain gray concrete. Mix formula is to be identical for all gray concrete produced for individual projects and throughout corridor to make sure all gray color is the same. Custom formliners are used to create architectural features. All concrete structures at and above overcrossing road will be sacked with gray concrete sacking to match formula used for cast in place concrete features. Sacking will produce an even and consistent texture similar to a very light sandblast finish.

Pedestrian sidewalks are plain gray concrete. The field is finished with a medium broom finish drawn at a ninety-degree angle to the direction of traffic. Edges are tooled and defined by walls, curbs and control joints.

The full length of the corridor, organized with landscape designs and similar treatments of walls and paving, will appear cohesive and attractive.

Metal Birds are stainless steel, 24 gauge, powdered-coated with matte finish Brick Red #38/30028 by Tiger Drylac, or equal. Mounting height is six feet clear of pavement and no more than 1" protuberance from surface of wall. Such specifications are based on Caltrans standards and must be verified with their current regulations.

Green Finish on Metals where specified is RAL 6005 (Standard Dark Green).
Black Finish on Metals where specified is RAL 9005 (Black Satin Finish).
Plant Materials: See Section 4 for Plant Selections and Resource List for Nurseries and Materials.



3.6 Lighting

Lighting for the highway and overcrossings will be consistent throughout the corridor. The lights are RoadStar Series by Phillips Lumec or equal providing LED illumination. The poles are round with an arched mast-arm.

Highway mainline fixtures and poles will be standard Caltrans gray and maintained by Caltrans.

At overcrossings, on- and off-ramps and transition zones between overcrossings and local streets, lights will be finished in standard Caltrans semi-gloss dark green at the Agricultural and Riparian themed areas and in semi-gloss black at the Industrial-Commercial and Urban themed areas. RAL number for green is 6005 (Standard Dark Green). RAL number for black is 9005 (Black Satin Finish).

The lights on overcrossings are positioned directly across the travel way from one another and not in a staggered formation. Lights at on- and off-ramps are in a staggered formation.

Corbel lights within the perforated stainless steel domes at the Light Industrial-Commercial theme concept are high-intensity LED lights, designed to cast rays of light through the perforations.

3.7 Areas Requiring Specialized Treatment

It is the goal of this plan to provide views from SR99 that are attractive, neat, clean and well-organized.

Landscaped Freeway Status and Outdoor Advertising:

Enhancement and preservation of the beauty of a transportation corridor over the long term is integrally tied to the prevention of billboards and sign pylons from being erected and removal of those that are existing. Outdoor advertising is regulated by the State of California and its presence limits the ability to plant trees and tall shrubs within the corridor, therefore diminishing the visual quality and appearance of a highway substantially. Refer to California Code of Regulations, Division 6, Chapter 1, Outdoor Advertising-General.

The State will not issue a permit for erection of a billboard if it is adjacent to a section of Landscaped Freeway. Refer to http://www.dot.ca.gov/hq/LandArch, Landscaped Freeway for the criteria for classification as a Landscaped Freeway. In brief, a Landscaped Freeway is classified by the State of California. The landscaping is continuous for 1,000 feet in length on one side of the freeway or 1,000 feet combined length on both sides of the freeway. If there is a gap of 200 feet or less in the landscaping and the gap adjoins a landscaped segment of freeway, then the adjoining landscaped segment must be at least 500 feet in length.

Undergrounding Utilities:

Similar to billboards, overhead utilities diminish the quality of the appearance of the highway and adversely impact views extending beyond the corridor to adjacent hills, mountains and the horizon. Prohibiting overhead utilities from being installed, and offering incentives for them to be undergrounded, through local and regional zoning and code regulations are positive contributions by public agencies within Stanislaus County toward improving the appearance of both the highway and region at large.

Homeless Encampments: Local and State authorities are encouraged to be active in preventing the use of Caltrans right-of-way for sleeping, gathering and shelter at all times. Local and County community services agencies are encouraged to work with law enforcement to find shelter and food for those who make use of highway right-of-way lands for personal needs.

Debris Pick-up Within Highway: Debris pickup is one of the contributions that can be made by local organizations and businesses with acknowledgment provided by the California Department of Transportation Adopt-a-Highway signage program.

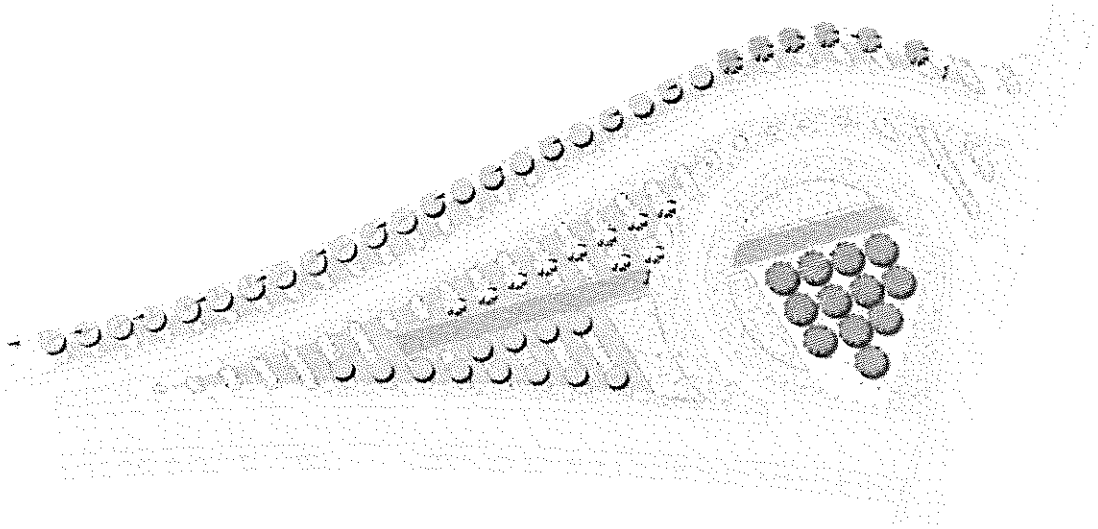
Landscaped Buffers: City Planners and County Agencies are encouraged to require with commercial, industrial and research and development building permits, a 40-foot landscaped buffer along the full length of their property measured 90 degrees from the Caltrans right-of-way line. The landscaped buffer would serve a two-fold purpose. First, it would provide a beautiful community tree-lined highway for the future as the highway is widened toward the right-of-way line over time. Secondly, it would insure that private land uses are screened from view of the highway. Landscape shrubs planted within the buffer should be selected from the master plant list in this plan. Trees should match the theme tree selection designated for the highway adjacent to individual properties and be spaced between 20 to 40 feet on center.

Screening Unsightly Views: To beautify the corridor immediately, City and County Planners are encouraged to work with individual land owners who have debris, debris bins, demolished automobiles, stockpiled materials, unkempt buildings and materials and graffiti-painted surfaces that are visible from the highway, to install 8 foot tall chain link fencing on their property lines facing the highway, using fuse-bonded PVC finished chain link fabric, black in color, with steel posts and top rail to match black color, and to plant vines at a minimum of 6 feet on center on the private property side of the fence, irrigated with an automatically controlled irrigation system. In addition, local agencies are encouraged to require landowners to plant a single row of tall screening shrubs 12 feet in front of the fence on their property at a spacing not greater than 6 feet on center, also irrigated by an automatically controlled irrigation system. The plant materials should be selected from the master plant list in this plan to maintain design consistency throughout the corridor.

3.8 Railroads

UPRR and Amtrak have rail lines in a north-south corridor that are adjacent to State Route 99 in Keyes, Ceres and northern parts of Modesto. Railroad companies have specific requirements concerning landscape planting adjacent to their property. In addition, any encroachment in, or over railroad rights-of-way, will require written agreement with the individual railroad company. Refer to Title 23, Code of Federal Regulations, Chapter I, Subchapter G, Part 646, Subpart B [23 CFR 646(B)], and Part 625.4, Paragraph (b) [23 CFR 625.4(b)] for information on design and horizontal and vertical clearances from railroad facilities. Also, see U.S. Department of Transportation, Federal Highway Administration website.

http//www.fhwa.dot.gov/bridge/130416.cfm.



Legend

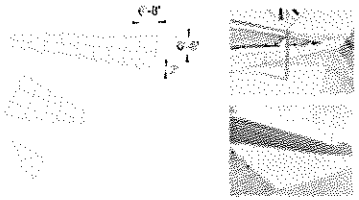
Drainage Swale

Bottom of Slope

Storm Drain Location

Landscape Adhesion Sign

Gore Paving



Score Joints on Broom Finish Concrete Surface

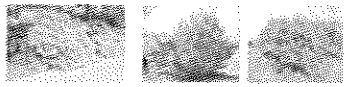
Accent Planting 2'-4' Tall

Cotinus coggygria 'Smoke Tree'

Dietes bicolor 'Fortnight Lily'

Epilobium 'California Fuchsia'

Shrubs 2'-6' Tall



Elaeagnus pungens 'Silverberry'

Leucophyllum f. 'Green Cloud'

Photinia x fraseri 'Red Robin'

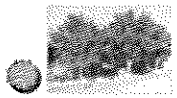
15 gal Trees 25'-50' Mature Height

Cercis canadensis 'Oklahoma' Oklahoma Redbud

Nyssa sylvatica 'Tupelo'

Lagerstroemia 'Natchez' Crape Myrtle 'Natchez'

Olea europaea 'Swan Hill Olive'



Prunus cerasifera 'Krauter Vesuvius' Krauter Purple Leaf Plum

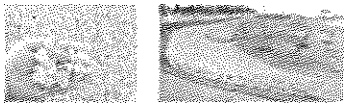
Wildflower Hydroseed

Grass Hydroseed & Groundcover

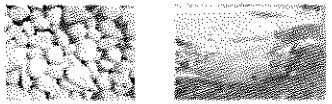
Cotoneaster 'Lowfast' Bearberry

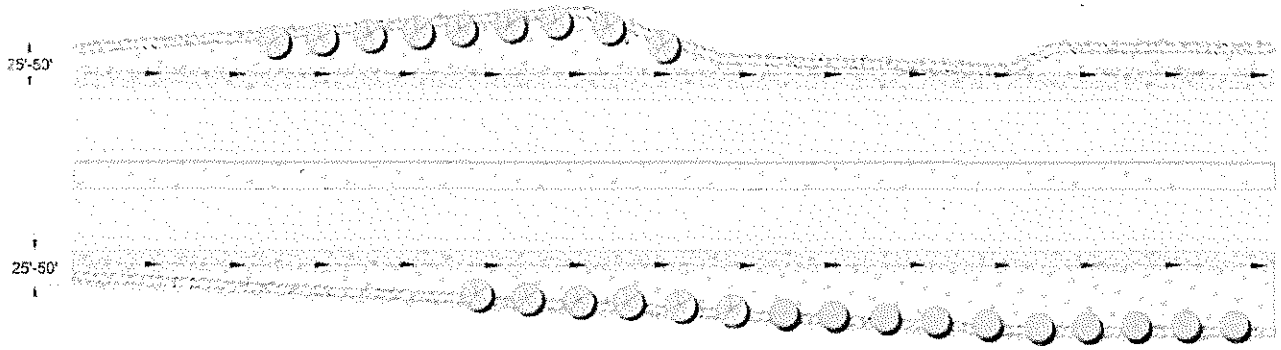
Juniperus chinensis 'Gold Coast'

Gravel Mulch



Cobbles

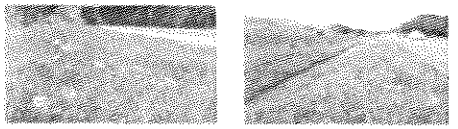




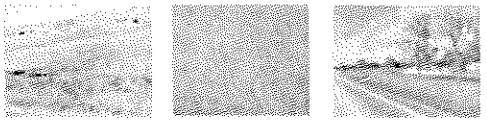
Legend

Drainage Swale

Wildflower Hydroseed



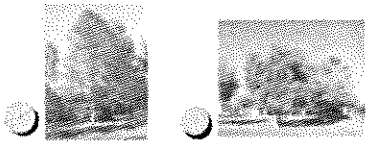
Grass Hydroseed & Groundcover



Cotoneaster 'Lowfast' Bearberry

Juniperus chinensis 'Gold Coast'

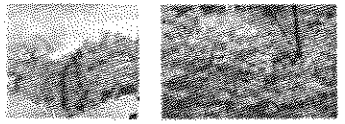
15 gal Trees 25'-50' Mature Height



Nyssa silvatica Tupelo

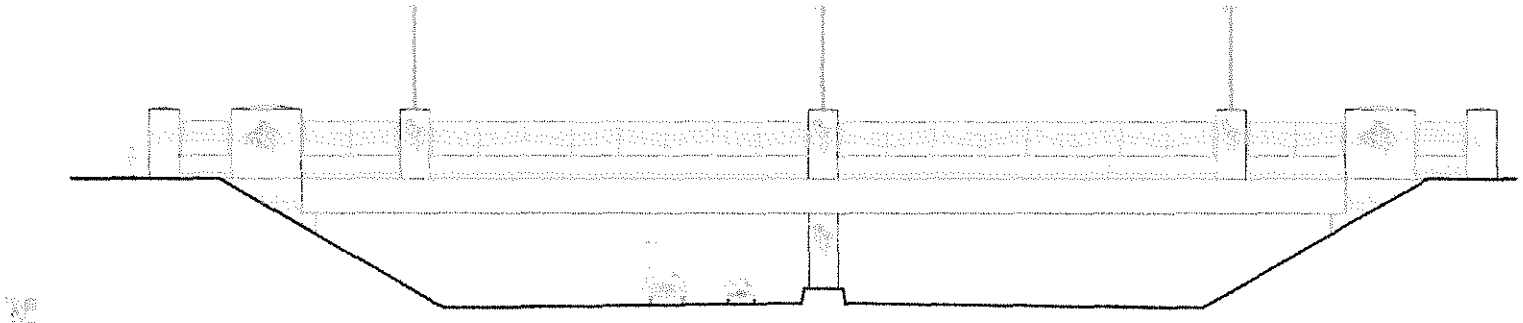
Olea europaea Swan Hill Olive

Shrubs 2'-6' tall

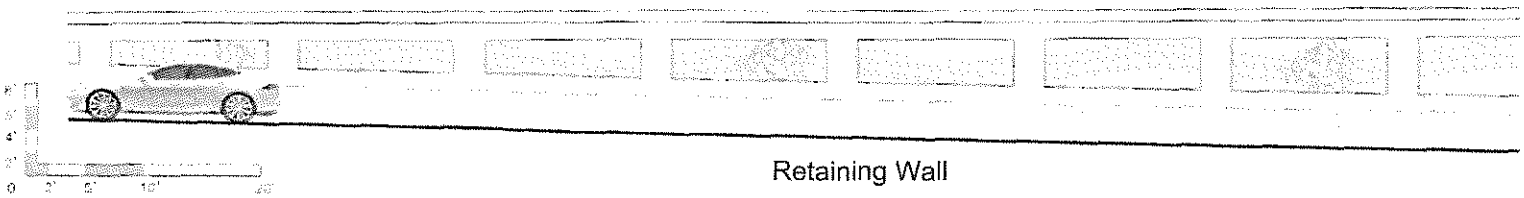


Heteromeles arbutifolia Toyon

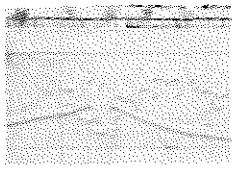
Rhamnus californica 'Leatherleaf' Leatherleaf Coffee Berry



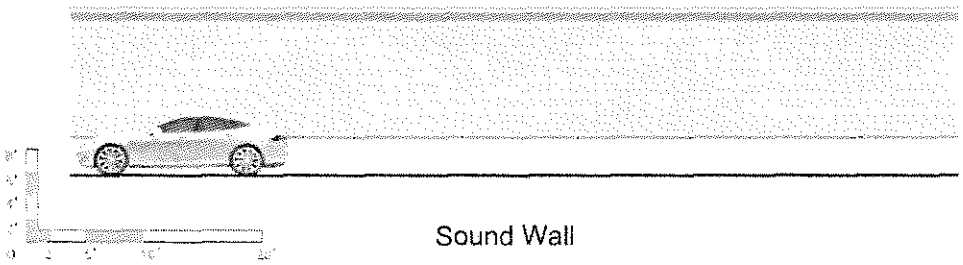
Overcrossing



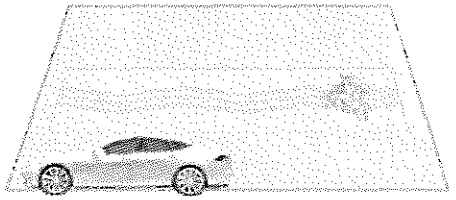
Retaining Wall



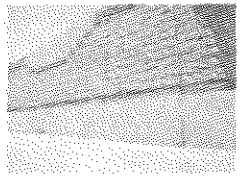
Cast In Place Concrete
Wall Motif



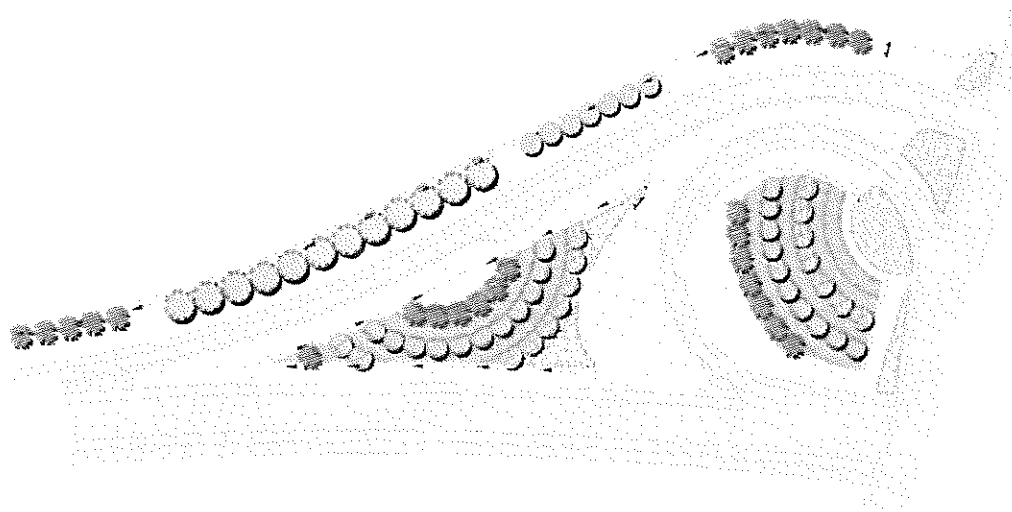
Sound Wall



Slope Paving



Concrete Masonry
Unit Sound Wall



Legend

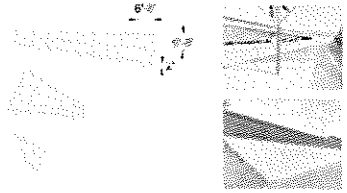
Drainage Swale

Bottom of Slope

Storm Basin Location

Luminaire Reception Sign

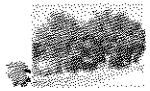
Gore Paving



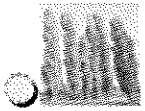
Score Joints on Broom Finish Concrete Surface

15 gal Trees 25'-100' Mature Height

Cupressus arizonica 'Glabra' Smooth Arizona Cypress



Prunus cer 'Krauter Vesuvius' Krauter Purple Leaf Plum



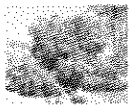
Populus nigra 'Italica' Lombardy Poplar

Olea europaea 'Swan Hill' Olive

Pistacia chinensis 'Keith Davey' Keith Davey Chinese Pistache

Shrubs 2'-6' Tall

Rhaphiolepis 'Clara' Indian Hawthorn



Rhus ovata Sugar Bush

Photinia fraseri 'Compacta' Compact Red Rubin

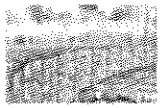
Accent Planting 1'-5' Tall

Hesperaloe arifolia Yucca

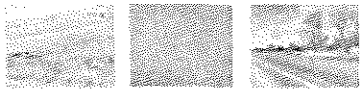
Lantana montevidensis Purple Trailing Lantana

Plumbago arizonica Plumbago

Rock Filled Cage (Gabion) 6'x2'x3'



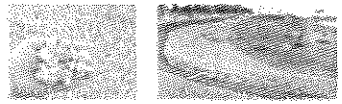
Grass Hydroseed & Groundcover



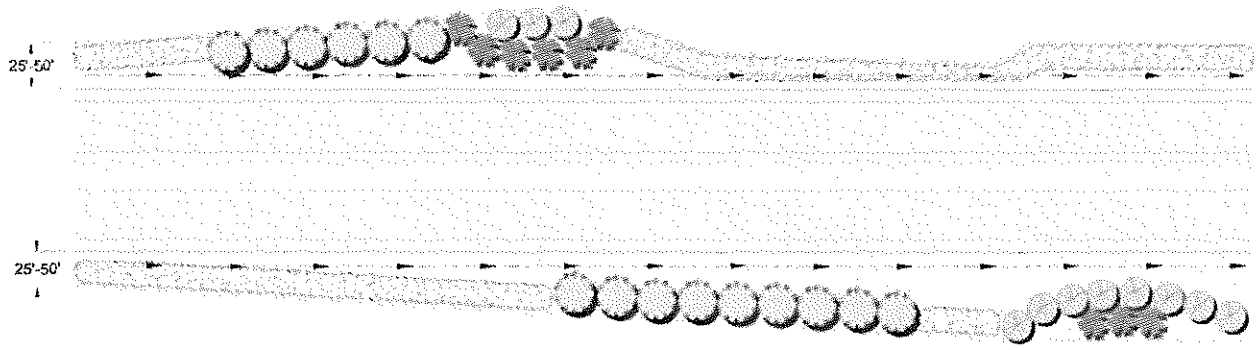
Cotoneaster dammeri 'Royal Beauty' Bearberry

Acacia redolens 'Low Boy'

Gravel Mulch



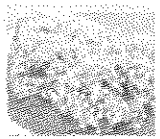
3.10 LIGHT INDUSTRIAL COMMERCIAL



Legend

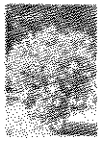
Drainage Swale

Shrubs 2'-6' Tall



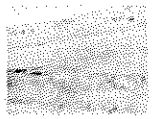
Rhaphiolepis 'Clara'
Indian Hawthorn

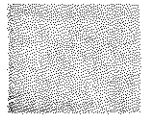
Rhus ovata
Sugar Bush

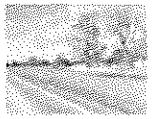


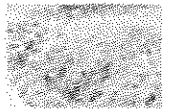
Photinia fraseri
'Compacta'
Compact Red Robin

Grass Hydroseed & Groundcover

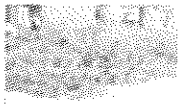






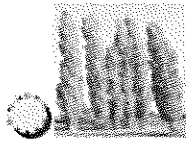


Cotoneaster dammeri
'Royal Beauty'
Bearberry Cotoneaster

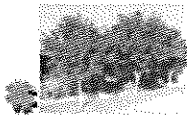


Acacia redolens
'Low Boy'

15 gal Trees 30'-100' Mature Height



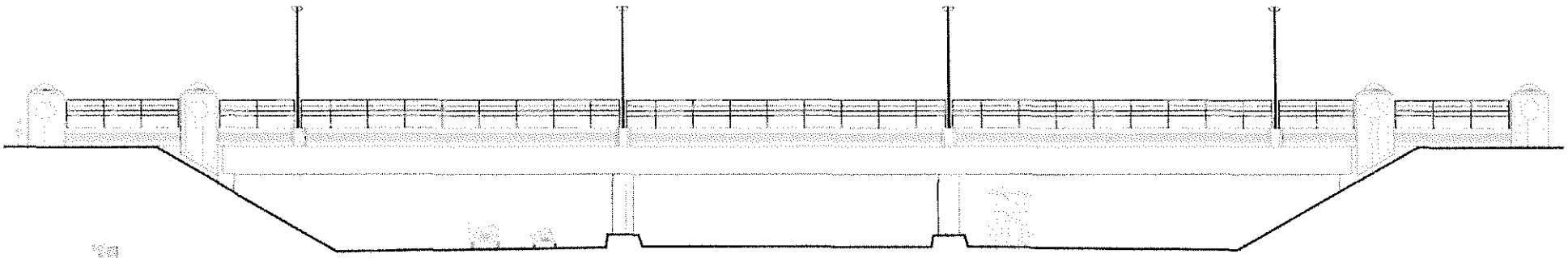
Populus nigra 'Italica'
Lombardy Poplar



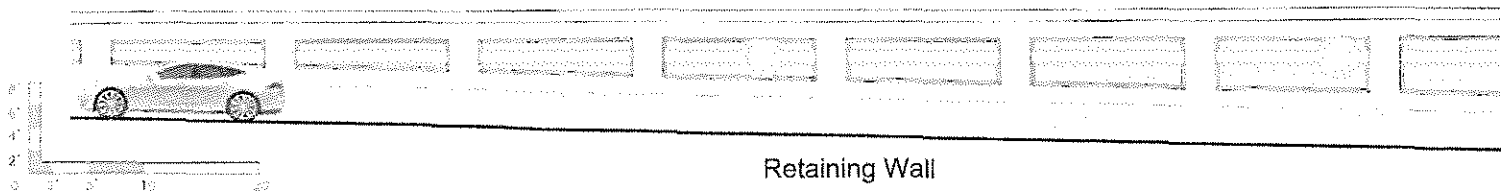
Prunus cer 'Krauter Vesuvius'
Krauter Purple Leaf Plum

Pistacia chinensis 'Keith Davey'
Keith Davey Chinese Pistache

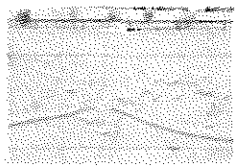
3.10 LIGHT INDUSTRIAL COMMERCIAL



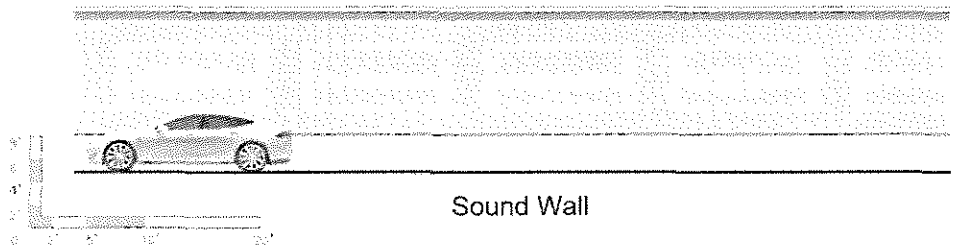
Overcrossing



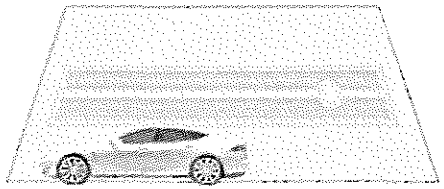
Retaining Wall



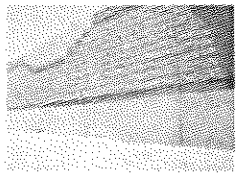
Cast In Place Concrete
Wall Motif



Sound Wall

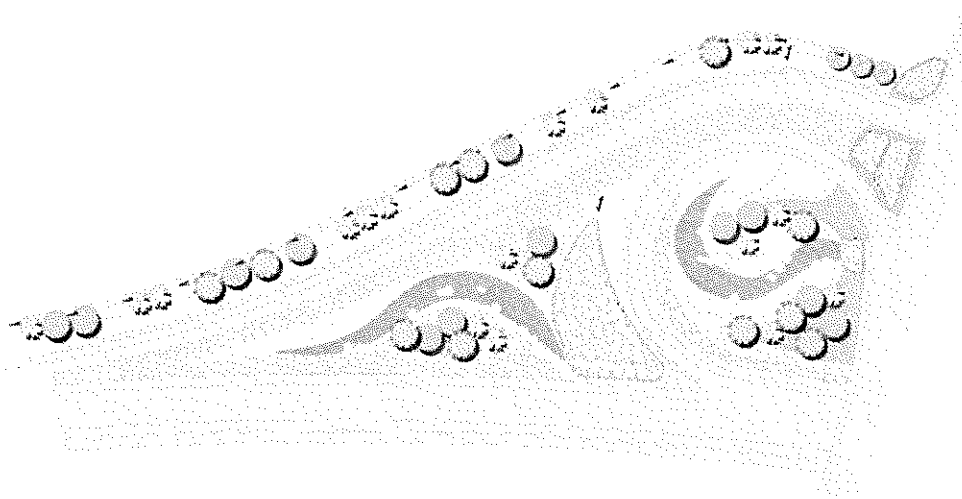


Slope Paving



Concrete Masonry
Unit Sound Wall

3.10 LIGHT INDUSTRIAL COMMERCIAL

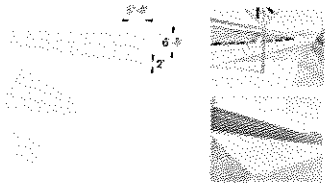


Legend

Drainage Swale

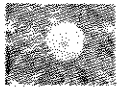
Lithotrope
Abrasion Scar

Gore Paving

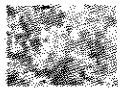


Score Joints on Broom Finish
Concrete Surface

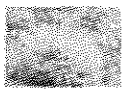
Accent Planting 2'-4' Tall



Rosa woodsii 'Morgefion'
Ice Medland Rose



Rhaphiolepis indica 'Jack Evans'
Indian Hawthorn



Epilobium
California Fuchsia

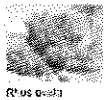
Eriogonum spp.
Buckwheat

Shrubs 2'-6' Tall

Pittosporum tobira 'Compacta'
Dwarf Mock Orange

Forsythia X intermedia
Forsythia

Rhamnus californica 'Leatherleaf'
Leatherleaf Coffee Berry

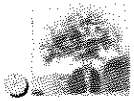


Rhus ovata
Sugar Bush

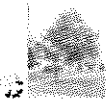
15 gal Trees 10'-100' Mature Height

Populus nigra 'Italica'
Lombardy Poplar

Quercus lobata
Valley Oak

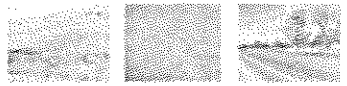


Lagerstroemia indica 'Muskogee'
Lavender Crape Myrtle

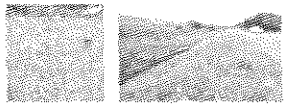


Platanus X acerifolia
Sycamore

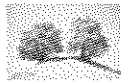
Grass Hydroseed & Groundcover



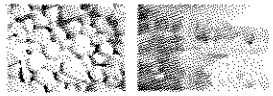
Wildflower Hydroseed



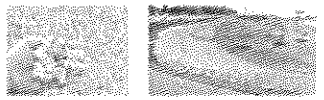
Grading 1' Contours

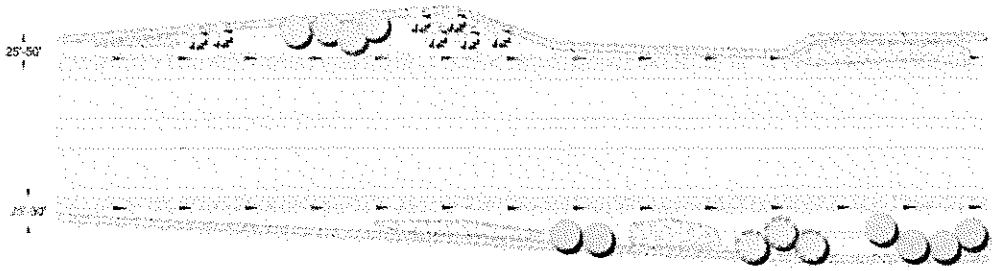


Cobbles and Boulders (4'-6')



Gravel Mulch

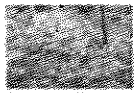




Shrubs 2'-6' Tall

Elaeagnus pungens
Silverberry

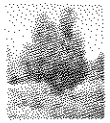
Forsythia X intermedia
Forsythia



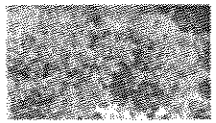
Rhamnus californica
'Leatherleaf'
Leatherleaf Coffee
Berry

Rhus ovata
Sugar Bush

Shrubs 2'-6' Tall

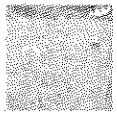


Laurus
Laurel

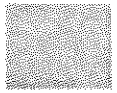


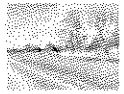
Arctostaphylos

Wildflower Hydroseed

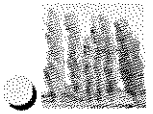


Grass Hydroseed & Groundcover





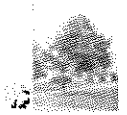
15 gal Trees 10'-100' Mature Height



Populus nigra 'Italica'
Lombardy Poplar

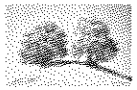
Quercus lobata
Valley Oak

Lagerstroemia indica 'Muskogee'
Lavender Crape Myrtle

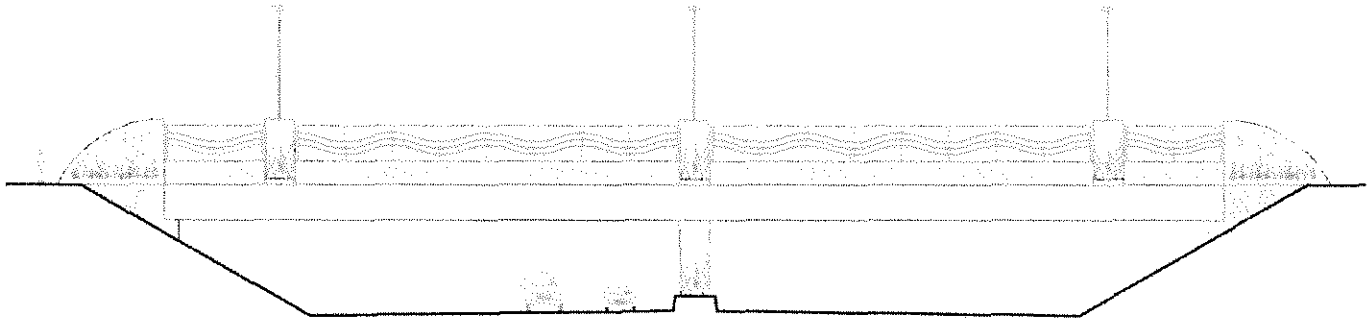


Platanus X acerifolia
Sycamore

Grading 1' Contours

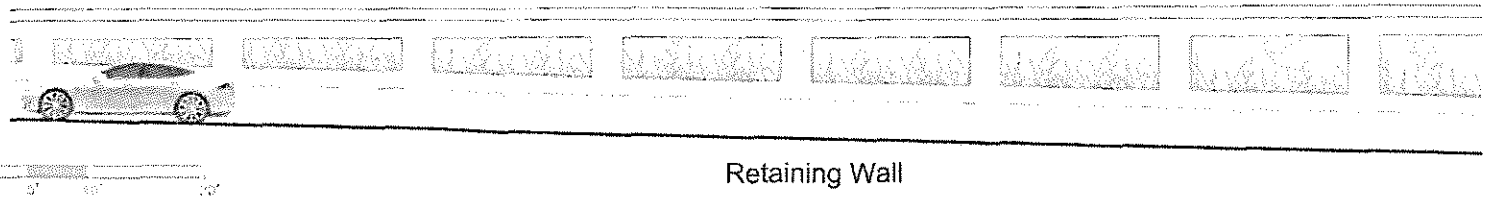


Drainage Swale

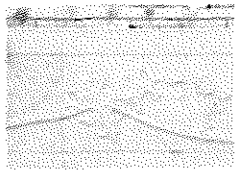


Overcrossing

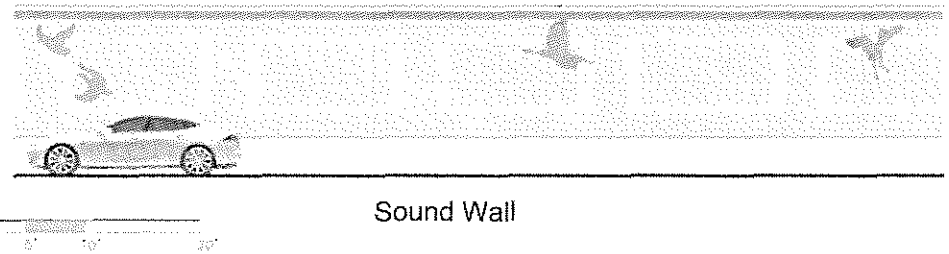
Soundwall along State Route 51 in Sacramento (aka 'Business 80') under a maintenance agreement with City of Sacramento. Constructed 20[illegible]



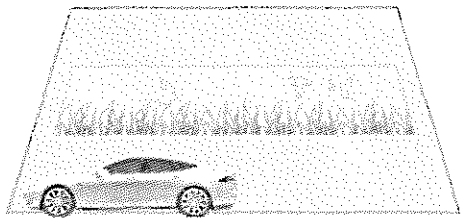
Retaining Wall



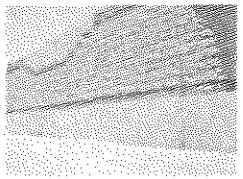
Cast In Place Concrete Wall Motif



Sound Wall

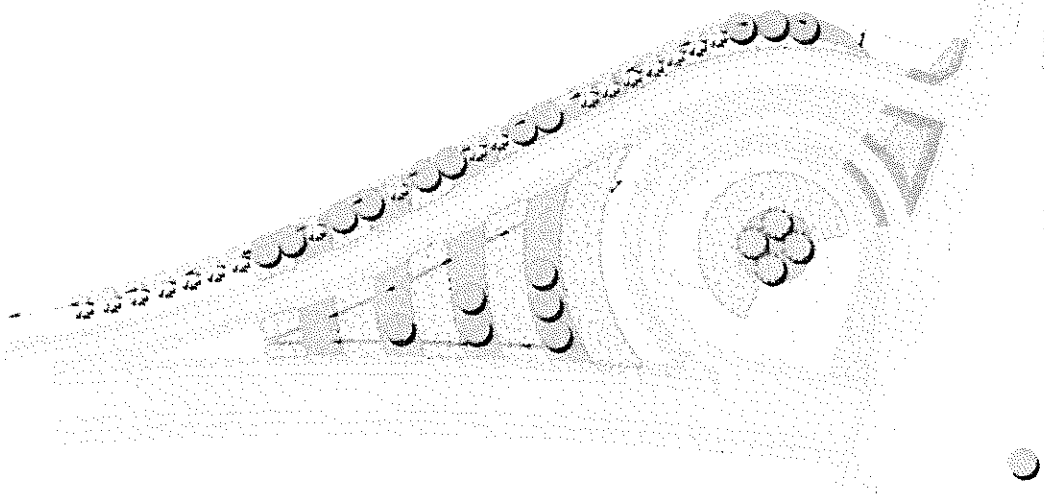


Slope Paving



Concrete Masonry Unit Sound Wall

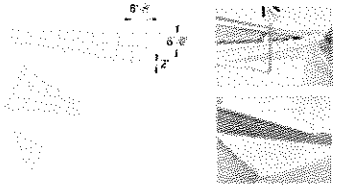
3.11 RIPARIAN



Legend

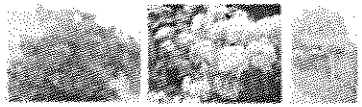
- Drainage Swale
- Bottom of Slope
- Storm Basin Location
- Landscape Adoption Sign

Gore Paving



Stone Joints on Broom Finish Concrete Surface

Accent Planting 2'-5' Tall

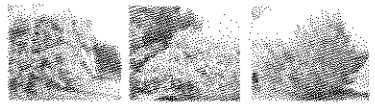


Cotinus coggygria Smoke Tree

Rosa banksiae Lady Banks Rose

Callistemon viminalis 'Weeping' Bottle Brush

Shrubs 2'-6' Tall

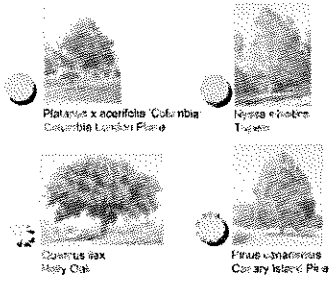


Rhaphiolepis 'Majestic Beauty' Indian Hawthorn

Nerium oleander 'Sister Agnes' Oleander

Leucophyllum f. 'Green Cloud'

15 gal Trees 25'-80' Mature Height



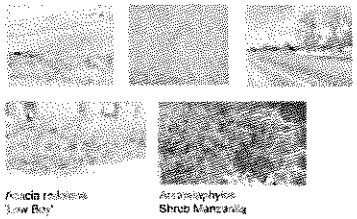
Platanus x acerifolia 'Columbia' Columbia London Plane

Nyssa sylvatica Tupelo

Quercus lobata Valley Oak

Pinus canariensis Canary Island Pine

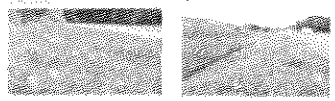
Grass Hydroseed & Groundcover



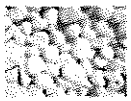
Acacia redolens 'Low Boy'

Arctostaphylos Shrub Manzanita

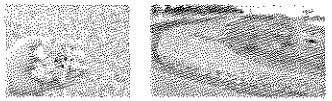
Wildflower Hydroseed

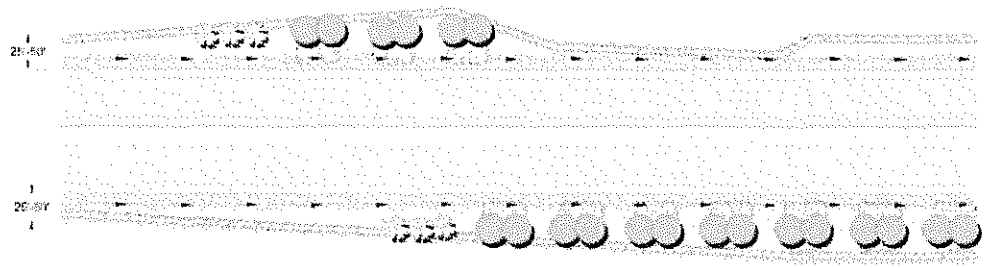


Cobbles

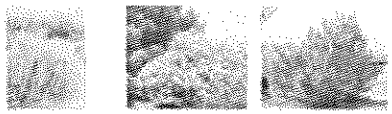


Gravel Mulch





Shrubs 2'-6' Tall

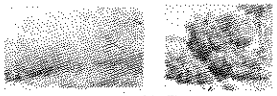


Rosmarinus off. 'Tuscan Blue' Tuscan Blue Rosemary

Nerium oleander 'Sister Agnes' Oleander

Leucophyllum f. 'Green Cloud'

Shrubs 2'-6' Tall



Chilopsis linearis 'Burgundy' Burgundy Desert Willow

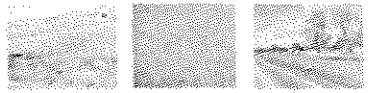
Rhus ovata Sugar Bush

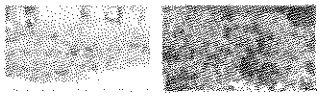
15 gal Trees 25'-70' Mature Height

Platanus x acerifolia 'Columbia' Columbia London Plane

Quercus ilex Holly Oak

Grass Hydroseed & Groundcover

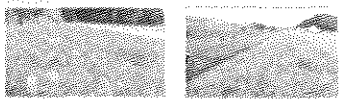




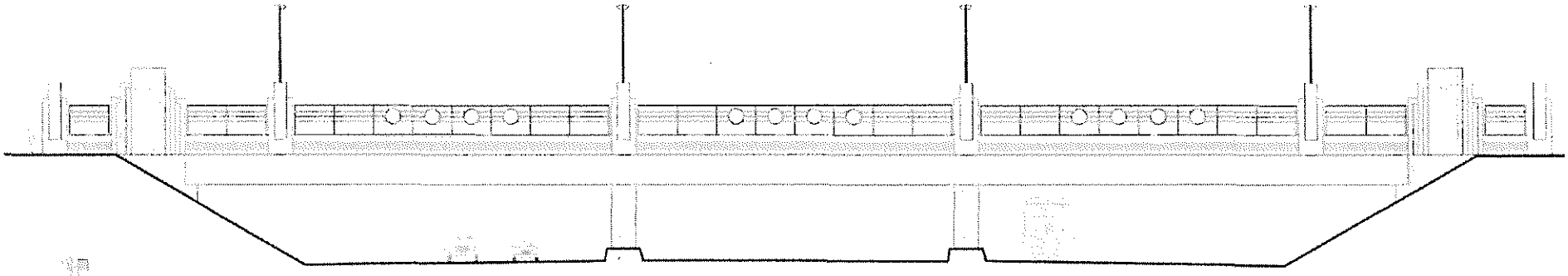
Arctostaphylos 'Low Boy'

Arctostaphylos Shrub Manzanita

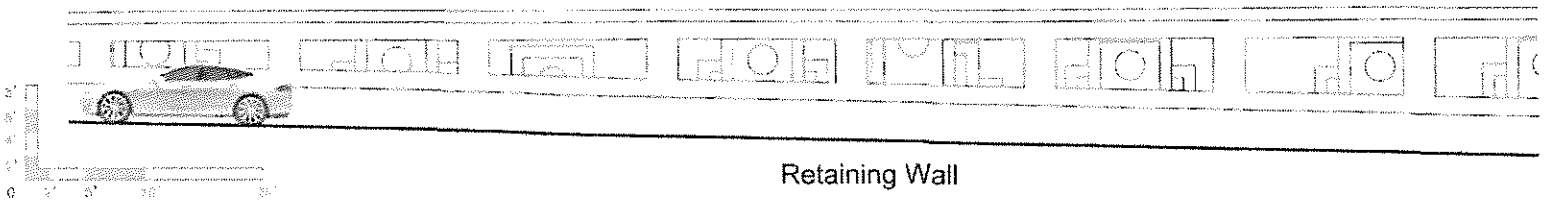
Wildflower Hydroseed



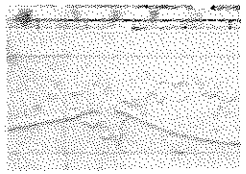
Drainage Swale



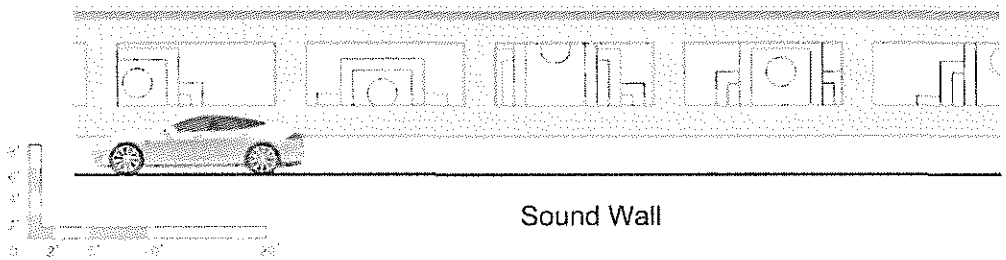
Overcrossing



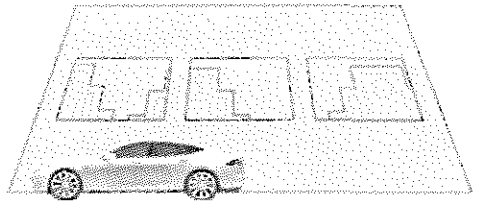
Retaining Wall



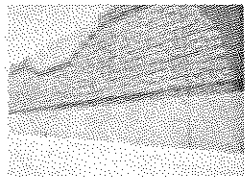
Cast In Place Concrete
Wall Motif



Sound Wall



Slope Paving



Concrete Masonry
Unit Sound Wall

3.12 URBAN

4. Plants

4.1. Introduction

The following pages provide lists and photos of plants that are suitable for use in highway environments and the local climate around State Route 99 within Stanislaus County. They have been reviewed and approved by the Landscape Architecture Department of the California Department of Transportation, District 10 (Caltrans).

Locations for trees, shrubs and groundcover must conform to Caltrans standards. Refer to current document of, "Landscape Architecture PS&E Guide, Section 4, Highway Planting Design, Plans, Plant List and Specifications Sheet," which is available for viewing on-line at the following website address:

www.dot.ca.gov/hq/LandArch/16_la_design/guidance/lap_guide/Sec4.pdf

Also refer to the following Caltrans websites to find current documents and standards:

http://www.dot.ca.gov/hq/LandArch/index_intro_to_la.htm
http://www.dot.ca.gov/hq/LandArch/16_la_design/guidance/index.htm

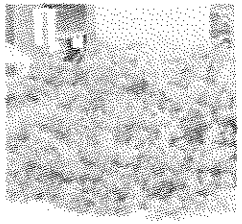
Construction documents developed for projects within Caltrans right-of-way must not deviate from current Caltrans standards. Since the standards apply to all levels of the work from design features to CAD line weights and layers as well as specifications, the designer is encouraged to become thoroughly familiar with the standards prior to beginning work.

The plants listed below are drought tolerant, requiring moderate to very low amounts of potable-quality irrigation water. Next to the plant name on the lists is a letter corresponding to water use requirement. The letters are M=Moderate, L=Low, VL=Very Low. The source for determining the amount of water use a plant requires is the University of California Extension's document, "Water Use Classification of Landscape Species", otherwise known as WUCOLS, available at,

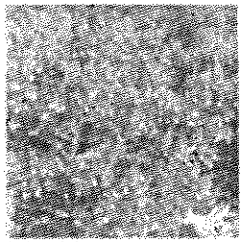
http://ucanr.edu/sites/WUCOLS/WUCOLS_IV_User_Manual

If non-potable water is the water source for irrigation, existing landscapes must continue to be irrigated with potable water to protect their health. If new landscapes are to be irrigated with non-potable water, a chemical analysis from the purveyor and the following plant lists must be submitted to a soil and plant laboratory for assessment and preparation of a report identifying which of the plants in the list would survive using the proposed non-potable water source. The soil laboratory should also provide recommendations for the type of soil to use with the water chemistry to prevent damage to the soil structure from salts.

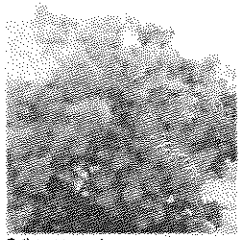
Due to the large number of trees and shrubs used in the highway landscape, it is recommended that the plants be contract-grown in order to insure that all of the plants, correct species and cultivars are available on schedule. Wholesale nurseries are best suited to manage and care for the thousands of plants required for the highway landscape project. It is recommended that the designer include a registered certified and consulting arborist on the design team to visit the growing grounds after a contract grow agreement is in place to inspect and tag trees to be included in the contract grow contract. A follow-up inspection is made one month before delivery to make sure that the tagged trees are in optimum condition and if they are not, to select replacement trees. See Section 4.4, Resource List for Nurseries and Materials.



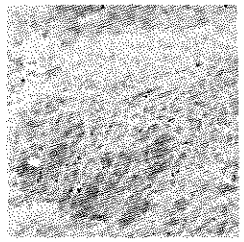
Acacia redolens 'Low Boy'
Shrub Acacia - (VL)



Arctostaphylos
Shrub Manzanita - (L)

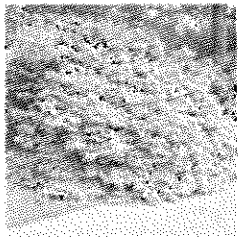


Cotinus coggygria
Smoke Tree - (L)



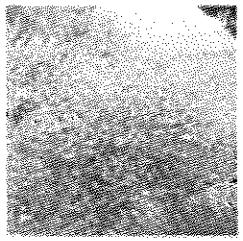
Cotoneaster 'Lowfast'
Lowfast Bearberry (L)

Dietes bicolor
Fortnight Lily - (L)

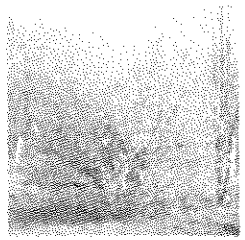


Elaeagnus pungens
Silverberry - (L)

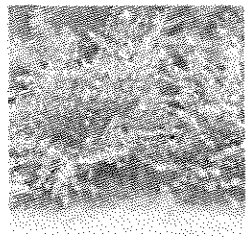
Epilobium
California Fuchsia - (L)



Eriogonum spp.
Buckwheat - (L)

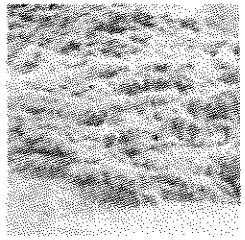


Forsythia X intermedia
Forsythia - (F)



Fremontodendron 'California Glory'
Flannel Bush - (VL)

Heteromeles arbutifolia
Toyon - (VL)

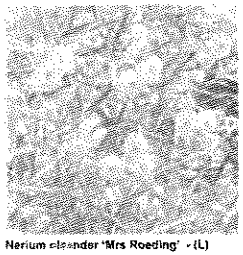


Juniperus chinensis 'Gold Coast'
Gold Coast Juniper - (L)

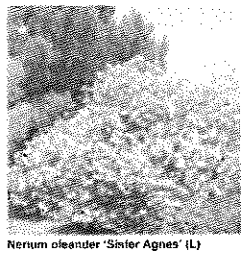
Lantana montevidensis
Purple Trailing Lantana - (L)

Leucophyllum f. 'Green Cloud' - (L)

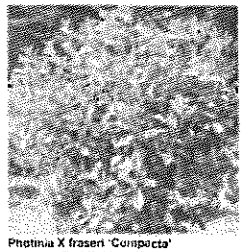
Mahonia repens
Creeping Mahonia - (L)



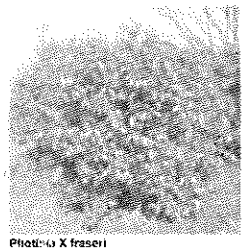
Nerium oleander 'Mrs Roeding' - (L)



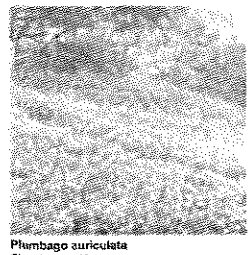
Nerium oleander 'Sister Agnes' (L)



Photinia X fraseri 'Compacta'
Compact Red Robin - (M)



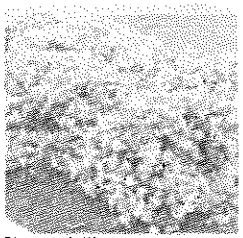
Photinia X fraseri
Red Robin - (M)



Plumbago auriculata
Plumbago -(M)

4.2

Rhamnus californica 'Leatherleaf'
Leatherleaf Coffeeberry - (L)



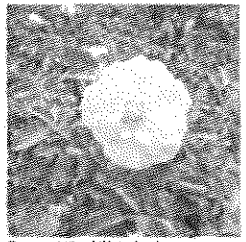
Rhaphiolepis 'Clara'
Indian Hawthorn - (M)

Rhaphiolepis 'Majestic Beauty'
Indian Hawthorn - (L)

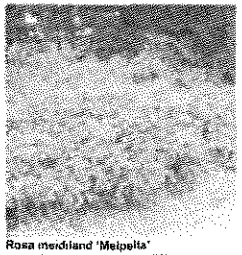
Rhaphiolepis indica 'Jack Evans'
Indian Hawthorn - (M)

Rhus ovata
Sugar Bush - (L)

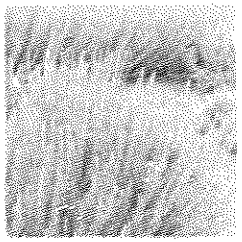
Rosa banksiae
Lady Banks Rose - (L)



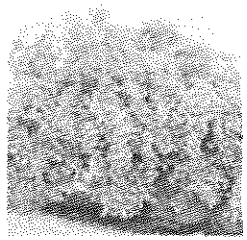
Rosa meidiland 'Meipahyn'
Ice Meidiland Rose - (M)



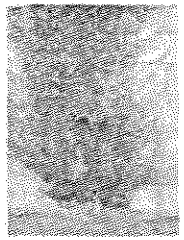
Rosa meidiland 'Meipelta'
Fuchsia Meidiland Rose - (M)



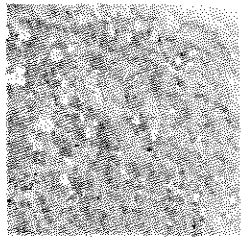
Rosmarinus off. 'Tuscan Blue'
Tuscan Blue Rosemary - (L)



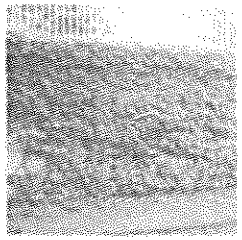
Xylosma congestum
Xylosma - (L)



Ficus pumila
Creeping Fig - (M)



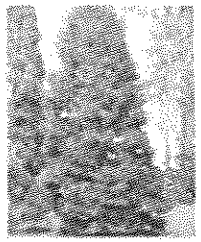
Macfadyena unguis cati
Cat's Claw - (L)



Parthenocissus tricuspidata
Boston Ivy - (M)

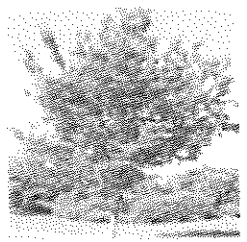
Arbutus unedo 'Marina'
Strawberry Tree - (L)

Callistemon viminalis
Weeping Bottle Brush - (L)

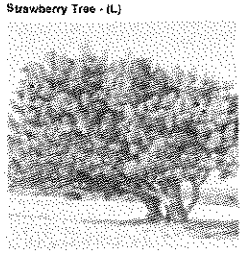


Calocedrus decurrens
Incense Cedar - (M)

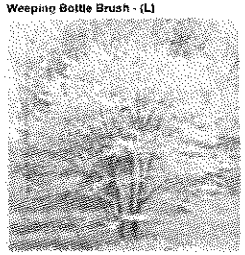
Cedrus deodara
Deodar Cedar - (L)



Celtis occidentalis
Common Hackberry - (L)

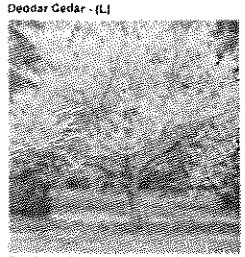


Ceratonia siliqua
Carob - (L)

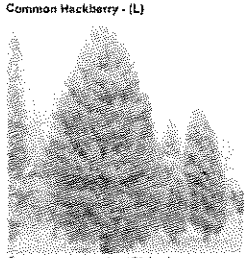


Cercis canadensis
Western Redbud - (M)

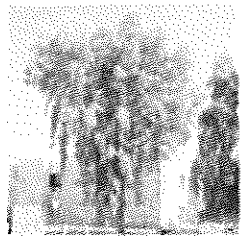
Cercis occidentalis
Eastern Redbud - (L)



Cercis reniformis 'Oklahoma'
Oklahoma Redbud - (L)

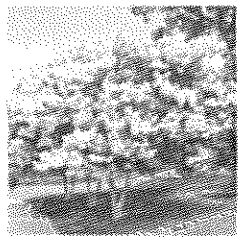


Cupressus arizonica 'Glabra'
Smooth Arizona Cypress - (VL)

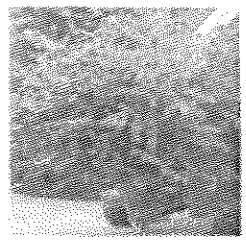


Eucalyptus microtheca
Coolibah - (L)

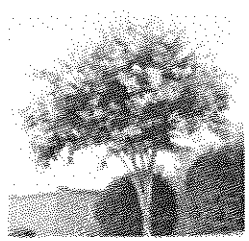
Ginkgo biloba
Maiden Hair Tree 'Autumn Gold' - (M)



Lagerstroemia indica 'Natchez'
White Crape Myrtle - (L)

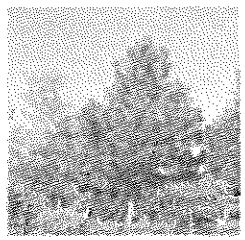


Lagerstroemia indica 'Tuscarora' - (L)



Lagerstroemia indica 'Muskogee'
Lavender Crape Myrtle - (L)

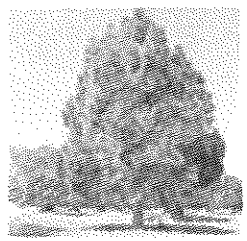
Laurus
Laurel - (L)



Liquidambar styraciflua
Sweetgum - (M)

Nyssa silvatica
Tupelo - (M)

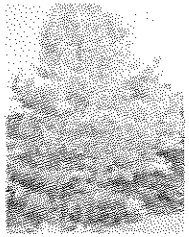
Olea europaea 'Swan Hill'
Swan Hill Olive - (VL)



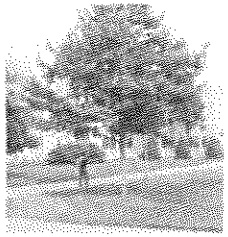
Pinus canariensis
Canary Island Pine - (L)

4.2

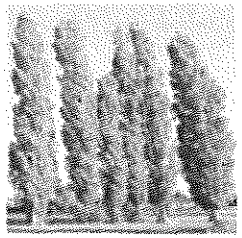
Pistacia chinensis 'Keith Davey'
Keith Davey Chinese Pistache -(L)



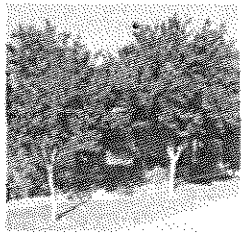
Platanus racemosa
California Sycamore - (M)



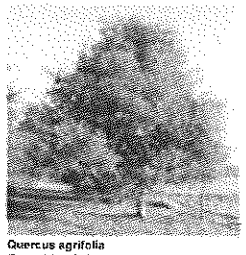
Platanus X acerifolia 'Columbia' - (M)



Populus nigra 'Italica'
Lombardy Poplar - (M)



Prunus cer. 'Krauter Vesuvius'
Krauter Purple Leaf Plum - (M)

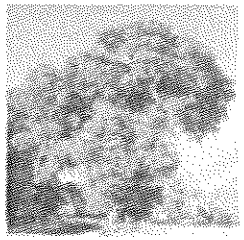


Quercus agrifolia
Coast Live Oak - (L)

Quercus ilex
Holly Oak - (L)

Quercus lobata
Valley Oak - (L)

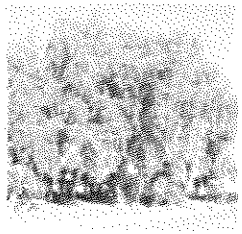
Quercus suber
Cork Oak - (L)



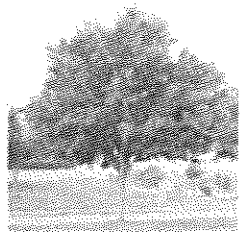
Quercus wislizeni
Interior Live Oak - (VL)

Rhus lancea
African Sumac - (L)

Robinia ambigua 'Idahoensis'
Idaho Locust - (L)



Schinus molle
California Pepper - (L)



Ulmus parvifolia
Chinese Elm - (M)

4.3 Median Planting

The following information is provided to assist the designer with assessing and implementing median planting.

Median Width	Landscape Treatment	Guardrail Around Landscape Area	Aesthetic Treatment Above Concrete Barrier	Aesthetic Treatment on Concrete Barrier
0'-12'	Asphalt/Concrete/ Stamped Concrete/color	No	Yes	Yes
12'-30'	Hydroseed	No	Yes/No	Yes/No
30'-60'	Shrubs	Yes	No	No
60'-90'	Trees and Shrubs	Yes	No	No

The median widths indicated in the table above are found in the existing highway conditions within SR99. Individual project median designs are subject to Caltrans District 10 approval.

The designer is to use plants selected from the SR99 Corridor Enhancement Plan, plant list. Final plant selection is subject to Caltrans District 10 approval.

Landscape planting is subject to Caltrans design standards including:

Plant setback and spacing guide:
http://www.dot.ca.gov/dist4/rightofway/documents/airspace/plant_list.pdf

Highway Design Manual (Particularly Chpt 9):
http://www.dot.ca.gov/hq/oppd/hdm/pdf/english/HDM_Complete_30Dec2015.pdf

Plants (from plant list) suitable for use in medians:

Shrubs

Arctostaphylos cultivars, Manzanita Cultivars

Celtis occidentalis, Common Hackberry

Heteromeles arbutifolia, Toyon

Laurus 'Saratoga', Saratoga Bay Laurel

Nerium oleander 'Mrs Roeding', Mrs. Roeding Oleander

Nerium oleander 'Sister Agnes', Sister Agnes Oleander

Photinia x fraseri, Red Robin

Rhamnus alaternus 'John Edwards', John Edwards Coffeeberry

Rhamnus californica, 'Leatherleaf', Leatherleaf Coffee Berry

Rhaphiolepis indica 'Jack Evans', Jack Evans India Hawthorn

Rhaphiolepis 'Majestic Beauty', Majestic Beauty India Hawthorn

Rhaphiolepis 'Clara', Clara India Hawthorn

Rhus ovata, Sugar Bush

Xylosma congestum, Xylosma

Trees

Calocedrus decurrens, Incense Cedar

Cedrus deodara, Deodar Cedar

Ceratonia siliqua, Carob

Cupressus arizonica 'Glabra', Smooth Arizona Cypress

Eucalyptus microtheca, Coolibah

Liquidambar styraciflua, Sweetgum

Nyssa silvatica, Tupelo

Olea europaea, Olive

Pinus canariensis, Canary Island Pine

Pistacia chinensis 'Keith Davey', Keith Davey Chinese Pistache

Platanus x acerifolia 'Columbia', Columbia London Plane

Platanus racemosa, California Sycamore

Populus nigra 'Italica', Lombardy Poplar

Prunus cerasifera 'Krauter Vesuvius', Krauter Purple Leaf Plum

Quercus agrifolia, Coast Live Oak

Quercus ilex, Holly Oak

Quercus lobata, Valley Oak

Quercus suber, Cork Oak

Quercus wislizenii, Live Oak

Schinus molle, California Pepper Tree

Ulmus parvifolia, Chinese Elm

4.4 Resource List for Nurseries and Materials

The following website lists over a hundred wholesale growers complete with contact information.

http://www.plantsearchonline.com/CA.htm

The nurseries below are among several that supply materials for highway projects.

Boething Treeland Lodi, Lodi, CA. (209) 727-9700

Cornflower Farms, Elk Grove, CA. (916) 689-1015

Monrovia Azusa, Azusa, CA. (626) 334-9321

Native Sons, Arroyo Grande, CA. (805) 481-5996

Norman's Nursery, San Gabriel, CA. (626) 285-9795

San Marcos Growers, Santa Barbara, CA. (805) 683-1561

Suncrest Nurseries, Watsonville, CA. (831) 728-2595

Valley Crest Tree, North. Sunol, CA. (925) 862-2485

Village Nurseries Wholesale Plant & Tree Grower, Orange CA. (800) 542-0209, (800) 875-1972

Materials provided for highway projects are specified in the construction documents, supplied by the general and subcontractors and are not purchased directly by a public agency administering a highway project. The materials are specified on the construction drawings and in the specifications for highway projects. The contractor is required to submit shop drawings, brochures, cut sheets, laboratory analyses, reports and samples for review by the design team and Caltrans. If the reviewers find the submittal acceptable, the contractor is authorized to order the material. If the submittal is not in conformance with the contract documents, it is rejected and re-submittals are required until an acceptable submittal is approved. The following are manufacturers and materials numbers for the items included in this planning document.

Concrete Masonry Units for Sound Walls

Basalite, Dixon, CA, (707) 678-1901 – Color 389 and 428
Calstone, Tracy, CA, (209) 833-7366 – Color S304 and S1344LC

Concrete Color Admixtures

LM Scofield Company, Los Angeles, CA. (213) 723-5285 – Color C-12 Mesa Beige
Solomon Colors Inc, Rialto, CA. (866) 747-2656 – Color Thyme 238

Metal Color Finishes

Tiger Drylac, Ontario, CA. (800) 243-8148 – Color RAL 6005 (Green) and RAL 9005 (Black) and 38/30028 (Brick Red)

Gravel Mulch

West Coast Sand and Gravel, Northern and Central California, CA. (800) 734-3053
Size 3/4" - 1 1/2" washed crushed rock. Color Tan
George Reed, Inc., 140 Empire Ave., Modesto, CA. (877) 823-2305 - Size 3/4" - 1 1/2" washed crushed rock. Color Tan
Teichert (Corporate Office), 3500 American River Drive, Sacramento, CA. (916) 484-3011
Size 3/4" - 1 1/2" washed crushed rock. Color Tan
California Materials Inc. (CMAT), 3736 S. Hwy. 99, Stockton, CA. Agents for Trucking and Materials (209) 471-5891

Cobbles and Boulders

Cobbles
West Coast Sand and Gravel, Northern and Central California, CA. (800) 734-3053
Size 4" – 8" +-. Color Tan (Yosemite Cobble or similar approved).
George Reed Inc., 140 Empire Ave, Modesto, CA. (877) 823-2305 - Size 5" – 8"+-. Color Tan (Lodi Gold Cobble or similar approved).
California Materials Inc. (CMAT), 3736 S. Hwy. 99, Stockton, CA. Agents for Trucking and Materials. (209) 471-5891

Boulders
West Coast Sand and Gravel, Northern and Central California, CA. (800) 734-3053
Size: 3' - 5' x 36" min. depth. Color Tan (Yosemite Boulder or similar approved).
George Reed, Inc., 140 Empire Ave., Modesto, CA. (877) 823-2305 - Size: 3' - 5' x 36" min. depth. Color Tan
California Materials Inc. (CMAT) 3736 S. Hwy. 99, Stockton, CA. Agents for Trucking and Materials. (209) 471-5891

Gabion Rock

West Coast Sand and Gravel, Northern and Central California, CA. (800) 734-3053
Size 8" - 12". Color Tan (Upland Mission or similar approved)
George Reed, Inc., 140 Empire Ave., Modesto, CA. (877) 823-2305 - Size 8" - 12". Color Tan.
California Materials Inc. (CMAT) 3736 S. Hwy. 99, Stockton, CA. Agents for Trucking and Materials. (209) 471-5891

Gabion Wire Cages

Gabion Supply (866) 391-6295
Reed and Graham Geosynthetics, Sacramento, CA. (888) 381-0800
Maccaferri Inc, Sacramento, CA. (916) 371-5805

All cobbles, boulders and gabion rock must be full and intact rocks and not broken pieces. Cobbles are to be smooth and oval-shaped.

5. Sustainable Practices

Sustainability is the "...endurance of systems and processes." (Wikipedia, 2016).

Determined application of sustainable practices and processes with the intention of living in environments that are in balance, healthy and productive across connections and systems ranging from the natural to social, is a goal and frame of reference for planners of projects within the State Route 99 corridor.

Among the many features available to us that provide opportunities to contribute toward endurance of a healthy ecosystem include **water, air, soil and plants**.

Water availability and conservation are topics of perennial concern in the State of California. Methods to conserve and minimize water consumption used in landscapes within the corridor include selection of drought tolerant plants, use of "Smart" irrigation controllers that are linked to internet weather stations, use of flow sensors that automatically shut off an irrigation system if there is a leak or breakage, use of bubblers or drip irrigation systems to place water only where needed at each plant and operation of irrigation systems at night to minimize evaporation. Water quality and soil erosion are discussed in the Appendices under "Slope

Stabilization and Best Management Practices".

Use of non-potable water: Most often non-potable water has salt levels that are detrimental to plants and particularly to soil structure. To rid soil of salt build-up with use of non-potable water, more water has to be applied to the soil in order to leech out the salts. Leeching does not rid the soil of salts. It simply takes the salts to a deeper level of the soil causing damage to lower soil horizons. Only when the non-potable water has a chemistry that is similar to potable water, yet is not drinkable, is the use of non-potable water considered sustainable. Also refer to Section 4, Plants, 4.1 Introduction.

Caltrans links to information on water conservation

http://www.dot.ca.gov/hq/LandArch/16_la_design/water_conserv/index.htm

and http://www.dot.ca.gov/water.htm

Air quality in Central California is the subject of state and local planning and management. Although it is not within the scope of this document to address the issue at large, there are sustainable practices that can be implemented when planning transportation construction projects within State Route 99 to minimize airborne particulates. Soil erosion exposes raw earth to heat, thus producing dry particles that can become airborne by the strong winds in the Central Valley. See the Section B on Soil Stabilization and Best Management Practices in the Appendices for methods to reduce and prevent soil erosion. In addition, maintaining dust control by watering during construction is required for projects within the corridor. In the landscape, open soil areas are mulched with gravel, stones, boulders and arbor mulch to keep soil in place, to prevent evaporation of soil moisture and to keep down weeds. Areas planted with shrubs and ground covers will also reduce soil exposure to wind. Finishes on metals are applied in large plants specifically designed to handle large sizes and quantities of metal fabrications typically used in large highway projects and are not applied on the project site except for minor touch ups with paint. Conveyance of materials and supplies using the least amount of fossil fuel, either through purchasing locally or shipping by rail, is another way in which construction projects can minimize their contribution of airborne particulates. Avoidance of chemical sprays in the landscape and during the construction of highway features is yet another way to minimize air pollution. Finally, including in the transportation network, provisions for bicycle ways, pedestrian walkways and mass transit will further reduce air pollution.

Soil structure and health is maintained when sustainable practices are employed in its care. Like any living system, soil requires water and nutrients. It also requires minerals, organic matter and porosity. It supports and maintains a symbiotic relationship with soil organisms and the wider ecosystem where the plants that it supports ultimately create an atmosphere that nourishes the soil. Use soil in the installation of plant materials that is loamy in character. Any top soil to be used or native soil must be analyzed by a soil and plant laboratory for suitability for use on the project site and with the plant materials specified. Sustainable practices include tilling the soil only once during planting and tilling only when the soil is at an optimum condition with a medium moisture content (not wet and not dry). Repeated tilling causes the soil structure to break down. Place two layers of sheet cardboard in overlapping layers on top of the tilled soil after planting trees and shrubs. For areas planted with groundcover, install the sheets first, then make "X" cuts in the paper and install groundcover plants. The sheet cardboard holds in moisture and reduces weeds. On top of sheet cardboard, place a 2-inch layer of compost followed by a 3-inch deep top dressing of arbor mulch. During maintenance, keep small diameter clippings on site rather than hauling away and place around shrubs and trees except those plants that are mulched with gravel or stones. Chip shrub and tree wood debris and use as arbor mulch on site. Do not re-use any part of the Eucalyptus species or include invasive species listed on the California Invasive Plant Inventory Database in the landscape. Other products to retain soil moisture and to prevent erosion on relatively flat terrain are gravel and stones. Protect soil from compaction.

Refer to the Central Valley Friendly Landscaping website:

http://ucanr.edu/sites/cvlandscape/Central_Valley_Friendly_Guidelines/Nurture_the_soil

Plants considered to be sustainable are drought tolerant, low maintenance, minimally susceptible to pests and diseases, are appropriate for planting in the microclimate where the project is located and are of a size when mature that extensive pruning to keep the plants within the bounds of the landscaped area is not required. In addition, plants used in the highway landscape must not be listed in the California Invasive Plant Inventory Database, http://www.cal-ipc.org/paf. Why these criteria contribute to a sustainable landscape is due to their requiring minimal resources to remain viable and healthy.

No plant is exempt from of the impacts of pests and diseases; however some species are more resistant than others. The nursery industry develops new cultivars over time that are stronger and more resistant. Control of pests and diseases and fertilizers should rely on certified organic materials that are listed with the Organic Materials Research Institute, http://www.omri.org. Select plants for highway projects from the master plant list in this plan.

6. Landscape Maintenance

Detailed description and guidance on landscape maintenance procedures and methods within the Caltrans right-of-way are found in the Caltrans Maintenance Manual Volume 1 Chapter E:

http://www.dot.ca.gov/hq/maint/manual/maintman.htm

Caltrans' budgets for landscape maintenance are limited. In the event the landscape maintenance costs exceed the amount available to Caltrans, a Caltrans Freeway Maintenance Agreement and Landscape Maintenance Agreement should be entered into that enables part of the maintenance to be undertaken by non-Caltrans staff. A sample agreement can be found in Section E of the Appendices to this document, and is available from Caltrans HQ in Sacramento. Non-Caltrans staff for landscape maintenance must adhere to the requirements of Caltrans for roadside safety.

If non-Caltrans staff agrees to undertake a portion of the Landscape Maintenance work, then landscape maintenance adoption signs should be placed in prominent locations within each area that is adopted by the city, business or by volunteers. These signs should include the details of the adoptees involved and should be securely installed with easily replaceable panels to accommodate changes in the maintenance agreement. Standard "Adopt-a-Highway" sign details are available from Caltrans. However, it is recommended that a unique design be created that reflects the level of involvement by the adoptee, volunteers and staff who will be on site to undertake the maintenance.

7. Recommendations for Implementation

The State of California Department of Transportation has published a State Route 99 Corridor Enhancement Master Plan, http://www.dot.ca.gov/dist6/99masterplan. Refer to Chapter 5, "Implementing the Plan". This document is described as a guide for public and private sector decisions in the development of the Route 99 Corridor by setting specific improvement approaches and themes.

Options for implementing the StanCOG Route 99 Corridor Enhancement Plan could be accomplished through cooperative agreements between Caltrans and single to multiple public agencies such as the County and local municipalities; or the plan could be implemented through individual Caltrans highway contracts as they emerge. Physical, budgetary and legislative constraints would play a large part in how projects are packaged. The StanCOG State Route 99 Corridor Enhancement Plan applies to all new projects within the corridor. The projects may range from new and reconfigured interchanges and mainline to smaller landscape replacement or soundwall projects. See Section C in the Appendices for Funding Opportunities.

The concepts shown in this document are intended to be used as the model for implementing the design of structures and landscaping into existing and proposed road configurations. Realizing that individual site configurations vary, the designer is encouraged to consider the following:

- What are the principal elements within the concept for each theme?
- How will I include the principal elements in the project, maintaining the overall theme and design intent?

For example, the agricultural theme design includes parallel lines of planting to represent rows of trees in an almond orchard and a linear cobbled swale cutting across the design representing an irrigation canal. By changing the orientation and location of these linear elements, the designer is able to fit the design within existing site constraints.

All options for implementation must include Caltrans coordination, approvals and conformance with their standards for construction documents.

8. Cost Estimating

8.1 Assessment of Cost Per Acre

"The California Department of Transportation has available cost-per-acre data for landscaping. While the costs reflect a basic design that includes trees, erosion control and shrubs and does not reflect the level of landscaping shown in the design concepts, the data can be used as a baseline upon which to add the costs required to construct the concepts provided in this planning document.

"The source of the following "Caltrans Highway Planting Cost per Acre and Water Assessment Fee Limits" is a May 4th 2011 memorandum published by the California Department of Transportation Headquarters, Principal Landscape Architect Landscape Architecture Program. Omitted from the text below are costs associated with years prior to 2013:

"Current maximum cost per acre and water assessment fee limits for highway planting are listed by fiscal year below. The costs are shown for both one and three-year plant establishment periods. Design for safety, roadside management and storm water features shall be included in the scope of all projects, but the related project costs are not to be included when determining the maximum cost per acre.

"Three years of plant establishment shall be included with the contract for highway planting projects (including Highway Planting, Highway Planting Restoration, Re-vegetation, and Replacement Planting, as defined in the Project Development Procedures Manual). A three-year plant establishment period assures that plants are healthy and established, and the irrigation systems function as planned. This policy applies to highway planting projects within State right-of-way regardless of the funding source. A plant establishment period of less than three years shall receive concurrence from District Maintenance and District Landscape Architecture through the approval of the Project Report and approval from the Landscape Architecture Program shall be in a concurrence memo attached to the Project Report. A plant establishment period of less than three years may be justified when there will be a benefit to the State.

"If cost over-runs occur after project programming and prior to the programmed year, additional funds may be available from District or program savings. If funds are not available to accommodate cost over-runs, the district must determine what changes can be made to the project to keep within the programmed amount and minimize the impact to the plant establishment period and purpose and need of the project. If cost changes are unavoidable, a Program Change Request should be submitted to the Project Management Program as early as possible in the project development process. If no cost reduction alternatives are available, the project may need to be delayed and reprogrammed when funds become available.

"Maximum highway planting cost/acre including a three-year plant establishment period are:

2013/14 FY (1/14 base year for 2014 SHOPP)	$52,000/ac
2014/15 FY (1/15)	$52,700/ac
2015/16 FY (1/16 base year for 2016 SHOPP)	$53,400/ac
2016/17 FY (1/17)	$54,100/ac

"Maximum water assessment costs/acre are:

2013/14 FY (1/14 base year for 2014 SHOPP)	$1,640/ac
2014/15 FY (1/15)	$1,660/ac
2015/16 FY (1/16 base year for 2016 SHOPP)	$1,680/ac
2016/17 FY (1/17)	$1,700/ac

"Projects shall be identified in the 10-Year SHOPP Plan prior to developing Project Initiation Documents for SHOPP candidate projects. It is imperative that the cost and schedule of every un-programmed project be reviewed annually to ensure they are current, complete and accurate.

If you have any questions regarding this memo, please contact Suzy Namba, Chief, Office of Landscape Architecture Coordination and Planning, at (916)-654-2594 or email at suzy _namba@dot.ca.gov."

8.2. Cost Estimates

The document below is a useful tool for determining construction cost estimates for landscaped areas and structures aesthetics for highway improvement projects within interchanges and straight sections of State Route 99. The costs are itemized for each design theme. All costs will require adjustment to account for physical configuration and size of individual projects, inflation factors and design refinements as a project moves through the process of developing construction documents for contractors to review and submit bids for construction.

SR99 CORRIDOR ENHANCEMENT PLAN
ORDER OF MAGNITUDE ESTIMATED CONSTRUCTION COSTS FOR LANDSCAPING AND STRUCTURES AESTHETICS
Date: November 1, 2016

LANDSCAPE	Agricultural		Light Industrial-Commercial		Riparian		Urban	
	Interchange: (Cost Per Quadrant)	Mainline: Includes Both Sides (Cost Per Mile)	Interchange: (Cost Per Quadrant)	Mainline: Includes Both Sides (Cost Per Mile)	Interchange: (Cost Per Quadrant)	Mainline: Includes Both Sides (Cost Per Mile)	Interchange: (Cost Per Quadrant)	Mainline: Includes Both Sides (Cost Per Mile)
TOTAL LANDSCAPE COST	$ 913,204		$ 646,993		$ 793,172		$ 895,450	
INTERCHANGE LANDSCAPE COST PER SQUARE FOOT	$ 6.03		$ 4.27		$ 5.24		$ 5.91	
MAINLINE LANDSCAPE COST PER MILE		$ 616,281		$ 601,180		$ 722,449		$ 576,439

NOTES ON LANDSCAPE COSTS

Additional factors that will need to be considered:
- The landscape may be part of a larger project.
- The landscape may be a stand alone project.
- The water source for irrigation may be existing or new.
- Storm water management requirements for each interchange will vary.

AESTHETIC FEATURES	Agricultural		Light Industrial-Commercial		Riparian		Urban	
	Interchange: (Cost Per Quadrant)		Interchange: (Cost Per Quadrant)		Interchange: (Cost Per Quadrant)		Interchange: (Cost Per Quadrant)	
AESTHETIC FINISHES AND COMPONENTS	$ 410,421		$ 374,000		$ 346,143		$ 552,483	

NOTES ON AESTHETICS COSTS

1. Costs obtained from the 2014 Pelandale Bridge Project have been increased by 6% to reflect year 2016 estimated construction costs.
2. The costs shown here are for aesthetic finishes and features only and do not include basic structural components of an interchange such as bridges, retaining walls, ramps, paving and lighting
3. Soundwall and retaining wall costs for mainline between interchanges will need to be determined.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-275

Print

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

COMMUNITY AND ECONOMIC DELVELOPMENT

A budget adjustment is necessary for a total cash transfer of $94,954 from various Community Facilities District (CFD) Funds to each of their corresponding Capital Funds. This is to correct the fund balances after incorrect calculations of year-end journals related to Fleet Services expenses in previous fiscal years. The total $94,954 includes: $38,948 from Fund 3200 (Village One) to Fund 3201 (Village One – Capital Fund); $721 from Fund 3265 (NorthPointe CFD S.R. Fund) to Fund 3266 (NorthPointe CFD – Capital Fund); $1,850 from Fund 3270 (Carver/Bangs Pelandale/Snyder CFD) to Fund 3281 (Pelandale/Snyder CFD Fund – Capital Fund); and $53,435 from Fund 3290 (Village One #2 CFD Fund) to Fund 3295 (Village One #2 CFD Fund – Capital Fund).

FIRE DEPARTMENT

A budget adjustment is necessary in the amount of $1,766,970 to increase the expense and revenue budgets for the 2017 Emergency Flood Aid project in Fund 1341 (Grants - Operation Grants Reimbursable Fund). The City received notice about reimbursement funding at the State level related to the Emergency Flood Storms and it is estimated that the payroll and non-payroll expenses will require an increase of approximately $1,766,970. This budget adjustment is required in order track expenses for the purpose of tracking against this emergency situation and will be critical in receiving appropriate reimbursement from the State.

HUMAN RESOURCES

A budget adjustment is necessary to recognize $560,106 in unbudgeted revenue for reimbursement for a settlement payment from excess insurance, and the utilization of $250,000 from the Worker's Compensation Fund, 5320, fund balance, and reallocate said funds to the discretionary expense budget for costs associated with claim payments.

UTILITIES

A budget adjustment is necessary to transfer $65,000 from Water Fund Reserves, as well as, establish a transfer from the Wastewater Fund (4210) to the Water Fund (4100) in the amount of $65,000 to create Capital Improvement Project #101030, Customer Services Carpet Replacement. The existing carpet in the Customer Services area of Tenth Street Place is lifting and tearing, posing a tripping hazard.

A budget adjustment is necessary to transfer $200,000 from Wastewater Reserves to establish Capital Improvement Project #101032 for the Rouse Easement Improvement project. This project provides site improvements to 1850 Rouse, which is an existing lot owned by the City as an easement for the existing Emerald Sewer Trunk. The city will be partnering with the Parks Planning Development and a neighborhood committee to maintain the lot as a garden area.

A budget adjustment is necessary to transfer $1,500,000 from Wastewater Fund Reserves to establish Capital Improvement Project #101031 for the Tertiary Phase 1A Membrane Replacement project. The existing membrane units are failing and need to be replaced to continue treatment.

PUBLIC WORKS

A budget adjustment is necessary to increase the Intergovernmental Services – Other account by $100,000 for the 5810 Tenth Street Place expense budget in order to process future TSP Joint Power Agreement invoices for the remainder of the fiscal year. The monthly invoices are coming in higher than originally budgeted as they include costs related to security enhancements. Once all expenses are incurred, a year-end true-up will be performed to ensure that the City and County are paying the appropriate amount for the project.

A budget adjustment is necessary to transfer $855,000 from Green Waste Fund Reserves, Fund 4892, as follows; increase Cost Center 56020, Green Waste Collection, Appropriation Unit C expense budget in the amount of $236,000, and, increase Cost Center 56040, Community Forestry, Appropriation Units A & C expense budgets totaling the amount of $619,000. This is due to unforeseen labor costs related to the Winter Storms of 2017.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-276

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE MODESTO SUNRISE ROTARY AND THE CITY OF MODESTO REGARDING THE INSTALLATION AND MAINTENANCE OF A PARK SIGN IN GARRISON NEIGHBORHOOD PARK AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, in late 2016, staff met with members of the Modesto Sunrise Rotary regarding the park sign in Garrison Neighborhood Park, and

WHEREAS, the Modesto Sunrise Rotary wants to donated a pre-cast concrete monument park sign at Garrison Neighborhood Park, and

WHEREAS, meetings were held with Modesto Sunrise Rotary members and City staff to obtain agreement on the project scope, and

WHEREAS, City staff has prepared a Memorandum of Understanding (MOU) to allow the Modesto Sunrise Rotary to install and maintain the donated pre-cast concrete monument park sign on City property, and

WHEREAS, the MOU outlines the terms of the agreement for both parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the Modesto Sunrise Rotary and the City of Modesto regarding the installation and maintenance of a park sign in Garrison Neighborhood Park.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the Resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-277

Print

RESOLUTION ACCEPTING THE BID AND AWARDING A CONTRACT TO AVAIL TECHNOLOGIES, INC., STATE COLLEGE, PA, FOR THE PURCHASE OF 18 AVL EQUIPMENT UPGRADES AND INSTALLATION FOR THE MODESTO AREA EXPRESS (MAX) BUS FLEET IN THE AMOUNT OF $367,509,AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on May 9, 2017, a Request for Bids (RFB) was issued, soliciting proposals from qualified firms, and

WHEREAS, Avail Technologies, Inc. submitted a proposal that was determined to be reasonable and cost effective, and

WHEREAS, the RFB conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203, and staff recommends awarding the contract to the lowest responsive and responsible proposal submitted by Avail Technologies, Inc., and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of contract for the purchase of AVL equipment upgrades, to Avail Technologies, Inc., State College, PA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, on February 28, 2017, Council, by Resolution No. 2017-86, implemented a spending freeze in order to maintain the fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement due to the increased functionality the new AVL system will provide for the MAX system, granting agency expectations and keeping MAX equipment in a state of good repair.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid and awards the contract to Avail Technologies, Inc., State College, PA, for the purchase of 18 AVL systems for the Modesto Area Express (MAX) bus fleet in the amount of $367,509.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-278

RESOLUTION APPROVING AN AGREEMENT WITH SCS ENGINEERS, MODESTO, CA FOR THE PREPARATION OF THE SOLID WASTE RATE AND FEE STUDY IN AN AMOUNT NOT TO EXCEED $45,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $6,750 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXMIMUM TOTAL AMOUNT OF $51,750, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto has service agreements with Gilton Solid Waste and Bertolotti Disposal to provide solid waste and recycling services to approximately 57,000 residential and over 11,000 commercial and industrial customers in Modesto, and

WHEREAS, the City of Modesto provides tree trimming services to over 81,000 trees in our urban forest and street and alley green waste collection, and

WHEREAS, the City owns and operates the Modesto Composting Facility which processes over 65,000 tons of residential and commercial green waste, as well as the forestry/green waste diversion material instead of it being disposed of in a landfill, and

WHEREAS, the Modesto City Council does not set the actual rate the collection companies can charge to pick up the garbage; instead it sets the maximum rates that the collection companies can charge for each type of service, and

WHEREAS, rate reviews are conducted on an annual basis every July 1, and the City last conducted an annual rate review and adopted new rates on July 1, 2016, and

WHEREAS, the City has not conducted a comprehensive review of the Solid Waste rates and fees, or cost of services, for more than 10 years, and

WHEREAS, there have been many factors over that time frame that have created severe negative impacts on the solid waste fund budgets, and

WHEREAS, the tree pruning cycle is currently at 12 years; new environmental

regulations such as AB 32, AB 341, AB 1826, and SB 1383 require compliance; the City has aging and failing equipment; there have been severe staffing reductions; and State Agencies are requiring major infrastructure changes, and

WHEREAS, it was determined that the Solid Waste Division needed a comprehensive analysis of the City's residential, commercial, and industrial solid waste and recycling rates, along with associated fees for service impacts, recycling, illegal dumping, green waste diversion, and composting that would sustain the enterprises while protecting the interests of the community and meeting regulatory requirements, and

WHEREAS, the staff does not have the level of expertise required to conduct such a comprehensive cost of service study, therefore the City Manager approved staff's request to prepare and issue a Request for Proposal (RFP) and

WHEREAS, there were four firms that responded to the RFP and the City had a bid review team of three who reviewed and evaluated the proposals according to the evaluation criteria set forth in the RFP, and

WHEREAS, the proposals were all independently scored and then tallied by the Purchasing Agent for the City, and the award given to the proposal with the highest number of points received, and

WHEREAS, the funding for the consultant services agreement will come from the Professional Services account (53300) equally divided from the following current FY 2017-2018 budgeted funds and cost centers: Forestry, Solid Waste Management, and Compost Operations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with SCS ENGINEERS, Modesto, CA for the preparation of the Solid Waste Rate and Fee Study in an amount not to exceed $45,000 for

the identified scope of services, plus $6,750 for additional services (if needed), for a maximum total amount of $51,750.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-279

RESOLUTION APPROVING THE QUARTERLY FUEL ADJUSTMENTS TO THE MAXIMUM RATE SCHEDULE FOR CITY SOLID WASTE COLLECTION SERVICES OF $0.08 PER MONTH FOR RESIDENTIAL SERVICES AND $.07 PER CUBIC YARD PER MONTH FOR COMMERCIAL SERVICES, RETROACTIVE TO JULY 1, 2017, AND RESCINDING RESOLUTION NO. 2017-13

WHEREAS, with the adoption of Ordinance No. 3068-C.S. in November of 1997, the City no longer sets rates for the collection of garbage in Modesto, and instead performs a comprehensive review of cost information submitted by the contract garbage haulers, and

WHEREAS, the City sets the maximum rate that the haulers may charge for the various types of services provided under the contracts based on cost data provided by the lowest cost hauler, and

WHEREAS, Section f (2) of the City's Service Agreements with its solid waste collectors requires that when the City makes adjustments to the collection services provided under the Agreements, any additional costs should be covered by adjustments to the maximum rates, and

WHEREAS, in addition, maximum rates for solid waste collection services are reviewed annually as requested by the City's garbage collection companies, and

WHEREAS, the City conducted an analysis using the audited financial statements provided by the garbage haulers, supplemental data provided by the garbage haulers, and fuel price information and forecast prices developed by the United States Department of Energy, and

WHEREAS, new maximum rates were calculated, and a recommendation for a new maximum rate schedule was developed, which included a recommendation that

RESCINDED
JUN 12 2018
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2018-241 & 2018-242

quarterly adjustments to the fuel component of the maximum rates be made, and

WHEREAS, staff has made adjustments related to the fuel component of the maximum rates and has incorporated the fuel component adjustments into the schedule of the Maximum Charges for Garbage Service **attached** hereto, marked **Attachment A,** July 1, 2017, and incorporated herein by reference, and

WHEREAS, fuel adjustments occur on a quarterly basis if needed. The fuel rates were analyzed for the April 1, 2017 adjustment, and it was determined that there was not a significant change to make the adjustment, and

WHEREAS, on January 10, 2017 by Resolution No. 2017-13, the City Council approved the schedule for Maximum Charges for Garbage Service retroactive to January 1, 2017, and incorporated by reference, and

WHEREAS, this action is to adjust maximum rates for existing services and therefore does not require environmental review, and

WHEREAS, it was found and determined by the Council of the City of Modesto that the quarterly adjustments to the fuel component of the maximum rates should be made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the **attached** quarterly fuel adjustments to the Maximum Rate Schedule for City solid waste collection services of $0.08 per month for residential services and $.07 per cubic yard per month for commercial services retroactive to July 1, 2017.

BE IT FURTHER RESOLVED, that adjustments to the Maximum Rate Schedule for Garbage Services, **Attachment A**, dated July 1, 2017 are approved and shall become effective retroactive to July 1, 2017 and shall remain in effect until rescinded.

BE IT FURTHER RESOLVED that Resolution No. 2017-13 is hereby rescinded effective July 1, 2017.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A
July 1, 2017

MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Maximum Monthly Rates (Once a Week Pickup Service)

Standard container service maximum rates shall include the following:

- One 96-gallon container for garbage and one 96-gallon container for organics recycling
- Two bulky item collections per year by appointment
- Maintenance of City trees, including collection & composting of Green Waste/Forestry materials
- Removal of illegally dumped items in streets and alleys
- Drop off program for Household Hazardous Waste at the HHW Facility

Standard container service customers may opt for smaller containers; however, maximum rates apply. Containers must be placed in a location set forth in Section 5-5.111 of the Municipal Code.

1. Standard container service

a. The maximum rate for new sign-ups for service or changes in service that occur after October 1, 1996, shall be **$30.60 per month** regardless of size of container. A fuel component of $.94 per month is included in the maximum rate for January 2017 through March 2017. The fuel component may be adjusted quarterly as needed.

b. The maximum rate for each additional garbage container shall be **$21.44 per month, and $10.27 per month** for each additional organics recycling container.

2. 60-gallon container service (grandfathered customers)

a. The maximum rate for customers with 60-gallon containers who subscribed to service at an address prior to July 1, 1996 and who have not changed their service address shall be **$24.19 per month**. A fuel component of $.94 per month is included in the maximum rate for January 2017 through March 2017. The fuel component may be adjusted quarterly as needed

b. The maximum rate for each additional 60-gallon garbage container shall be **$20.90 per month.**

3. **Fuel Component adjustments** - The fuel component will be analyzed quarterly and adjustments shall be made as needed. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October 1/April-June; January 1/July-September; April 1/October-December. Average prices shall be determined based on published prices for California from the Department of Energy, Energy Information Agency.

DETACHABLE CONTAINERS
Maximum Monthly Rates

Container Size	Regular Container Maximum Rates					
	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	$39.36	$78.72	$118.08	$157.44	$196.80	$236.16
2 CY	$78.72	$157.44	$236.16	$314.88	$393.60	$472.32
3 CY	$118.08	$236.16	$354.24	$472.32	$590.40	$708.48
4 CY	$157.44	$314.88	$472.32	$629.76	$787.20	$944.64
5 CY	$196.80	$393.60	$590.40	$787.20	$984.00	$1,180.80
6 CY	$236.16	$472.32	$708.48	$944.64	$1,180.80	$1,416.96

Organic Recycling Participants signed prior to 2016 Container Maximum Rates						
Container	NUMBER OF COLLECTIONS PER WEEK					
Size	1	2	3	4	5	6
2 CY	$59.04	$118.08	$177.12	$236.16	$295.20	$354.24
3 CY	$88.56	$177.12	$265.68	$354.24	$442.80	$531.36
4 CY	$118.08	$236.16	$354.24	$472.32	$590.40	$708.48
5 CY	$147.60	$295.20	$442.80	$590.40	$738.00	$885.60
6 CY	$177.12	$354.24	$531.36	$708.48	$885.60	$1,062.72
90-gallon	$22.95	$45.90	$68.85	$91.80	$114.75	$137.70

1. **Weekly rental/Detachable Containers** - Shall not exceed the rate for 1 pick-up per week for each size container.

2. **Fuel Component** - A fuel component of $.82 per cubic yard per month per pick-up is included in the maximum rate for January 2017 through March 2017. The fuel component shall be analyzed quarterly and adjustments shall be made as necessary. The adjustment shall be based on the average price of fuel for a preceding quarter as follows: July 1/January-March; October/April-June; January 1/July-September; April 1/October-December. Average prices shall be

determined based on published prices for California from the Department of Energy.

DROP BOX CONTAINERS

1. **Pick up charge** - $248.22 per pick-up
2. **Rental** - $0.85 per day up to 7 day maximum rental
   - $3.00 per day for boxes kept 7 or more days without servicing
   - $10.00 per day for boxes kept 21 or more days without servicing
3. **Disposal charge** - Actual charge to be paid by customer. Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle. An AB 939 Green Waste Diversion Fee of $14 per ton is added to the disposal charges.

COMPACTORS

Front Loader Type:

Compactor Rates						
Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	$354.24	$708.48	$1,062.72	$1,416.96	$1,771.20	$2,125.44
4 CY	$472.32	$944.64	$1,416.96	$1,889.28	$2,361.60	$2,833.92
6 CY	$708.48	$1,416.96	$2,125.44	$2,833.92	$3,542.40	$4,250.88

Roll-Off Types:

1. **6 CY to 40 CY**	$248.22 per pick-up
2. **Hospital waste compactors**	$265.00 per pick-up
3. **Washing compactor**	$30.00
4. **Disposal Charge:**	Actual charge to be paid by customer
5. **AB 939 Green Waste Diversion Fee**	$14.00 per ton

EXTRA PICKUPS

1. **Standard containers or equivalent**	$3.50 plus $2.30/container
2. **Detachable containers**	$12.00 plus $4.15/cubic yard

SPECIAL SERVICE CONDITIONS

In situations where none of the above maximum rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 CY	1½ CY	2 CY	3 CY	4 CY	5 CY	6 CY
$10.12	$11.00	$12.10	$15.40	$20.24	$25.08	$29.92

NOTATIONS

1. The above maximum rates include a $0.25 per month residential recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial recycling fee; and a $5.00 per pull ($0.25 per ton) industrial recycling fee; a $0.05 per cubic yard ($0.22/cubic yard/month) commercial litter abatement fee.
2. The above residential maximum rates include a $4.26 per month per household AB 939 Green Waste Diversion Fee.
3. The above commercial bin and front-loader compactor maximum rates include an AB 939 Green Waste Diversion Fee of $7.79 per yard/month.
4. Carpenter Road Landfill Mitigation Fees for residential shall be $.50 per household per month and commercial wastes shall be $.91 per month for 1 cubic yard collected 1 time per week. Carpenter Road Landfill Mitigation fees on Industrial wastes shall be $5.00 per pull on industrial wastes.
5. Pursuant to Section 11-6.16(c)(2) of the Modesto Municipal Code, the garbage company may require a deposit equivalent to two (2) months service charge from customers prior to beginning service. The deposit will be credited back to the customer after 18 months under specified conditions.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-280

Print

RESOLUTION AUTHORIZING STAFF TO AMEND THE EXISTING PURCHASE AGREEMENT WITH CENTRAL VALLEY ELECTRIC, MODESTO, CALIFORNIA, INCREASING THE AMOUNT FROM $350,000 TO $575,000

WHEREAS, the City of Modesto entered into a contract purchase agreement No. 1314-17 with Central Valley Electric in 2013 for an estimated annual cost of $70,000, totaling $350,000 over a five year period, and

WHEREAS, the majority of electrical repairs are performed by City staff Electricians, and

WHEREAS, occasionally contractors are used when electrical repair and preventative maintenance workload exceeds the staff hours available to perform the work, and

WHEREAS, in order to ensure the proper safety for employees and the public the work must be expedited, and

WHEREAS, due to exigent circumstances, the contract amount has been exceeded by $101,440, and

WHEREAS, staff estimates an additional $123,560 will need to be expended between July 1, 2017 and December 31, 2017 for electrical work essential to public and employee safety, and

WHEREAS, Modesto Municipal Code Section 8-3.204(c), Exceptions to the Formal Bidding Procedures, provides that the Purchasing Manager has the authority to exempt certain purchases from the formal bidding process due to exigent circumstances. The Purchasing Manager recommends staff be allowed to increase spending authority

under this purchase agreement to $575,000 to ensure that electrical repair services are not interrupted and needed repairs are not significantly delayed, and

WHEREAS, contracted services need to be available in the event of an emergency condition or specific job and serve to supplement existing City forces.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing purchase agreement with Central Valley Electric, Modesto, California be increased from $350,000 to $575,000.

BE IT FURTHER RESOLVED that the Acting City Manager, or his designee, is authorized to execute the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-281

RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, INC., WALNUT CREEK, CA, FOR ON-CALL HYDRAULIC WASTEWATER COLLECTION SYSTEM MODELING SUPPORT SERVICES FOR A TERM OF ONE YEAR WITH TWO ONE-YEAR EXTENSIONS AT THE SOLE DISCRETION OF THE CITY, NOT TO EXCEED $75,000 PER YEAR FOR A TOTAL COST OF $225,000 OVER THE TERM OF THE AGREEMENT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO, ONE-YEAR EXTENSIONS

WHEREAS, a hydraulic model of the City's wastewater collection system was developed in 2005 as part of the City's 2007 Wastewater Master Plan, and

WHEREAS, the model was previously used to analyze the City's wastewater collection system and evaluate development specific projects and proposed improvements, and

WHEREAS, on September 2, 2014, by Resolution No. 2014-334, Council approved an agreement with Carollo Engineers, Inc. (Carollo), for consultant services to update the Wastewater Master Plan, and

WHEREAS, the scope of work included updating, adding new functionality, and recalibrating the City's current hydraulic wastewater collection system model, and

WHEREAS, modeling support is needed for timely analysis related to design of wastewater collection system infrastructure and to assist/optimize wastewater collection system operations, and

WHEREAS, Carollo was selected to develop the City's 2007 Wastewater Master Plan and built a hydraulic model as part of that work, and

WHEREAS, Carollo has been providing wastewater collection system hydraulic modeling support for several years, typically related to a specific task, such as the Tivoli Specific Plan Area Project, and

WHEREAS, when on-call hydraulic wastewater system modeling services are required on an "as needed" basis, written task orders will be issued to the consultant identifying the scope, cost, and schedule to complete the specific task, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager's Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is that the projects were previously approved and adopted as part of the current Fiscal Year 2016-2017 Capital Improvement Program, are needed to provide safe and reliable utilities, and a budget transfer from reserves to provide the required services, will not be required, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement for professional services is exempt from the bid requirement, and

WHEREAS, therefore, staff recommends approval of the above on-call consultant agreement for hydraulic wastewater collection system modeling support services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with West Yost Associates, Inc., Davis, CA, for On-call Grant Writing Services for various City projects for one year, with two one-year

extension options, at the sole discretion of the City, in an amount not to exceed $45,000 per year.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney, and up to two one-year extension options.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-282

Print

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH BARTKIEWICZ, KRONICK & SHANAHAN, P.C., SACRAMENTO, CA, TO PROVIDE LEGAL SERVICES FOR THE STATE WATER RESOURCES CONTROL BOARD SUBSTITUTE ENVIRONMENTAL DOCUMENT IN AN AMOUNT NOT TO EXCEED $35,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT

WHEREAS, the City provides water service to over 73,000 accounts and over 200,000 customers throughout the City of Modesto, the communities of Salida, Empire, Grayson, Del Rio, and portions of the Cities of Ceres and Turlock, and

WHEREAS, the City's water sources consist of approximately two-thirds groundwater and one-third treated surface water purchased from the Modesto Irrigation District (MID), and

WHEREAS, on September 15, 2016, the State Water Resources Control Board (SWRCB) released a revised Draft Substitute Environmental Document (SED) in support of Phase 1 of its Bay-Delta Water Quality Control Plan, which is over 1,850 pages, not including appendices, and

WHEREAS, the State proposes to take 40 percent of unimpaired flow from the Tuolumne River for fish and wildlife beneficial uses and salinity control, and

WHEREAS, this proposal will have a major impact to the existing water supplies and operations of the Don Pedro Reservoir, which is jointly operated by both MID and Turlock Irrigation District (TID), and

WHEREAS, this proposed action would severely impact the City's domestic water supplies, as the Tuolumne River is the source of Modesto's surface water, and

WHEREAS, the reduction of surface water would result in additional groundwater pumping to meet the City's municipal water demands, and will not be sustainable under the Sustainable Groundwater Management Act (SGMA), which was effective January 1, 2016, and

WHEREAS, in addition, the Modesto water rate payers have a substantial investment for the construction of the two phases of the Modesto Regional Water Treatment Plant, which has the capacity to ultimately treat more than 60 million gallons per day, and

WHEREAS, on December 6, 2016, by Resolution No. 2016-479, Council approved an agreement with Bartkiewicz, Kronick & Shanahan, P.C. (BKS) to provide legal services for the State Water Resources Control Board Substitute Environmental Document, and

WHEREAS, BKS has demonstrated that they are experts in California water law, and have recently assisted the City with several important water-related issues, and

WHEREAS, BKS has previously worked with the City on water-rights related issues for the North Valley Regional Recycled Water Program in 2015, and provided exceptional assistance and support, and

WHEREAS, on behalf of the City, BKS most recently prepared extensive comments to the Draft SED, and coordinated their efforts with MID, and

WHEREAS, these comments were submitted to the SWRCB in March 2017, and

WHEREAS, It is anticipated that the SWRCB will be issuing their findings in the summer 2017, and

WHEREAS, should the state prevail in increasing MID's unimpaired flow in the Tuolumne River, it will negatively impact the City's domestic water supplies, and

WHEREAS, staff recommends having BKS available to provide additional legal assistance for City regarding water-related issues, including water rights, current and future water supplies and attending/conducting workshops, and

WHEREAS, therefore, staff recommends approval of a first amendment to the agreement with BKS for legal services for the SWRCB SED, and

WHEREAS, on February 28, 2017, by Resolution No. 2017-86, Council approved implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS as allowed by this resolution, the City Manager's Office approved an exception to the freeze for this procurement, and

WHEREAS, justification for this exception is that the agreement was previously approved by Council, and this amendment is needed to provide safe and reliable utilities, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the first amendment to the agreement is for professional services and, therefore, exempt from the bid requirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Bartkiewicz, Kronick & Shanahan, P.C., Sacramento, CA, to provide legal services for the State Water Resources Control Board Substitute Environmental Document in an amount not to exceed $35,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-283

RESOLUTION REJECTING ALL BIDS RECEIVED FOR RFB NO. 1617-14 FOR RENTAL EQUIPMENT SERVICES AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO RE-RELEASE THE RFB AT A FUTURE DATE, WITH AN AMENDED SCOPE OF SERVICES AND AN UPDATED BIDDER NOTIFICATION PROCESS, FOR RENTAL EQUIPMENT SERVICES

WHEREAS, on March 29, 2017, staff advertised a Notice Inviting Bids for 1617-14 ("Rental Equipment Services"); and

WHEREAS, on May 9, 2017 staff received two bids; and

WHEREAS, upon further review, staff would like to amend the Scope of Services and update the bidder notification process due to comments from local vendors that the Request For Bid (RFB) was not received by some vendors; and

WHEREAS, staff believes that there should be a minimum of three rental equipment providers on the list; and

WHEREAS, staff recommends rejecting bids for Rental Equipment Services and re-bidding the project at a later date in accordance with Modesto Municipal Code section 8-3.203(e).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects proposals received for RFB No. 1617-214 for Rental Equipment Services.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to re-release an RFB at a future date with an amended Scope of Work.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-284

Print

RESOLUTION APPROVING A WATER SUPPORT SERVICES AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC., RANCHO CUCAMONGA, CA, FOR SUPPORT SERVICES TO WELL #274 AND WELL #295 WITHIN THE GRAYSON COMMUNITY WATER SYSTEM FOR A ONE-YEAR AGREEMENT WITH FOUR ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $125,500 AND $627,500 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides water service to the Grayson Community through Well #274 and Well #295, which both have high nitrate levels, and

WHEREAS, in August 2002 the California Department of Public Health issued a Compliance Order directing the City to have a reliable treatment system in place by April 2003, and

WHEREAS, Basin Water, Inc. was awarded a contract to install an ion exchange treatment process to reduce the nitrate levels, and

WHEREAS, Basin Water, Inc. was later purchased by Envirogen Technologies, and the City has been on a month-to-month lease for nitrate treatment services with Envirogen Technologies for the last twelve years, and

WHEREAS, on October 11, 2016, City Council approved by Resolution No. 2016-412, an Equipment Lease to Purchase Agreement with Envirogen Technologies for the equipment used at Well #274 and Well #295, and

WHEREAS, at the end of the Equipment Lease to Purchase Agreement on October 31, 2019, Envirogen agrees to sell the equipment to the City of Modesto, and

WHEREAS, the wells with the Grayson Community Water System continue to have high nitrate levels, and

WHEREAS, the equipment leased under the Envirogen Technologies Lease to Purchase Agreement reduces nitrate levels by using an ion exchange treatment process, and

WHEREAS, City staff recommends approval of a Support Services Agreement for the Grayson wells with Envirogen Technologies of Rancho Cucamonga, CA, for an estimated annual cost of $125,500, and over five years of $627,500, and

WHEREAS, Modesto Municipal Code, Section 8-3.204(b), Exceptions to the Formal Bidding Requirements, allows the Purchasing Manager to exempt from the formal bidding requirements certain purchases that can only be met solely by a single article or process. In this case, the Purchasing Manager has determined that this Agreement is exempt because the City has been operating with this water support service with Envirogen for over 12 years, Envirogen currently owns the water treatment system, and removal and replacement of the existing equipment would be unnecessarily costly and could result in delays in service due to additional testing requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves accepting a Water Support Services Agreement with Envirogen Technologies, Inc., Rancho Cucamonga, CA, for support services to Well #274 and Well #295 within the Grayson community water system, for a one-year term with four one-year extension options at the sole discretion of the City for an estimated annual cost not to exceed $125,500 and $627,500 over five years.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-285

Print

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2)

WHEREAS, this Council did, on May 23, 2017, adopt its Resolution No. 2017-191 (Resolution of Intention to Annex) to indicate it intention to annex certain territory to the City of Modesto Community Facilities District 2007-1 (North Beyer Park #2) (the District) and authorize the levy of District special taxes within the territory proposed to be annexed (Annexed Territory), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the Mello-Roos Community Facilities Act of 1982 (Act), and setting a hearing thereon, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a map of the Annexed Territory, entitled "Proposed Boundaries of Annexation No. 1 to the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2)" was recorded on June 19, 2017, in the Office of the County Recorded of Stanislaus, in Book 5 of Maps of Assessment and Community Facilities Districts, at page 62, and

WHEREAS, at the time and date set for the hearing July 11, 2017 pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto, acting as the legislative body of the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2), hereby finds and determines as follows:

1. The foregoing recitals are true and correct

2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes within the Annexed Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes within the Annexed Territory.

5. A special election is hereby called at which the question of levying the District special taxes within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit A.**

6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 11th day of July 2017. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on July 11, 2017, whether said ballots shall be personally delivered or received by mail.

7. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

8. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

9. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

10. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

11. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes in the Annexed Territory, this Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2007-584 adopted by this Council on October 2, 2007 (the "Resolution of Formation").

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

OFFICIAL BALLOT

BALLOT NO. 1

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2007-1
(North Beyer Park #2)

ANNEXATION NO. 1

SPECIAL TAX ELECTION

July 11, 2017

NUMBER OF VOTES ENTITLED TO BE CAST 5
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2007-270 entitled "A Resolution of the City Council of the City of Modesto of Intention, to establish City of Modesto Community Facilities District No. 2007-1 (Norther Beyer Park #2) and authorize the levy of special taxes therein (North Beyer Park #2)" (the "Resolution of Formation"), adopted by the City Council on May 8, 2007, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2007-1 (North Beyer #2) pursuant to the City Resolution No. 2017-191, entitled "Resolution of Intention to Annex Territory to Community Facilities District No. 2007-1 (North Beyer #2), authorizing the levy of a Special Tax within the territory proposed to be annexed. (Annexation No. 1), and rescinding resolution 2016-345 (the "Resolution of Intention to Annex") adopted by the City Council of the City of Modesto on May 23, 2017 for the purposes set for in the Resolution of Formation?

YES ☐

NO ☐

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 5 VOTES

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-286

Print

RESOLUTION DECLARING THE RESULTS OF THE JULY 11, 2017 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (NORTH BEYER PARK #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2007-1 (North Beyer Park #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2017-191 entitled "Resolution of Intention to Annex Territory to Community Facilities District No. 2007-1 (North Beyer #2), authorizing the levy of a Special Tax within the territory proposed to be annexed. (Annexation No. 1), and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in numbers5, 6, 7 and 8 of this Council's Resolution No. 2017-?, adopted on July 11, 2017, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for July 11, 2017, or as soon thereafter as practicable, relative to the foregoing, and

WHEREAS, on July 11, 2017, the Election was held, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is **attached** hereto.

3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2017-191 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CERTIFICATE OF CITY CLERK

I, STEPHANIE LOPEZ, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2017-____, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2007-1 (North Beyer Park #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 1) adopted on May 23, 2017, by the City Council of the City of Modesto, I did conduct the Special Tax Election on July 11, 2017, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall special taxes, with maximum rates, method of apportionment, and manner of collection as provided in **Exhibit A** to the City's Resolution No. 2007-270 entitled "A Resolution of the City Council of the City of Modesto of Intention, to establish City of Modesto Community Facilities District No. 2007-1 (Norther Beyer Park #2) and authorize the levy of special taxes therein (North Beyer Park #2)" (the "Resolution of Formation"), adopted by the City Council on May 8, 2007, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to City of Modesto Community Facilities District No. 2007-1 (North Beyer #2) pursuant to the City Resolution No. 2017-191, entitled "Resolution of Intention to Annex Territory to Community Facilities District No. 2007-1 (North Beyer #2), authorizing the levy of a Special Tax within the territory proposed to be annexed. (Annexation No. 1), and rescinding resolution 2016-345 (the "Resolution of Intention to Annex") adopted by the City Council of the City of Modesto on May 23, 2017 for the purposes set for in the Resolution of Formation?

TOTAL VOTES CAST: YES ___ NO ___

_____
Stephanie Lopez
City Clerk of the City of Modesto

Dated: _____, 2017

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-287

RESOLUTION APPROVING A DEBIT AND CREDIT CARD SERVICE FEE OF 2.4% FOR ALL DEBIT AND CREDIT CARD TRANSACTIONS, EXCLUDING UTILITY SERVICES, PARKING GARAGE FEES, AND TRANSIT FARE MEDIA TO BE EFFECTIVE SEPTEMBER 1, 2017

WHEREAS, the City has been working closely with Elavon to identify the best solution on implementing a service fee for the eligible transaction which will not be including utility services, parking garage fees, and transit fare media. The merchant provider directs the City on what options are available to recover these fees imposed by the debit and credit card companies regulations, and

WHEREAS, the credit card merchants offer "government and higher education payment programs" which enable the City of Modesto to accept credit cards in all payment channels and assess a service fee as a separate transaction, so that the City may recoup its costs in processing debit and credit card transactions, and

WHEREAS, the service fee charged must be a fixed percentage of the transaction amount and must be applied consistently at the same fixed percentage across all transactions, regardless of amount, and

WHEREAS, the types of payments accepted at the City include in person, online and via telephone which have specific governmental merchant category codes that qualify them as eligible governmental transactions for which a service fee may be imposed, and

WHEREAS, debit and credit card service fees will not be proposed for the utility services, parking garages, and for transit fare media transactions at this time. The utility billing services have a specific merchant code which cannot be imposed a fixed

percentage amount but will require a fee that must be a fixed amount convenience fee which will be determined at a later date, and

WHEREAS, the City provided notice of a public hearing on this item to ensure that all interested parties have an opportunity to comment; and

WHEREAS, California Government Code Section 6606a, et seq. requires that before approving certain new or increased fees, a city must comply with the following:

1. Publication of the public hearing shall be posted 10 days in a newspaper regularly published once a week or more frequently;

2. Two publications, with at least five dates between the dates of the first and last publication must occur; and.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Debit and Credit Card Service Fee of 2.4% for all debit and credit card transactions, excluding utility services, parking garage fees, and transit fare media.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-288

RESOLUTION DESIGNATING THE STANISLAUS COMMUNITY SYSTEM OF CARE COLLABORATIVE/CONTINUUM OF CARE AS THE PLANNING AND COORDINATING BODY TO ADDRESS HOMELESSNESS IN STANISLAUS COUNTY

WHEREAS, in 1988, the Stanislaus County Housing and Support Services Collaborative/Continuum of Care was formed (SHSSC) to serve as an integrated system of care that guides and tracks homeless individuals & families through a comprehensive array of housing & services designed to prevent and end homelessness, and

WHEREAS, since inception, this volunteer body has secured millions in grants from the U.S. Department of Housing & Urban Development to combat the impact of homelessness in our community, and

WHEREAS, in 2001, both the City and County of Stanislaus adopted resolutions recognizing the formation of the SHSSC and designated it as the planning and coordinating body for homeless programs and services in Stanislaus County, and

WHEREAS, since the formation of SHSSC, the Housing Authority of the County of Stanislaus (Housing Authority) has graciously served as the Lead Agency and Homeless Management Information System (HMIS) Administrator for the SHSSC, and

WHEREAS, as the Lead Agency, it coordinated and packaged the annual submission of grant applications to the U.S. Department of Housing and Urban Development (HUD), spearheaded the annual Point-In-Time Count effort, and

WHEREAS, as the HMIS Administrator it oversaw the Homeless Management Information System for SHSSC, and

WHEREAS, over time, the complexity and effort demanded of the SHSSC has eclipsed the capacity of a volunteer group to accomplish all of the compliance, reporting, monitoring, and grant application requirements, and

WHEREAS, in 2015, when Stanislaus County initiated Focus on Prevention, a Homelessness Action Council was established to address the first initiative: Reduce and Prevent Homelessness, and

WHEREAS, in 2016, the Housing Authority initiated discussions with the County, City of Modesto and City of Turlock to transfer the Collaborative Applicant and HMIS Administrator duties to one of the three agencies, and

WHEREAS, in 2017, the SHSCC and the Homeless Action Council merged efforts and became known as the Stanislaus Community System of Care (StanCSOC),

WHEREAS, the StanCSOC will be led by a 25 member Council and will replace SHSSC as the integrated system of care that guides and tracks homeless individuals & families through a comprehensive array of housing & services designed to prevent and end homelessness, and

WHEREAS, in the spirit of collaboration and due to the technical expertise it has on staff, the City of Modesto has agreed to act as the Collaborative Applicant for the StanCSOC, and

WHEREAS, existing City and County employees will act as staff to the StanCSOC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby designates the Stanislaus Community System of Care Collaborative/Continuum of

Car as the as the planning and coordinating body to address homeless in Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-289

RESOLUTION AUTHORIZING THE CITY OF MODESTO TO SERVE AS THE COLLABORATIVE APPLICANT AND HOMELESS MANAGEMENT INFORMATION SYSTEM ADMINISTRATOR FOR STANISLAUS COMMUNITY SYSTEM OF CARE COLLABORATIVE/CONTINUUM OF CARE

WHEREAS, in 1988, the Stanislaus County Housing and Support Services Collaborative/Continuum of Care was formed (SHSSC) to serve as an integrated system of care that guides and tracks homeless individuals & families through a comprehensive array of housing & services designed to prevent and end homelessness, and

WHEREAS, since inception, this volunteer body has secured millions in grants from the U.S. Department of Housing & Urban Development to combat the impact of homelessness in our community, and

WHEREAS, in 2001, both the City and County of Stanislaus adopted resolutions recognizing the formation of the SHSSC and designated it as the planning and coordinating body for homeless programs and services in Stanislaus County, and

WHEREAS, in 2015, when Stanislaus County initiated Focus on Prevention, a Homelessness Action Council was established to address the first initiative: Reduce and Prevent Homelessness, and

WHEREAS, in 2017, the SHSCC and the Homeless Action Council merged efforts and became known as the Stanislaus Community System of Care (StanCSOC), and

WHEREAS, the StanCSOC will be led by a 25 member Council and will replace SHSSC as the integrated system of care that guides and tracks homeless individuals &

families through a comprehensive array of housing & services designed to prevent and end homelessness, and

WHEREAS, in the spirit of collaboration and due to the technical expertise it has on staff, the City of Modesto has agreed to act as the Collaborative Applicant for the StanCSOC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to serve as the Collaborative Applicant and the Homeless Management Information System Administrator for the Stanislaus Community System of Care Collaborative/Continuum of Care for Fiscal Year 2017-18 and each and every year thereafter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-290

Print

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO CREATE THE CLASSIFICATION OF HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) TECHNICIAN AND HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) PROGRAM COORDINATOR

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2008-681 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the Director of Community and Economic Development has requested to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to create the classification of Homeless Management Information System (HMIS) Technician to salary range 422 and Homeless Management Information System (HMIS) Program Coordinator to salary range 426.

2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 11th day of July, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-291

Print

RESOLUTION APPOINTING RANDY CLARK, THEODORE MILLS, MIKE REGO, DAVID THOMAS, ALLAN JAMES, AUDREY MILLS, JANICE KEATING, JAMES AJA, AND PATRICIA BRAZELTON TO THE CITY OF MODESTO MEASURE L CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, in November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L which went into effect on April 1, 2017, and

WHEREAS, on October 4, 2016, Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission, and

WHEREAS, the Commission will consist of eleven (11) members appointed by Council to represent the City's citizens, and

WHEREAS, the purpose of the City's Citizens' Transportation Sales Tax Commission will be to:

- Ensure all transportation revenue collected by the City from Measure L is spent in accordance with the Measure L Ordinance and Expenditure Plan;
- Hold public meetings as necessary regarding the expenditure and status of funds generated by Measure L;
- Review independent audits of the expenditure of tax funds and implementation of the programs and projects in the Expenditure Plan; and
- Issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to Council, and

WHEREAS, the City received 15 applications that were presented to the Appointments Committee for consideration on July 5, 2017, and

WHEREAS, the Appointments Committee recommends appointing the following to the City's Citizens' Transportation Sales Tax Commission:

Representing	**Appointee**
1 member from any association representing business such as Chamber of Commerce	Randy Clark
2 members from Modesto Neighborhood Associations or organizations with similar purposes with tax-exempt status	Theodore Mills Mike Rego
2 members from any local taxpayer's association with tax exempt status	David Thomas Allan James
1 member from large business located within the City of Modesto	Audrey Mills
1 member from small business located within the City of Modesto	Janice Keating
2 members from labor union with members residing in the City of Modesto	James Aja **1 seat vacant**
1 members from a former Stanislaus County Civil Grand Jury served within previous five years of appointment	Patricia Brazelton
1 member from any local nonpartisan political organization with tax-exempt status	**1 seat vacant**

, and

WHEREAS, There are currently 2 seats that remain vacant due to a lack of applicants to represent that specific segment of the City's population, and

WHEREAS, it is staff's intention to continue to accept applications to be considered by the Appointments Committee for this Commission and present them to Council for consideration and approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Randy Clark, Theodore Mills, Mike Rego, David Thomas, Allan James, Audrey Mills, Janice Keating, James Aja, and Patricia Brazelton are hereby appointed to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission effective July 1, 2017, and

2. The City Clerk is hereby directed to transmit a copy of this resolution to the Secretary of the Commission, thereof.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Ridenour
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-292

Print

RESOLUTION APPOINTING CRAIG LEWIS TO THE STANCOG MEASURE L CITIZENS OVERSIGHT COMMITTEE

WHEREAS, in November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L which went into effect on April 1, 2017, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) is creating a Measure L Citizens Oversight Committee, and

WHEREAS, the Measure L Citizens Oversight Committee candidates are to be chosen by the City Council or Board of Supervisors they represent, and

WHEREAS, the purpose of the City's Citizens' Transportation Sales Tax Commission will be to:

- Ensure all transportation revenue collected by the City from Measure L is spent in accordance with the Measure L Ordinance and Expenditure Plan;
- Hold public meetings as necessary regarding the expenditure and status of funds generated by Measure L;
- Review independent audits of the expenditure of tax funds and implementation of the programs and projects in the Expenditure Plan; and
- Issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to Council, and

WHEREAS, the Measure L Citizens Oversight Committee member approved by Council will represent the Modesto citizens, and

WHEREAS, the City received 15 applications that were presented to the Appointments Committee for consideration on July 5, 2017, and

WHEREAS, the Appointments Committee recommends appointing Craig Lewis to represent the City on the StanCOG Measure L Citizens Oversight Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Craig Lewis is hereby appointed to the StanCOG Measure L Citizens Oversight Committee effective July 1, 2017, and
2. The City Clerk is hereby directed to transmit a copy of this resolution to the Secretary of the Committee thereof.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-293

Print

RESOLUTION REAPPOINTING SUSIE FAGUNDES AND BRAD MORAD TO THE DOWNTOWN IMPROVEMENT DISRICT ADVISORY BOARD FOR A FOUR-YEAR TERM TO EXPIRE JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Downtown Improvement District Board of Directors are recommending the reappointments of Susie Fagundes and Brad Morad to a term ending January 1, 2021 to the Downtown Improvement District Advisory Board.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Susie Fagundes and Brad Morad are hereby reappointed to the Downtown Improvement District Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the reappointed members of Downtown Improvement District Advisory Board, and as Secretary thereof.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-294

RESOLUTION ACCEPTING THE RESIGNATION OF ROSIE ARCE FROM THE CITY OF MODESTO CULTURE COMMISSION

WHEREAS, Rosie Arce was appointed to serve as a member of the Culture Commission on October 24, 2016, and

WHEREAS, Rosie Arce has tendered her resignation from the Culture Commission on July 12, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Rosie Arce from the Culture Commission be, and hereby is accepted with regret.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-295

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF MODESTO UTILITIES DEPARTMENT TO CONNECT TO THE CITY OF MODESTO'S EXISTING WATER SYSTEM FOR THE PROPERTY LOCATED AT LITT ROAD (APN 084-003-005) AND AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE WILL SERVE LETTER AND AUTHORIZING THE UTILITIES DEPARTMENT DIRECTOR AND THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, the City of Modesto, owns commercial property located at Litt Road, which is located outside of Modesto City limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at Litt Road is not connected to City's water system and is requesting a water connection due to construction of a new Corporation Yard Facility, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-202 that amended City Council Policy 5.001, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3566-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, on November 25, 2014, the City Council approved Resolution No. 2014-472 that amended City Council Policy 5.001, and

WHEREAS, on December 9, 2014, the City Council approved adoption of Ordinance No. 3611-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS, both of these amendments included language allowing the City Manager upon the recommendation of the Director responsible for utility system planning, to approve standard agreements of service for extension of water services into certain unincorporated areas that are located within the former Del Este Water Service Area without City Council approval, and

WHEREAS, the property located at Litt Road is not located within the former Del Este Water Service area and therefore requires City Council approval prior to allowing the new water service connection, and

WHEREAS, City staff has completed an analysis and determined that a sufficient quantity of potable water is available for normal usage by the proposed development, and

WHEREAS, the water connection fees shall be paid and associated permits be obtained prior to beginning any on site construction, and

WHEREAS, the property owner, the City of Modesto, will execute an Outside Service Agreement for water service with the City as required prior to receiving water service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for water service for the property located at Litt Road (APN: 084-003-005).

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Will Serve Letter and the Utilities Department Director and the Interim City Manager, or his designee, are hereby authorized to execute the Outside Service Agreement for water service.

The foregoing documents were introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-296

RESOLUTION APPROVING A WILL SERVE LETTER AND OUTSIDE SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF MODESTO UTILITIES DEPARTMENT TO CONNECT TO THE CITY OF MODESTO'S EXISTING SEWER SYSTEM FOR THE PROPERTY LOCATED AT LITT ROAD (APN: 084-003-005) AND AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE WILL SERVE LETTER AND AUTHORIZING THE UTILITIES DEPARTMENT DIRECTOR AND THE INTERIM CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE OUTSIDE SERVICE AGREEMENT

WHEREAS, The City of Modesto owns commercial property located at Litt Road which is located outside of Modesto City Limits and inside the City's Sphere of Influence, and

WHEREAS, the property located at Litt Road, is not connected to City's sewer system and is requesting a sewer connection due to the construction of a new Corporation Yard Facility, and

WHEREAS, on May 22, 2012, the City Council approved Resolution No. 2012-203 that amended City Council Policy 5.002, and

WHEREAS, on June 5, 2012, the City Council approved final adoption of Ordinance No. 3567-C.S. amending City of Modesto Municipal Code Section 5-6.309, and

WHEREAS, on November 25, 2014, City Council approved Resolution No. 2014-473 amending City Council Policy 5.002, and

WHEREAS, on December 9, 2014, City Council approved adoption of Ordinance No.3612-C.S. amending City of Modesto Municipal Code Section 11-1.05, and

WHEREAS both of these amendments included language allowing the City Manager, upon the recommendation of the Director responsible for utility system

planning to approve standard agreements of service for extension of sewer services into certain unincorporated areas without City Council approval, and

WHEREAS, the property located at Litt Road is not located within one of those designated areas and therefore requires City Council approval prior to allowing the sewer connection, and

WHEREAS, City staff has completed an analysis and determined that it is reasonable for the City of Modesto to provide sewer service to this property, and

WHEREAS, consistent with Government Code 56133, the City is requesting a service in anticipation of an upcoming annexation, and

WHEREAS, the sewer connection fees shall be paid and associated permits will be obtained prior to connecting to the City sewer system, and

WHEREAS, the property owner, the City of Modesto, will execute an Outside Service Agreement for sewer service with the City as required prior to receiving sewer service outside the City limits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Will Serve Letter and Outside Service Agreement for sewer service for the property located at Litt Road (APN: 084-003-005).

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, are hereby authorized to approve the Will Serve Letter and the Utilities Department Director and the Interim City Manager, or his designee, are hereby authorized to execute the Outside Service Agreement for sewer service.

The foregoing documents were introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-297

RESOLUTION APPROVING AWARD OF PROPOSAL AND AGREEMENT WITH HDL SOFTWARE, LLC, DIAMOND BAR, CA FOR THE PURCHASE AND INSTALLATION OF A NEW BUSINESS LICENSING AND TAX COLLECTION SOFTWARE FOR THE FINANCE DEPARTMENT AND AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A FIVE (5) YEAR CONTRACT AT AN ESTIMATED COST OF $151,748 AND AN ADDITIONAL ESTIMATED $21,000 FOR ONE-TIME PROFESSIONAL SERVICES AND $11,000 FOR HARDWARE NECESSARY TO COMPLETE THE IMPLEMENTATION

WHEREAS, the Finance Department requires the use of specialized tax collection software to manage approximately $14 million in General Fund revenues from the City's 13,000 licensed businesses, and

WHEREAS, in Fiscal Year 2016-17 the 100 Day Revenue Committee along with the Information and Technology Steering Committee prioritized and recommended the purchase of new Business Licensing Software that would allow for advancements in updated technology such as expanded reporting capabilities, integrated email communication with business owners and the ability for customers to file for a license, report and pay their taxes online, and

WHEREAS, the Purchasing Division issued RFP 1617-07 under commodity codes for computer software for microcomputers, database software, computer software for mini/mainframe, computer software consulting and applications software, and

WHEREAS, two (2) companies chose to respond, none of which are local companies, and

WHEREAS, an evaluation committee comprised of five (5) City staff members evaluated the proposals and Councilmember Douglas Ridenour was chosen by the Mayor to observe the RFP process, and

WHEREAS, based on total evaluation criteria with HDL having the highest ranking, the evaluation committee recommends the award of proposal for the purchase, installation and five-year maintenance of Business Licensing and Tax Collection Software to HDL Software, LLC, and

WHEREAS, in addition to the software system other necessary modifications and infrastructure components shall also be required in the estimated amount of $32,000 and will be procured following City purchasing rules and regulations, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid and the award of proposal for the purchase and installation of Business Licensing and Tax Collection Software to HDL Software, LLC, conforms to the Modesto Municipal Code, 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards the contract to HDL Software, LLC, Diamond Bar, CA for the purchase and installation of a new Business Licensing and Tax Collection Software for the Finance Department.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute a five year contract with HDL Software, LLC at an estimated cost of $151,748 and an additional estimated $21,000 for one-time professional services and $11,000 for hardware in a form approved by the City Attorney.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-298

RESOLUTION ACCEPTING THE ACCOUNTS RECEIVABLE WRITE-OFF REPORTS FROM THE INTERIM CITY MANAGER AND FINANCE DIRECTOR THROUGH JUNE 30, 2016 TOTALING $719,153, AND APPROVE A REPORT OF DISPOSITION BE FILLED WITH THE CITY CLERK

WHEREAS, the Finance Department maintains a billing system to track monies owed to the City, and

WHEREAS, occasionally the responsible party does not pay the City as required, and

WHEREAS, it is the City's policy to actively pursue collection of past-due accounts and write off amounts deemed to be uncollectible, and

WHEREAS, the City employs various different means of trying to collect past-due accounts, and

WHEREAS, collection efforts continue until the legal statute restricts the City's collections actions, and

WHEREAS, the following amounts with an outstanding balance less than $5,000 have been approved for write-off by the Director of Finance for the Fiscal Year 2015-2016 and as such all available collection remedies have been exhausted: (1) Utilities Accounts - $433,589 and (2) Miscellaneous Receivables - $215,943, and

WHEREAS, the following amounts with an outstanding balance less than $25,000 have been approved for write-off by the City Manager for the Fiscal Year 2015-2016 and as such all available collection remedies have been exhausted: Miscellaneous Receivables - $69,351, and

WHEREAS, the City's Write-off of Uncollectible Accounts Receivable policy, as allowed under by Section 2-3.406 of Article 4 of Title 2 of the Municipal Code, requires the following approval authority: the Director of Finance is authorized to approve the write-off of accounts with an outstanding balance due of up to $5,000, and the City Manager is authorized to approve the write-off of accounts with an outstanding balance due in excess of $5,000 and up to $25,000; and

WHEREAS, for write-offs in excess of $25,000, Section 2-3.406 of Article 4 of Title 2 of the Municipal Code requires the City Manager to report the accounts to the City Council with his recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Interim City Manager's and Director of Finance reports of uncollectible utility and accounts receivable in the total amount of $719,153, and authorizes a report of disposition be filled with the City Clerk,

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-299

RESOLUTION REJECTING ALL BIDS FOR THE DENNETT DAM REMOVAL PROJECT

WHEREAS, Dennett Dam was constructed in the 1930's, was condemned by the State of California in 1947 and has acted as a partial barrier to fish passage and impediment to recreational boating, and

WHEREAS, the one bid received for the Dennett Dam Removal Project was opened at 11:00 a.m. on June 13, 2017, and later tabulated by the Utilities Department for the consideration of the Council, and

WHEREAS, Sierra Mountain Construction of Sonora, California was the sole and apparent low bidder at 215% above the engineer's estimate, and

WHEREAS, the Parks Planning and Development Division staff determined that the lack of bids and the single bid submitted at 215% above the engineer's estimate was due to the extreme river flows in the Tuolumne River, limited access to the site and short construction window which made it a high risk project. In addition, there were other contractors that did not bid due to the scope of the project not meeting their time lines for the construction period of the removal of the dam, and

WHEREAS, City staff recommends that the City reject the bids, make some modifications to the scope of work and re-advertise the project for bid in late 2017 with the intention of attracting a higher number of contractors and more competitive bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects the bid received for the Dennett Dam Removal Project.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-300

RESOLUTION ACCEPTING THE FEDERAL TRANSIT ADMINISTRATION TRIENNIAL REVIEW FINAL REPORT

WHEREAS, the Federal Transit Administration (FTA) Triennial Review is one of the management tools for examining grantee performance and adherence to current FTA requirements and policies, and

WHEREAS, in October 2016, the City of Modesto was notified that the FTA Triennial Review process would begin, and

WHEREAS, during the triennial review process, before and during the on-site visit, the reviewer examined records, interviewed staff, conducted tests and reviewed the facilities, and

WHEREAS, on March 30, 2017, the FTA and Triennial Reviewer met with Modesto transit staff to discuss their findings in an exit conference, and

WHEREAS, of more than 17 compliance areas examined, Modesto was found to have seven areas of deficiencies, and

WHEREAS, Modesto has been given until August 31, 2017, to take corrective action on these seven areas.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Federal Transit Administration Triennial Review final report, which is **attached** hereto.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-301

RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES REQUESTING CALIFORNIA TRANSIT ASSISTANCE FUNDS FOR TRANSIT SECURITY PROJECTS FOR $435,985 OF FISCAL YEAR 2015-16 FUNDS UNDER THE CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FOR TRANSIT SECURITY PROJECTS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT DOCUMENTS

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of general obligation bonds for specified purposes, including, but not limited to, funding made available for capital projects that provide increased protection against security and safety threats, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems, and

WHEREAS, the California Governor's Office of Emergency Services (Cal OES) administers such funds deposited in the Transit System Safety, Security, and Disaster Response Account under the California Transit Security Grant Program (CTSGP), and

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated recipient for regional funds under GC 8879.58 (a)(2), and

WHEREAS, the StanCOG Policy Board passed Resolution 16-38, designating $400,000 of the Fiscal Year 2015-16 regional funds for the City of Modesto for transit security projects, and

WHEREAS, the City of Modesto is the designated recipient of $35,985 in Fiscal Year 2015-16 local funds under GC 8879.58 (a)(3) resulting in a total allocation of $435,985 for Fiscal Year 2015-16, and

WHEREAS, the City of Modesto is eligible to review CTSGP funds, and

WHEREAS, the City of Modesto recognizes that it is responsible for compliance with all Cal OES CTSGP grant assurances and state and federal laws, including, but not limited to, laws governing the use of bond funds, and

WHEREAS, Cal OES requires the City of Modesto to complete and submit a Governing Body Resolution for the purposes of identifying agent(s) authorized to act on behalf of the City of Modesto to execute actions necessary to obtain CTSGP funds from Cal OES and ensure continued compliance with Cal OES CTSGP assurances and state and federal laws.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of an application to the California Governor's Office of Emergency Services requesting California Transit Assistance Funds for transit security projects for $435,985 in Fiscal Year 2015-16 funds.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is authorized to execute all necessary grant documents with the California Governor's Office of Emergency Services on behalf of the City of Modesto.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-302

Print

RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES REQUESTING CALIFORNIA TRANSIT ASSISTANCE FUNDS FOR TRANSIT SECURITY PROJECTS FOR $110,106 OF FISCAL YEAR 2016-17 FUNDS UNDER THE CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FOR TRANSIT SECURITY PROJECTS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT DOCUMENTS

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of general obligation bonds for specified purposes, including, but not limited to, funding made available for capital projects that provide increased protection against security and safety threats, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems, and

WHEREAS, the California Governor's Office of Emergency Services (Cal OES) administers such funds deposited in the Transit System Safety, Security, and Disaster Response Account under the California Transit Security Grant Program (CTSGP), and

WHEREAS, the Stanislaus Council of Governments (StanCOG) is the designated recipient for regional funds under GC 8879.58 (a)(2), and

WHEREAS, the StanCOG Policy Board passed Resolution 16-38, designating $100,000 of the Fiscal Year 2016-17 regional funds for the City of Modesto for transit security projects, and

WHEREAS, the City of Modesto is the designated recipient of $10,106 in Fiscal Year 2016-17 local funds under GC 8879.58 (a)(3) resulting in a total allocation of $110,106 for Fiscal Year 2016-17, and

WHEREAS, the City of Modesto is eligible to review CTSGP funds, and

WHEREAS, the City of Modesto recognizes that it is responsible for compliance with all Cal OES CTSGP grant assurances and state and federal laws, including, but not limited to, laws governing the use of bond funds, and

WHEREAS, Cal OES requires the City of Modesto to complete and submit a Governing Body Resolution for the purposes of identifying agent(s) authorized to act on behalf of the City of Modesto to execute actions necessary to obtain CTSGP funds from Cal OES and ensure continued compliance with Cal OES CTSGP assurances and state and federal laws.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a grant application to the California Governor's Office of Emergency Services requesting California Transit Assistance Funds for transit security projects for $110,106 in Fiscal Year 2016-17 funds.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is authorized to execute all necessary grant documents with the California Governor's Office of Emergency Services on behalf of the City of Modesto.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

Attest: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-303

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH BROWN AND CALDWELL, INC., RANCHO CORDOVA, CA, FOR DESIGN AND CONSTRUCTION SERVICES FOR THE REPLACEMENT WELL 226 PROJECT IN THE AMOUNT OF $107,847, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT

WHEREAS, City water supply Well 226, located at the northwest corner of Conant Avenue and Brenner Way, was taken offline in 2006 due to elevated arsenic and nitrate concentrations. Well 226 was originally drilled in 1954, and strategically located near the Highway Village neighborhood, and

WHEREAS, Well 226 is over 60 years old and no longer productive due to its shallow depth of 270-feet, and its drilled configuration does not allow isolation of specific water layers, and

WHEREAS, on April 7, 2009, by Resolution No. 2009-149, Council approved a short-list of hydrogeologists to be used on an as-needed rotational basis, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, Brown and Caldwell (B&C) was selected as the most qualified firm to provide design services for well remediation at Well 226, and

WHEREAS, on November 24, 2009, by Resolution No. 2009-554, Council approved an agreement with B&C for Design Services for Well Remediation at Well 226, and

WHEREAS, the proposed design included a new well on the existing site, drilling to a deeper level and constructing to current well standards, and

WHEREAS, in 2011, plans and specifications for removal and replacement of Well 226 were prepared, but the project was deferred due to the downturn of the economy, and

WHEREAS, the agreement with B&C was subsequently closed, and

WHEREAS, on June 28, 2016, by Resolution No. 2016-270, Council approved the specifications for destruction of certain water wells, and awarded a contract to Howk Systems of Modesto, CA, and

WHEREAS, Well 226 was destroyed as part of this work, and

WHEREAS, on February 7, 2017, by Resolution No. 2017-42, Council approved an agreement with B&C to provide design, bid and engineering during construction services for the Replacement Well 226 Project, and

WHEREAS, during the design phase of the Replacement Well 226 project, the Utilities' Water Division determined that a pump house was needed to protect the well from outside interference from the general public and minimize the sound that will be generated from the pump, and

WHEREAS, Well 226 is bounded by residential properties to the north, south & west and to the east of Chrysler Elementary School, and

WHEREAS, the proposed well is anticipated to be installed roughly 30-feet from a residential property to the west and will be located approximately 20-feet from the current right-of-way on Brenner Way, and

WHEREAS, the initial scope of services negotiated and approved with B&C did not include a pump house, and

WHEREAS, it was assumed that the current chain link fencing would be upgraded to 1-inch mesh fencing to shield and protect the well site, and

WHEREAS, prior to determining a pump house was needed, B&C explored other noise & safety mitigation measures but those options did not work from an operational and safety standpoint, and

WHEREAS, additionally, as the design progressed, B&C determined that the existing motor control center (MCC) and electrical panels that help control the production of the well, needed to be upgraded, and

WHEREAS, B&C originally assumed that the existing MCC and electrical panels would be sufficient, and

WHEREAS, the design and construction document additions resulted in extended effort in the following tasks: 1) Well Equipping Design; 2) Engineering Services During Construction; and 3) Project Management, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the first amendment to the agreement is for professional services and, therefore, exempt from the bid requirement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with Brown and Caldwell, Inc., Rancho Cordova, CA, for design and construction services in the amount of $107,847.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the First Amendment to the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-304

RESOLUTION APPROVING THE AWARD OF BID AND CONTRACT FOR PUMP EFFICIENCY TESTING TO PUMPING EFFICIENCY TESTING SERVICES, SEBASTOPOL, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST OF $30,000, OR A TOTAL OF UP TO $150,000 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE AGREEMENT

WHEREAS, the City has a need for pump efficiency testing for its pumps and panels, and

WHEREAS, the Water Services Division expects to have 120 pump efficiency tests performed each year for an annual cost of $30,000, and

WHEREAS, the Interim City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for pump efficiency testing, and

WHEREAS, on February 21, 2017, the Purchasing Division issued RFB No.1617-22 Pump Station Efficiency on the City's website under the commodity codes for pumping equipment and accessories, water pumps and accessories, testing apparatus and instruments, water supply groundwater sewage treatment related equipment, testing services, and wastewater treatment plant operations and testing, and nine companies chose to download the RFB document, and

WHEREAS, bids were formally opened in the City Clerk's Office. Three (3) companies chose to respond, one was a local vendor. All companies provided responsive and responsible bids, and

WHEREAS, based on the responsive and responsible bids received, City staff recommends the award of bid for pump efficiency testing to Pumping Efficiency Testing Services, Sebastopol, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bids for the pump efficiency testing to Pumping Efficiency Testing Services, Sebastopol, CA, conforms to the Modesto Municipal Code, 8-3.203,and

WHEREAS, the cost for these services will be covered by the Water Fund through existing budget in 4100-45050-53300, Water Services – Wells and Tanks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bids for pump efficiency testing to Pumping Efficiency Testing Services, Sebastopol, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost of $30,000, or a total of up to $150,000 over five years.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to issue a purchasing agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-305

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE BOWEN, JOHANSEN, NARAGHI AND ORCHARD STORM LIFT STATIONS IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND AWARD A CONSTRUCTION CONTRACT TO TRI-TECHNIC, INC., OF SONORA, CA IN THE AMOUNT OF $1,126,510, AND AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, Contract Documents have been prepared for the Bowen, Johansen, Naraghi, and Orchard Storm Lift Stations Improvements Project, and the Interim City Manager authorized City staff to solicit the Project for bids, and

WHEREAS, City staff solicited the Project in conformance of Section 1307 of the City's Charter, and

WHEREAS, the bids received for the Bowen, Johansen, Naraghi, and Orchard Storm Lift Stations Improvements Project were publicly opened at 11:00 a.m. on June 27, 2017, and

WHEREAS, the Interim City Manager recommends the bid of $1,126,510 received from Tri-Technic, Inc., of Sonora, California, be accepted as the lowest responsible bidder and responsive bid and the contract be awarded to Tri-Technic, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Plans and Specifications for the Bowen, Johansen, Naraghi and Orchard Storm Lift Station Improvements, accepts the bid and awards the construction contract to Tri-Technic, Inc. of Sonora, California, in the amount of $1,126,510.

BE IT FURTHER RESOLVED that the Interim City Manager, or designee, is hereby authorized to execute the contract in a form approved by the City Attorney.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-306

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $1,154,140 TO BE TRANSFERRED INTO THE PROJECT FROM STORM DRAIN FUND RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE BOWEN, JOHANSEN, NARAGHI, AND ORCHARD STORM DRAIN LIFT STATIONS IMPROVEMENTS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $1,154,140, in order to fund construction, contingency, construction administration, design support during construction plus City staff support for the Bowen, Johansen, Naraghi, and Orchard Storm Lift Stations Improvements Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100845 "SD Pump Station Electrical", and the total project costs need to be increased by $1,154,140. This would be done by adjusting Construction Admin by $113,916, Construction by $921,510, Contingency-CIP by $67,621, and Eng/Design/Admin by $51,093.

To fund the above account, $1,154,140 will be transferred from Storm Drain Fund Reserves into CIP Project 100845 for the Bowen, Johansen, Naraghi, and Orchard Storm Lift Stations Improvements Project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-307

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO PAY RELOCATION BENEFITS PURSUANT TO MODESTO MUNICIPAL CODE 4-12.501 *ET SEQ.*, AND STATE LAW, IF NECESSARY, UP TO A MAXIMUM AMOUNT OF $60,000, TO THE LEGAL TENANTS OF PROPERTY LOCATED AT 624 9TH STREET, MODESTO, WHICH FUNDS SHALL BE SECURED BY A LIEN

WHEREAS, Ordinance 3514-C.S., made significant amendments to Chapter 12 of Title 4 of the Municipal Code, including the addition of Article 5 (section 4-12.501 *et seq.*), entitled "Tenant Relocation Benefits," to provide a method for reimbursement to tenants forced to relocate due to severe code violations which threaten the life, health and safety of the tenants and require the units or rooms to be vacated to allow for extensive repairs, and

WHEREAS, during its annual inspection, the Modesto Fire Department found deteriorated conditions at the property located at 624 9th Street (APN 106-043-010), and

WHEREAS, upon notice from the Fire Department and further inspections by Building Safety Division Staff, said property was found to be unfit for human occupancy, and

WHEREAS, the property located at 624 9th street was condemned and a 30-day notice to vacate was posted, and

WHEREAS, due to significant violations of both the Modesto Municipal Code and State building and health and safety standards, the City issued a Notice and Order to the property owner on May 18, 2017 and a Notice to Vacate to the tenants at property located at 624 9th Street on June 29, 2017, and

WHEREAS, there are 29 dwelling units at the property at 624 9th Street, and

WHEREAS, section 4-12.502 provides that "[a]ny tenant who is displaced from any residential unit as a result of a Notice and Order to vacate due to unsafe or hazardous living conditions, issued by an authorized City official, shall be entitled to receive relocation benefits from the owner as specified in this article," and

WHEREAS, the amount of relocation benefits owed to a tenant is either an amount equal to twice the established monthly rental rate paid by the tenant for the unit being vacated or the monthly amount paid by the tenant for the new unit where the tenant moves, whichever is less, and

WHEREAS, the relocation benefits owed to the tenants at 624 9th Street is anticipated to exceed the Interim City Manager's authority of $50,000, and

WHEREAS, applications for relocation benefits shall be received by the Community and Economic Development Department and reviewed for compliance with sections 4-12.503, 4-12.505 and 4-12.507, and

WHEREAS, before the City pays any relocation benefits to the tenants, the property owner shall be given the requisite notice and opportunity to pay the relocation benefits directly to the tenants, and

WHEREAS, the multi-year enterprise fund for abatements (Project 100673 CED) was established through Resolution No. 2011-438 and was intended to create a separate funding source to fund the abatement of public nuisances, blight and dangerous and unsafe buildings, and

WHEREAS, any relocation benefits paid by the City shall be paid from the multi-year enterprise fund for abatements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Interim City Manager, or his designee, to pay relocation benefits pursuant to Modesto Municipal Code section 4-12.501 *et seq.*, if necessary, up to a maximum amount of $60,000, to the legal tenants of property located at 624 9th Street, Modesto, California.

BE IT FURTHER RESOLVED that any amounts paid to the tenants for relocation benefits shall be secured by a lien.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of August, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-308

RESOLUTION APPROVING A FIRST AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED DECEMBER 21ST, 2016 WITH NORTON ROSE FULBRIGHT US LLP IN AN AMOUNT NOT TO EXCEED $47,500 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN FINANCE MATTERS, AND AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney's Office is in need of outside counsel services that relate to finance matters; and

WHEREAS, Norton Rose Fulbright US LLP has represented the City in finance matters since December of 2016; and

WHEREAS, additional essential legal work needs to be performed that will result in fees exceeding the agreed upon budget of $47,500; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Norton Rose Fulbright US LLP; and

WHEREAS, the City Attorney's office has drafted a First Amendment to the Legal Services agreement with Norton Rose Fulbright US LLP to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City of Modesto to execute a First Amendment to the Legal Services Agreement with Norton Rose Fulbright US LLP in an amount not to exceed $47,500 to continue representing the City of Modesto in finance matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

BE IT FURTHER RESOLVED that the Interim City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FIRST AMENDMENT TO LEGAL SERVICES AGREEMENT

This First Amendment for Legal Services (this "**First Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **NORTON ROSE FULBRIGHT US LLP**, a Texas limited liability partnership ("**Attorney**"), located at 580 California Street, Floor 16, San Francisco, California 94104. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") for services for legal advice, representation and assistance on matters involving finance matters; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $47,500 to $95,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Norton Rose Fulbright US LLP, dated December 21st, 2016, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of ninety five thousand dollars ($95,000)."

2. **Entire Agreement**. The parties to this First Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 21st, 2016, remain in full force and effect to the extent they are not in conflict with this First Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. No alteration to the terms of this First Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this First Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this First Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Interim City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
NORTON ROSE FULBRIGHT US LLP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-309

RESOLUTION APPROVING AN AMENDED BOUNDARY MAP OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT 2016-1 (KIERNAN BUSINESS PARK EAST #2)

WHEREAS, the Kiernan Business Park Specific Plan Area encompasses approximately 614 acres and is comprised of regional commercial, office, medical campus, mixed use, medium high density residential and business park land uses, and

WHEREAS, within this specific plan area, there are three distinct sub-areas: Kiernan Business Park West, Kiernan Business Park South and Kiernan Business Park East (KBP East), and

WHEREAS, KBP East covers approximately 160 acres and is bounded Kiernan Avenue to the North, Pelandale Avenue to the South, Dale Road to the West and American Avenue to the East, and

WHEREAS, on January 26, 2016 the Council authorized staff to record the formation boundary map which included future annexation areas, and

WHEREAS, the formation boundary map was recorded on February 8, 2016 (Recorded Boundary Map) which did not include future annexation areas, and

WHEREAS, on March 8, 2016, the City Council approved the formation of Community Facilities District No. 2016-1 (Kiernan Business Park East #2), and

WHEREAS, when the City Council formed City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2), the intent was to identify future annexation areas in the Recorded Boundary Map, and

WHEREAS, identification of future annexation areas would allow future annexations to be processed administratively and would reduce the cost and time to developers and/or property owners, and

WHEREAS, Resolution 2016-20 provided that the boundaries of the Community Facilities District include future annexation areas and it established the future annexation areas as shown on the map designated "Boundary Map of Proposed City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2)", and

WHEREAS, public convenience and necessity requires that additional property be annexed to the Kiernan Business Park East #2 in the future, and

WHEREAS, in 2016 by Resolution 2016-20 the Council found that Resolution 2016-20 did constitute a resolution of intention to annex territory to the Kiernan Business Park East #2 pursuant to Government Code Sections 53339.2 and 53339, and

WHEREAS, the Recorded Boundary Map provided by the engineer for recordation made some of the changes requested by City staff but inadvertently removed the *future annexation area* designation and the *limits of future annexation area* language from the map legend, and

WHEREAS, Streets and Highways Code of the State of California section 3113, states the legislative body shall not order a modification in the boundaries of a district shown on a previously filed map of the district unless the legislative body describes the proposed modification by reference to an amended map of the district boundary, and

WHEREAS, an Amended Boundary Map can be approved by a resolution adopted by the legislative body, and

WHEREAS, the clerk of the legislative body shall file the Amended Boundary Map showing the modification of boundaries of the district with the county recorder not later than fifteen days after the resolution of the legislative body approving the amended boundary, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an amended boundary map of City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk, or her designee, is hereby directed to sign the original amended boundary map of the Community Facilities District and record it with all proper endorsements thereon with the County Recorder of the County of Stanislaus within fifteen days after the adoption of this resolution, all as require by Section 3111 of the Streets and Highways Codes of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

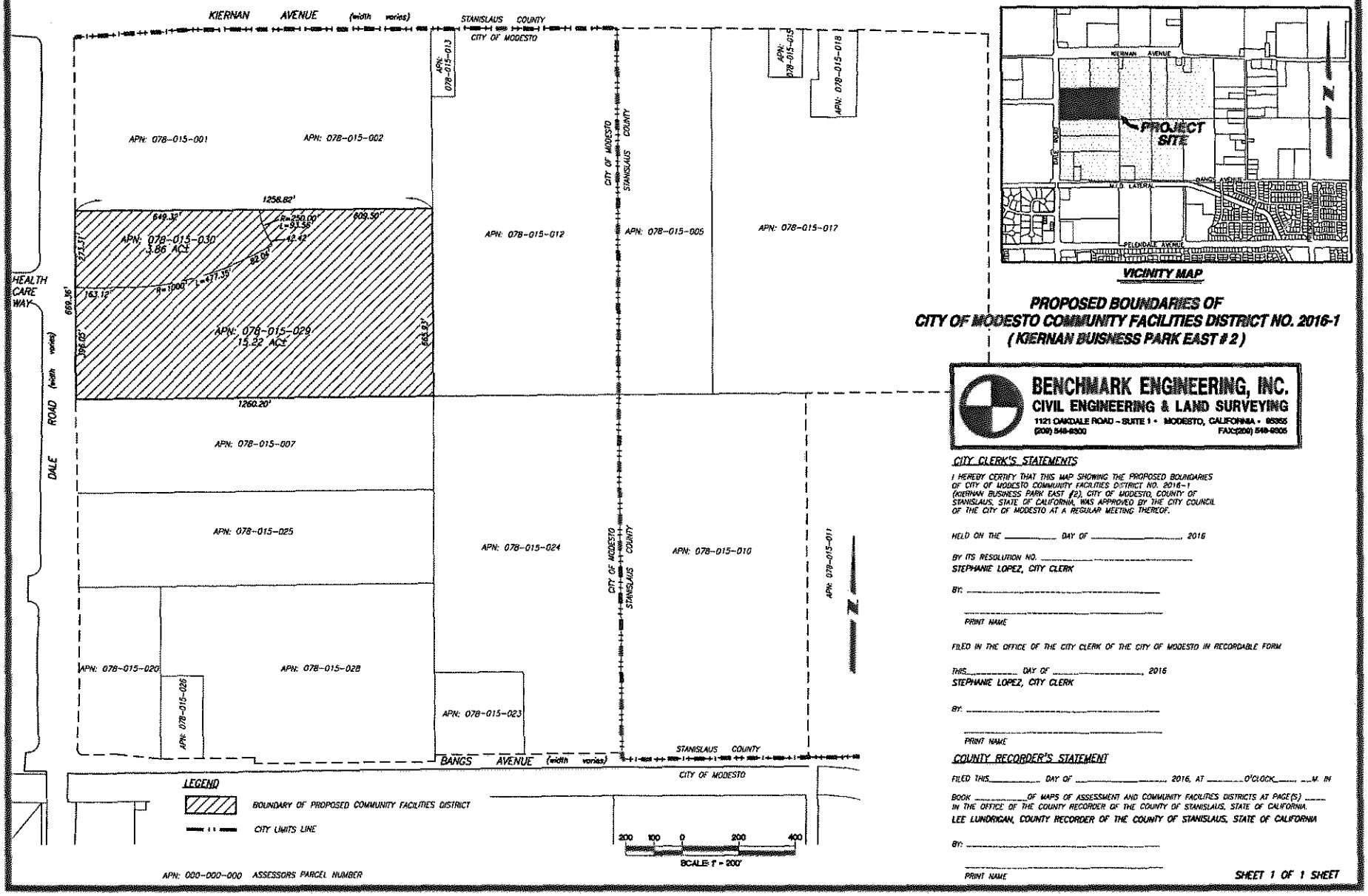
AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney



VICINITY MAP

PROPOSED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUISNESS PARK EAST # 2)

BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
1121 OAKDALE ROAD - SUITE 1 • MODESTO, CALIFORNIA • 95355
(209) 549-9300 FAX:(209) 549-9305

CITY CLERK'S STATEMENTS

I HEREBY CERTIFY THAT THIS MAP SHOWING THE PROPOSED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF.

HELD ON THE _____ DAY OF _____, 2016

BY ITS RESOLUTION NO. _____

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO IN RECORDABLE FORM

THIS _____ DAY OF _____, 2016

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

COUNTY RECORDER'S STATEMENT

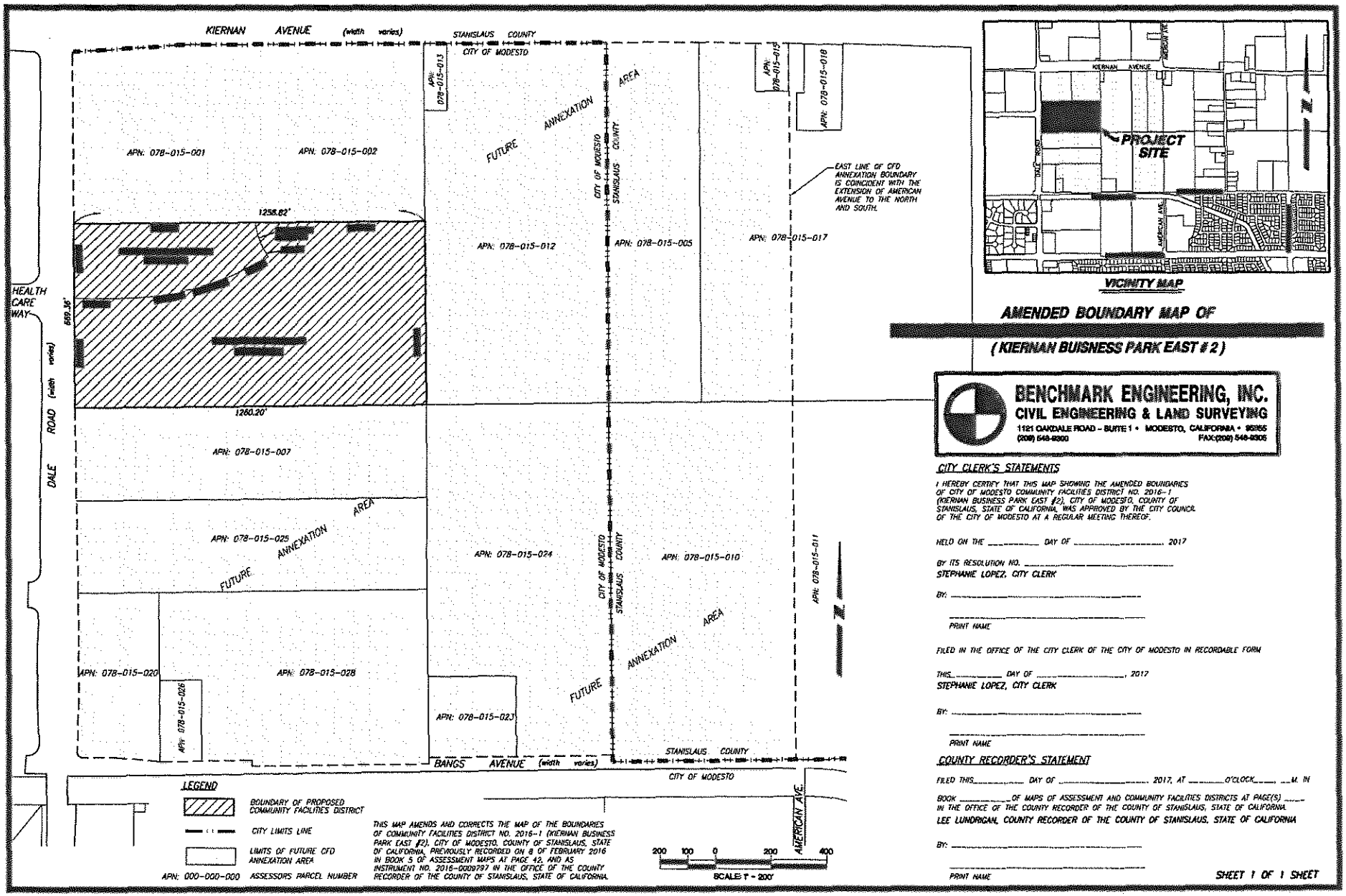
FILED THIS _____ DAY OF _____, 2016, AT _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDRIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____

_____
PRINT NAME

SHEET 1 OF 1 SHEET



AMENDED BOUNDARY MAP OF

(KIERNAN BUISNESS PARK EAST # 2)

BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
1121 OAKDALE ROAD - SUITE 1 • MODESTO, CALIFORNIA • 95355
(209) 548-8300 FAX:(209) 548-8305

CITY CLERK'S STATEMENTS

I HEREBY CERTIFY THAT THIS MAP SHOWING THE AMENDED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF.

HELD ON THE _____ DAY OF _____ 2017

BY ITS RESOLUTION NO. _____

STEPHANIE LOPEZ, CITY CLERK

BY: _____

PRINT NAME

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO IN RECORDABLE FORM

THIS _____ DAY OF _____, 2017

STEPHANIE LOPEZ, CITY CLERK

BY: _____

PRINT NAME

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____ 2017, AT _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDRIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____

PRINT NAME

SHEET 1 OF 1 SHEET

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-310

RESOLUTION APPROVING A CAPITAL FACILITIES FEES PUBLIC IMPROVEMENT REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND FINDLAY SHACK PROP, LLC, FOR PUBLIC IMPROVEMENTS IDENTIFIED IN THE CAPITAL FACILITIES FEES PROGRAM THAT THE DEVELOPER WILL CONSTRUCT IN CONNECTION WITH THE NEW AUDI DEALERSHIP ON MCHENRY AVENUE NOT TO EXCEED $957,975 AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, in May 2013, City of Modesto adopted the Capital Facilities Fees Policies and Procedures (Resolution 2013-177), and

WHEREAS, the policy allows developers to install public improvements and be reimbursed for the work if certain parameters are met, and

WHEREAS, In June 2017, an application was submitted by Findlay Shack Prop LLC (Applicant) to develop the southwest corner of McHenry and Pelandale Avenues with 13,156 square foot Audi dealership and showroom and 15,162 square foot Audi auto service repair shop, and

WHEREAS, the proposed project includes the construction of public improvements on McHenry Avenue (south of the McHenry/Pelandale intersection) and on Pelandale Avenue (west of McHenry), and

WHEREAS, a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Findlay Shack Prop LLC, a California limited liability company (CFF Agreement) must be executed prior to commencement of work in order for the Applicant to be reimbursed for the public improvement costs associated with the project, and

WHEREAS, the proposed CFF Agreement has maximum reimbursement amount of $957,975, reimbursement will be based upon actual expenses incurred, and

WHEREAS, in no event will reimbursement exceed the maximum reimbursement amount. Reimbursement is strictly limited to funds from the Capital Facilities Fees – Streets Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves a Capital Facilities Fees Public Improvement Reimbursement Agreement between the City of Modesto and Findlay Shack Prop, LLC, a California limited liability company for public improvements in connection with the new Audi Dealership on McHenry Avenue (south of the McHenry/Pelandale intersection) and on Pelandale Avenue (west of McHenry), not to exceed $957,975.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-311

RESOLUTION APPROVING AN ACQUISITION AND SHORTFALL AGREEMENT BETWEEN THE CITY OF MODESTO, CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1, AND BERBERIAN HOLDINGS, LP, IN THE AMOUNT NOT TO EXCEED $2,635,322, FOR CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS COMPLETED BY THE DEVELOPER AS PART OF THE DEVELOPMENT OF AN 18-ACRE NEIGHBORHOOD SHOPPING CENTER KNOWN AS THE MARKETPLACE AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE AGREEMENT IN BOTH THE CAPACITY OF INTERIM CITY MANAGER AND AS DISTRICT ADMINISTRATOR

WHEREAS, in January 2008, by Resolution No. 2008-024 City of Modesto adopted the Policies and Procedures for the Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello-Roos Community Facilities Act of 1982, , and

WHEREAS, the policy allows developers to install public improvements which benefit properties within a proposed CFD, and be reimbursed for the work if certain parameters are met, and

WHEREAS, on April 6, 2004, the City of Modesto formed City of Modesto Community Facilities District No. 2004-1 (CFD No. 2004-1) to pay for various infrastructure improvements as well as the maintenance of parks, parkways and open space, storm drainage basin and related facilities that serve the Village One area, and

WHEREAS, a developer may construct identified improvements for CFD No. 2004-1 and be reimbursed, provided an agreement for such improvements is entered into with the City and CFD No. 2004-1 prior to commencement of work, and

WHEREAS, on April 26, 2017, Berberian Holdings, LP (Applicant) submitted an application to develop an 18-acre neighborhood shopping center known as "The

Marketplace" on property located at the southwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, the proposed project includes the construction of certain public improvements at Sylvan Avenue and Oakdale Road intersection as well as improvements along Oakdale Road that are eligible for reimbursement, and

WHEREAS, an Acquisition & Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Berberian Holdings, LP, must be executed prior to commencement of work in order for Applicant to be reimbursed for certain public improvements, and

WHEREAS, the proposed Acquisition and Shortfall Agreement has a maximum reimbursement amount of $2,635,322; however, reimbursement will be based upon actual expenses incurred and in no event will exceed the maximum reimbursement amount, and

WHEREAS, reimbursement is strictly limited to funds from the City of Modesto Community Facilities District No. 2004-1 (Village One #2), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves an Acquisition and Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District 2004-1, and Berberian Holdings, LP, in the amount not to exceed $2,635,322, for construction of certain public improvements completed by the developer as part of the development of the 18-acre neighborhood shopping center known as "The Marketplace" located at the southwest corner of Sylvan Avenue and Oakdale Road.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in both the capacity of Interim City Manager and as District Administrator, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-312

RESOLUTION AMENDING SECTION 4 (HOME INVESTMENT PARTNERSHIPS PROGRAM) AND ADDING SECTION 13 (NEIGHBORHOOD STABILIZATION PROGRAM SUBRECIPIENT MANAGEMENT) AND SECTION 14 (ENVIRONMENTAL REVIEW PLAN) TO THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, on June 29, 2017, the City of Modesto's Citizen's Housing and Community Development Committee reviewed, approved and forwarded an amended Section 4 (Home Investment Partnerships Program) and added Section 13 (Neighborhood Stabilization Program Subrecipient Management) and Section 14 (Environmental Review Plan) to the HUD Policies & Procedures Manual, to the City Council for review and approval, and

WHEREAS, the updated Home Investment Partnerships Program Policies and Procedures reflect current policies and processes set forth in 24 Code of Federal Regulations and address eligible activities, ineligible activities, national objectives, grant administration, program income, sub recipient application and award process, program/sub-recipient monitoring, and compliance with specific program requirements, and

WHEREAS, the Neighborhood Stabilization Program Subrecipient Management Policies and Procedures reflect subrecipient management policies that comply with the

"Dodd-Frank Act" and address internal controls, subrecipient, developer, buyer, security, and construction related agreements and contracts, and

WHEREAS, the Environmental Review Plan reflects current policies and processes as set forth in 40 CFR Parts 1500-1508 and 24 CFR Parts 35, 51, 55, and 58 of the Code of Federal Regulations; helps address a process to collectively protect and enhance the environment by removing health and safety related concerns by providing citizens with the benefit of a healthier environment; and assists the City to meet HUD's mission to provide "safe, decent and affordable housing,"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby amends Section 4 (Home Investment Partnerships Program) of and adds Section 13 (Neighborhood Stabilization Program Subrecipient Management) and Section 14 (Environmental Review Plan) to the HUD Policies & Procedures Manual, as set forth in **Exhibit A**, which is **attached** hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Section 4

City of Modesto
Home Investment Partnerships Program

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.cityofmodesto.com
housing@modestogov.com

Committee:	Citizens Housing and Community Development Committee	Approved:
City Council:	Resolution No.	Approved:

These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto's Citizens Housing and Community Development

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1. INTRODUCTION

1.1. The HOME Investment Partnerships Program (HOME) was created under Title II of the National Affordable Housing Act of 1990. The HOME program has been amended several times since then by subsequent legislation, most recently on December 2, 2016. Under the HOME program, the Department of Housing and Urban Development (HUD) allocates funds to Participating Jurisdictions (PJ) to be used to implement housing strategies in accordance with Federal HOME regulations (24 CFR Part 92). The City of Modesto has been designated as the Participating Jurisdiction (PJ) to receive HOME funds.

1.2. Through the use of HOME funds, the City of Modesto strives to encourage and stimulate neighborhood revitalization. As a HUD designated PJ, the City is charged with the proficient administration of HOME funds. In an effort to increase the efficiency in which HOME funds are utilized and increase the impact of these dollars on our community, the City has developed the following policies and procedures.

2. OBJECTIVE

2.1. The intent of the HOME program as established by HUD is to:

- 2.1.1. Provide decent, safe, and affordable housing to low-income families, up to 80% of Area Median Income (AMI);
- 2.1.2. Expand the capacity of non-profit housing providers;
- 2.1.3. Strengthen the ability of local government to provide housing; and
- 2.1.4. Leverage private sector participation through public, private and non-profit partnerships to address affordable housing.

2.2. HOME funds may be used for the purposes of creating, maintaining and expanding affordable rental and homeownership housing for low income families through the following eligible activities:

- 2.2.1. Acquisition (including assistance to homebuyers);
- 2.2.2. New construction (including adding additional units to an existing structure);
- 2.2.3. Rehabilitation of non-luxury housing with suitable amenities including related costs such as:
  - 2.2.3.1. Property acquisition, Site improvements, Demolition, and
  - 2.2.3.2. Other eligible expenses including financing costs, relocation expenses of any displaced persons, families, businesses, or organizations;
  - 2.2.3.3. Down payment and/or Closing Cost assistance;
  - 2.2.3.4. Operating expenses of Community Housing Development Organizations (CHDO's).
- 2.2.4. All housing supported with HOME funds must be permanent or transitional housing.
- 2.2.5. A HOME assisted project that is terminated before completion, either voluntarily or otherwise, constitutes an ineligible activity and will be

subject to recapture by the City of Modesto.

3. Distribution of Funding

3.1. The City of Modesto distributes HOME funds geographically within its boundaries and among different categories of housing need, according to the priorities of housing need identified in its approved consolidated plan and HOME Program Description. The City of Modesto only invests HOME funds in eligible projects within its boundaries.

3.2. Applications for City of Modesto HOME funds are solicited on a continuous basis, with the exception of CHDO funds, (subject to fund availability) and reviewed competitively.

3.2.1. CHDO funds are available on annual basis. Existing CHDO's are required to submit a CHDO Recertification document to the City by June of each calendar year.

3.2.2. The City of Modesto only accepts applications for projects noted as "Eligible HOME Program Activities" in the adopted Annual Action Plan. Before committing funds to a project, the City of Modesto underwrites and evaluates the project and will not invest any more HOME funds, in combination with other governmental assistance, than is necessary to provide affordable housing.

3.2.3. The competitive selection criteria for projects, if applicable, will be published at the time applications are solicited.

4. Definitions

4.1. Action Plan: The one-year portion of the Consolidated Plan. It includes the PJ's annual allocation of HOME funds.

4.2. Adjusted Income: Adjusted income is annual (gross) income reduced by deductions for dependents, elderly households, medical expenses, handicap assistance expenses and childcare (these are the same adjustment factors used by the Section 8 Program). The low HOME rent in rental projects in which rents are based on 30% of a family's adjusted gross income.

4.3. Affordability: The requirements of the HOME Program that relate to the cost of housing both at initial occupancy and over established time frames, as prescribed in the HOME Final Rule. Affordability requirements vary depending upon the nature of the HOME assisted activity (i.e., homeownership or rental housing).

4.4. Annual Income: Annual income as defined in 24 CFR 5.609, referred to as "Part 5 annual income", also known as the rules for determining income under the Section 8 voucher program, or adjusted gross income as defined for the purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual tax purposes. Adjusted gross income as reported on Form 1040 shall be used for homebuyer, homeowner rehabilitation and down payment assistance programs.

4.5. Commitment: Commitment means (1) The participating jurisdiction has executed a legally binding written agreement (that includes the date of the signature of each person signing the agreement) with a Community Housing Development Organization (CHDO), subrecipient, or a contractor to use a specific amount of HOME funds to produce affordable housing, provide down payment assistance; or has met the requirements to commit to a specific local project, as defined in paragraph (2) of this definition. (See § 92.504(c) for

minimum requirements for a written agreement.) An agreement between the participating jurisdiction and a subrecipient that is controlled by the participating jurisdiction (e.g., an agency whose officials or employees are official or employees of the participating jurisdiction) does not constitute a commitment.

4.6. Commitment to a specific local project: Commitment to a specific local project means that a legally binding agreement was executed meeting one of the following sets of requirements:

4.6.1. For rehabilitation or new construction projects, the PJ (or other entity) and the project owner will execute an agreement for an identifiable project for which all necessary financing has been secured, a budget and schedule have been established, and underwriting has been completed and under which construction is scheduled to start within 12 months of the agreement date. If the project is owned by the City of Modesto, the project must be set up in the disbursement and information system and construction reasonably expected to start within 12 months of the set-up date.

4.7. If the project consists of acquisition of standard housing by the PJ, the agreement must be a binding contract for the sale of an identifiable property and the property title must be transferred to the PJ (or other entity) within six (6) months of the date of the contract.

4.8. If the project involves the acquisition of standard housing and the City of Modesto is providing HOME funds to a purchaser, under the agreement, the title of the property must be transferred to the purchaser within six (6) months of the agreement date.

4.8.1. Note that preliminary or conditional "commitments" may be made, but no funds are considered committed under the rules unless the above conditions have been met.

4.9. Consolidated Plan: A plan prepared in accordance with the requirements set forth in 24 CFR Part 91 which describes community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including HOME.

4.10. Community Housing Development Organization (CHDO): A private, nonprofit organization that meets a series of qualifications prescribed in the HOME regulations at 24 CFR Part 92.2. The HOME New Rule requires that CHDO's have paid staff with demonstrated capacity appropriate to the CHDO's role (this requirement cannot be met through volunteer, donated staff, shared staff, or board members). A participating jurisdiction must award at least 15 percent of its annual HOME allocation to CHDOs.

4.11. Draw-Down: The process of requesting and receiving HOME funds. The City of Modesto draws down funds from a line of credit established by HUD.

4.12. Final Rule: The Final HOME Rule was published at 24 CFR Part 92 on July 24, 2013 and became effective on August 24, 2013.

4.13. HOME-Assisted Units: A term that refers to the units

within a HOME project for which rent, occupancy and/or resale restrictions apply. The number of units designated as HOME-assisted affects the maximum HOME subsidies that may be provided to a project as such may be amended.

4.14. HOME Funds: All appropriations for the HOME Program, plus all repayments and interest or other returns on the investment of these funds.

4.15. Household: One or more persons occupying a housing unit.

4.16. Jurisdiction: A unit of general local government.

4.17. Low-Income Families: Families whose annual incomes do not exceed 80 percent of the median income for the area (adjusted for family size).

4.18. Match: Match is the City of Modesto's contribution to the HOME Program - the local, non- Federal contribution to the partnership. The City of Modesto's match contribution must equal not less than 25 percent of the HOME funds drawn down for projects in that fiscal year.

4.19. New Construction: The creation of new dwelling units. Any project which includes the creation of new or additional dwelling units in an existing structure is considered new construction.

4.20. Participating Jurisdiction (PJ): The term given to any state, local government or consortium that has been designated by HUD to administer a HOME Program. HUD designation as a PJ occurs if a state or local government meets the funding thresholds, notifies HUD that they intend to participate in the program and has a HUD-approved Consolidated Plan.

4.21. Program Income: Gross income received by the City of Modesto, a CHDO that does not retain CHDO Proceeds, or a sub recipient directly generated from the use of HOME funds or matching contributions.

4.22. Project: A site or an entire building or two or more buildings, together with the site or sites on which the building or buildings is located, that are under common ownership, management and financing and are to be assisted with HOME funds, under a commitment by the owner, as a single undertaking.

4.23. Project completion: All necessary title transfer requirements and construction work have been performed; the project complies with all HOME requirements; the final draw-down of HOME funds has been disbursed for the project; and the project completion information has been entered in the disbursement and information system established by HUD, except that with respect to rental housing project

completion, for the purposes of § 92.502(d) of this part, project completion occurs upon completion of construction and before occupancy.

4.24. Reconstruction (also rehabilitation): The rebuilding, on the same lot, of housing standing on a site at the time of project commitment. Except that housing that was destroyed may be rebuilt on the same lot if HOME funds are committed within 12 months of the date of destruction the number of housing units on the lot may not be changed as part of the reconstruction project, but the number of rooms per unit may change. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing.

4.25. Sub recipient: A public agency or nonprofit organization selected by the City of Modesto to administer all or a portion of the City of Modesto's HOME Program. A public agency or nonprofit organization that receives HOME funds solely as a developer or owner of housing (CHDO) is not a sub recipient.

4.26. Targeting: Requirements of the HOME Program relating to the income or other characteristics of households that may occupy HOME-assisted units.

4.27. Very-Low-Income Families: Families whose annual incomes do not exceed 50 percent of the median income for the area (adjusted for family size).

5. APPLICATION FOR FUNDS

5.1. Application Timeline

5.1.1. The City of Modesto accepts applications on a continuous basis, unless otherwise noted.

5.1.2. Prior to submitting applications to the City of Modesto, applicants are required to discuss project details with City of Modesto Community Development Division program staff to allow program staff to provide any Technical Assistance that may be needed to ensure the project application complies with HOME Program requirements.. Complete applications must be submitted to the office of the Community Development Division. Faxed or emailed applications will NOT be accepted.

5.1.3. Three original proposals with original signatures including a hard copy of the required pro forma pages must be submitted to:

5.1.3.1. City of Modesto HOME Program Attention: Aaron Farnon 1010 Tenth Street, Suite 3100 Modesto, CA 95354

5.1.4. Applications will become the property of the City of Modesto and will not be returned. Inaccurate information contained in an application will disqualify the Applicant from consideration.

5.1.5. The Minimum Threshold Requirements for each HOME application are included in the Ranking Criteria. Applicants who fail to meet any minimum threshold requirement will not be considered for funding.

5.1.6. Minor corrections to applications may be allowed, but applications

requiring substantial revision or which are substantially incomplete will not be reviewed or ranked.

6. Allocation

6.1.1. The amount for eligible activities on an annual basis is 90% of HUD allocated HOME funds, after allocating the allowable 10% administrative funding. Up to 90% of Program Income funds may also be used for eligible activities.

6.1.2. A minimum of 15% of the total HOME funds is available exclusively for certified Community Housing Development Organizations (CHDO) performing CHDO eligible activities. Please refer to the CHDO section of these policies to determine an organization's eligibility as a CHDO and also to determine eligible CHDO activities.

6.1.3. An additional 5% of the total annual HOME grant funding may be used for CHDO administrative expenses.

7. Maximum Funding Amount

7.1.1. When allocating funds, HOME considers the total amount of assistance from both public and private sources needed to ensure project feasibility.

7.1.2. Applicants are encouraged to request only the amount of HOME funds needed as gap financing to make the project feasible.

7.1.3. Requesting funds for administration is not allowed; however, applicants may request reasonable amounts for developer fees and soft costs in an amount corresponding to the following housing activities.

7.1.4. All HOME costs, including soft costs must be tied to specific housing addresses.

7.1.4.1. Eligible Project Related Soft Costs, as described in 24 CFR 92.206(d), area costs that can be directly tied to an address of the project or individual being assisted. These costs must be reasonable and necessary costs associated with the financing or development (or both) of new construction, rehabilitation, or acquisition of housing assisted with HOME funds. These include the following:

7.1.4.1.1. Project-specific fees for a HOME-assisted project (such as private lender origination fees, credit reports, fees for title evidence, fees for recordation and filing of legal documents, building permits, attorney's fees, private appraisal fees, and fees for an independent cost estimate);

7.1.4.1.2. Architectural, engineering, or related professional services required to prepare plans, drawings or specifications of a project;

7.1.4.1.3. Preparation of work write-ups, work specifications, and cost estimates or review of these items if an owner has had them independently prepared;

7.1.4.1.4. Construction inspection and oversight;

7.1.4.1.5. Project document preparation;

7.1.4.1.6. Costs to process and settle the mortgage financing for

a project;

7.1.4.1.7. Pre-purchase homebuyer counseling for a HOME-assisted homebuyer;

7.1.4.1.8. Costs to inspect property for compliance with property standards or to conduct a visual assessment for deteriorated paint;

7.1.4.1.9. Cost of inspection units for the presence of lead hazards or defective paint;

7.1.4.1.10. Developer fees (limited).

7.1.4.1.11. NOTE: Indirect costs are not eligible soft costs.

7.1.4.2. Applicants should request only the level of funding necessary to carry out their projects and must be in combination with other proposed funding sources, to complete the proposed activities within the contract period.

7.2. Eligible Applicants/Sponsors and Capacity

7.2.1. Applicants/Sponsors must have prior experience in developing and managing the type of project they plan to undertake. Applicants/Sponsors must demonstrate that they or their development team has the skills, experience, and capacity needed to develop and operate the property for a minimum period of affordability. Collaborative efforts with experienced parties and/or experienced development teams will be considered.

7.2.2. The following types of organizations are eligible to apply for funds:

7.2.2.1. Non-profit organizations, including Community Housing Development Organizations (CHDO). The CHDO must be certified by the City of Modesto.

7.2.2.2. For profit entities, including individuals, partnership, corporation and limited liability companies.

7.2.2.3. Housing Authority of the County of Stanislaus or a controlled affiliate thereof.

7.3. Joint Applicants

7.3.1. Two or more eligible applicants may submit one application under the following conditions:

7.3.1.1. One joint applicant is designated as the Lead Applicant during the term of the HOME project and period of affordability. The lead applicant must accept full responsibility for application submission and for administrative, regulatory, and financial management requirements.

7.4. Eligibility Requirements

7.4.1. Applicants, including all entities of a joint application, currently administering a HOME project are eligible to apply for additional HOME funds if:

7.4.1.1. The applicant is in compliance with the project implementation schedule contained within its HOME funding agreement with the City for any open HOME-assisted housing project.

7.4.1.2. There are no unresolved audit, monitoring, or performance findings for any previous HOME funding allocations to the

applicant.

7.4.1.3. All projects three years or older are completed and conditionally closed out (have submitted the final draw and may just be awaiting the submittal of demographic information) before applying for additional funds

7.5. Consolidated Plan

7.5.1. HOME program applicants must submit proposals that are consistent with the City's current Consolidated Plan (Con Plan) and HOME Program Description. Before submitting an application, the applicant must review the Con Plan and HOME Program Description (found on the Community Development Division web site, https://www.modestogov.com/1849/Five-Year-Consolidated-Plan) to ensure that the activities are in conformance with the Plan and Description. Additionally, applicants are required to discuss the project and receive Technical Assistance from Program staff prior to submitting an application.

7.6. Disclaimers

7.6.1. The City of Modesto reserves the right to recommend to the Citizens Housing and Community Development Committee (CH&CDC) and City Council to not award all available funds if submitted proposals do not meet the project threshold, evaluation and funding criteria, or do not address the program priorities.

7.6.2. Funds not allocated during a funding cycle may be awarded during a subsequent application cycle. The City of Modesto also reserves the right to allocate these funds to projects during the course of the year, prior to the next application round.

7.6.3. The City of Modesto reserves the right to reserve and allocate HOME funds to any project. The City of Modesto may deny HOME funds for any project, regardless of the ranking score under the project selection criteria, if applicable, if it determines, in its sole discretion, the project is unacceptable based on, but not limited to the following:

7.6.3.1. Negative comments or lack of support from community organization(s) and stakeholder(s), or

7.6.3.2. Information that a particular market is saturated with affordable housing projects, or

7.6.3.3. The likelihood that the project may not comply with HOME program requirements in a timely manner, or

7.6.3.4. The applicant's (including any related party) lack of or unacceptable prior experience and performance related to compliance with housing assistance or other government-sponsored programs, regardless of type and location.

7.7. Use of Contractors

7.7.1. In accordance with federal regulations, HOME funds may not be used to directly or indirectly employ, award contracts to, or otherwise engage the services of any contractor or Sub-recipient during any period of debarment, suspension, or placement of ineligibility status.

7.7.2. The City of Modesto will require participants in lower-tier transactions to certify that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntary excluded from any equity from a federally funded transaction.

7.7.3. Any participant that remains on a debarred or suspended condition shall be prohibited from participation in the City of Modesto HOME as long as they are classified in this manner.

7.7.4. The City of Modesto will verify this information by requiring that the applicant submit its Dun and Bradstreet (DUNS) number with the project application.

8. Project Threshold Criteria

8.1. All projects submitted for funding consideration through the HOME Investment Partnership Program must meet the following threshold criteria to be eligible for a funding commitment:

8.2. **Contributes To Implementation Of Strategic Goals Of The Consolidated Plan**

8.2.1. Proposed projects must match one or more of City of Modesto Funding Priorities as listed in the Consolidated Plan. Applicants must familiarize themselves with the City of Modesto Consolidated Plan. The current plan will expire June 30, 2020. The next Consolidated Plan will cover the period of July 1, 2020 - June 30, 2025.

8.3. **Site Control**

8.3.1. For projects that require site control, applicant must have site control or the opportunity of site control for all properties necessary for project completion. Applicant must provide proof of site control with its application for funding.

8.4. **Financially Feasible Project**

8.4.1. Applicants must submit a Project Development Pro Forma, which must cover the entire HOME affordability period of the proposed project. The development proforma must provide evidence of a financially feasible project, evidenced by a complete listing of committed and anticipated funding sources available to the project and illustrate reasonable assumptions regarding interest rates, confidence in availability of funds, and evidence of market need. For homeownership projects, cost, sales, and market analyses are required. For rental projects, reasonable rent and operating cost assumptions are required.

8.4.2. If the applicant has applied for tax credits, a copy of the Subsidy Layering Review must be included with the application.

8.5. **Project Time Frame**

8.5.1. Applicant must submit a timeline for project completion that makes reasonable assumptions concerning land acquisition and site-preparation, funding cycles and parameters for all funding sources, construction time, sales absorption or rent-up period, and capacity of the development team. An applicant's history in project development/completion will also be considered.

8.6. **Leverage Of Home Funds**

8.6.1. Priority consideration will be given to projects with budgets that

require less than 50% of permanent funds from the sum of HOME and CDBG sources. Although projects that serve very low-income households may require higher public subsidies, leveraging other funds with HOME and CDBG is strongly encouraged. For awarded projects, the City of Modesto may make conditional commitments early in the project development process to assist the developer in seeking funds from other sources.

8.6.2. Commitment of HOME funding (in the form of the signed Funding Agreement) will not occur until all project financing has been secured and a budget and project time frame provided. The Project must also be ready to expend funds within 12 months of project commitment.

8.7. Evidence And Capacity Of Development Team

8.7.1. The Applicant must have a track record of successful project development, timely completion and projects-in-service, or in the case of a new or emerging developer, evidence of real estate development and project management expertise. The Application must indicate what skills and roles the non-profit staff will be assuming and any other members of the project development team.

8.7.2. Note: The City of Modesto is interested in investing HOME Partnership Funding only in viable projects that will provide quality affordable housing in an efficient, and timely manner. Housing developers with minimal development experience are encouraged to partner with experienced developers to enhance their ability to produce and deliver housing efficiently. All applications for HOME funding will be reviewed for tangible evidence that the capacity of the development and construction team is solid. Projects with strong development capability will receive higher consideration for HOME funding

9. General Policies and Procedures

9.1. Minimum Subsidy

9.1.1. The minimum HOME subsidy for any project is $1,000 per unit in accordance with HOME regulations.

9.2. Types Of Housing

9.2.1. HOME funds may be used for the construction or purchase of single-family (one unit) homes, doubles (two units sharing a common wall but owned individually), townhomes, cooperatives, and/or multi-unit rental apartments. All housing units developed with HOME assistance (homeownership and rental) must be affordable to buyer and renter households earning 80% of Area Median Income (AMI) or below.

9.2.2. Construction may be one or a combination of several methods including stick-built, panelized, or modular. Mobile and manufactured homes are not eligible for HOME funding assistance. For the purposes of this manual, the following definitions apply:

9.2.2.1. Stick-Built - a house that is constructed primarily on-site from raw

materials. This construction method may utilize some pre-constructed elements such as roof framing.

9.2.2.2. Panelized - a house that is brought to the construction site in pre-built panels (wall sections), assembled on-site, and finished. Panelized houses are stick built houses with some of the components constructed off-site.

9.2.2.3. Modular - a home which is stick-built in modules (two or more boxes) in a factory, transported to the site by truck, and placed on a permanent basement or crawl space foundation.. The modules are bolted together, finished and may also involve on-site additions i.e. porches, garages, and other customization. These houses are essentially the same as stick-built on-site only the majority of the construction is accomplished in a controlled factory environment.

9.2.2.4. Mobile- a house that is fully constructed in a factory on a steel chassis, brought to the site on wheels, but not permanently affixed to a foundation.

9.2.2.5. Manufactured - a house that is fully constructed as a single unit in a factory, brought to the site by truck and placed on a fixed foundation.

9.3. **Expenditure Time Frames**

9.3.1. Unless otherwise noted, all HOME funds for a project must be expended within twelve (12) months of project commitment (see information above relative to project commitment).

9.3.2. Exceptions may be made by the City of Modesto HOME program under special circumstances. Projects must be closed out (completion and demographic data submitted) within 90 days of the final HOME request for funds.

9.4. PROJECT MAXIMUMS

9.4.1. Rent Limits

9.4.1.1. HOME rent limits apply to all rental housing projects. HOME rent limits are published each year by HUD. The current rent limits can be found at https://onecpd.info/resource-library/home-rent-limits/ .

9.4.2. Per Unit Subsidy - Rental

9.4.2.1. HUD establishes maximum per unit subsidy, known as the 221(d)3 limits. The maximum per unit subsidy can be requested from CDD staff. HOME funding may not be utilized on projects that exceed these maximum per unit subsidies.

9.4.3. Homeownership Value Limit

9.4.3.1. HUD establishes, and updates periodically, the maximum allowable value for homeownership housing units. This is the after-rehab value for units that are either acquired or rehabilitated utilizing HOME funding. This is called the Homeownership Value Limes or the 95% limit. Section 92.254(a)(2)(iii) states that two (2) values will be established for the median purchase price/after rehab value. One is for newly constructed housing and one for existing housing.

HOME funds may not be utilized on any property that exceeds these values. The current limits can be accessed at: https://www.onecpd.info/resource/2312/home- maximum-purchase-price-after-rehab-value/ .

9.4.4. SECTION 504 AND FAIR HOUSING ACT

9.4.4.1. All projects receiving HOME funds must comply with section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act of 1988. It is the applicant's responsibility to become familiar with these legislative acts. The applicant may be asked to submit certification from a certified access specialist that the funded project design and construction complies with this requirement.

9.4.5. MONITORING

9.4.5.1. Quarterly Status Reports

9.4.5.1.1. Quarterly progress reports must be submitted to the City of Modesto by the tenth (10th) working day of October, January, April, and July . Completion Reports must be provided to the City of Modesto within ninety (90) days of the final draw of funds allocated for a project. Failure to submit reports in a timely manner could result in retention of future funds.

9.4.5.2. Annual Monitoring

9.4.5.2.1. At a minimum, City of Modesto staff will conduct a "desk monitoring" of all HOME funded projects on an annual basis. Rental Projects, in accordance with the updated 2013 Final Rule, will be monitored a minimum of every 3 years. Construction projects will be monitored more frequently at the discretion of City of Modesto. Follow-up monitoring and inspections will be completed in accordance with HUD guidelines. There will be a physical inspection of all HOME projects every 3 years.

9.4.5.2.2. During the Affordability Period, rental projects that contain 10 or more HOME-assisted units will be required to submit financial reports annually to the City of Modesto. Financial reports may include copies of the Operating Budget, Balance Sheet and Profit and Loss Statement, Rent Roll, as well as certified Audits. The City will assess the financial condition of the project to ensure continued compliance with HOME Program requirements and to prevent project failure and repayment of HOME funds. Where feasible, the City is required to take action to correct problems that threaten the project's financial viability. City of Modesto actions may consist of technical assistance, increased oversight, financial modifications, consultations with HUD and other project stakeholders, foreclosure, transfer of project ownership, or

receivership.

9.4.6. Payment Requests

9.4.6.1. At a minimum, entities receiving HOME funding commitments must submit requests for payment on a quarterly basis, or as such time as specified in funding agreement. Failure to draw funds in a timely manner could result in a reduction of funding. Requests for payment may be made as often as needed (i.e. does not necessarily need to be done by the 1st of the month).

9.4.6.2. Requests for payment must be on the prescribed City of Modesto form or forms acceptable to the City of Modesto.

9.4.7. Income Determination and Eligibility

9.4.7.1. Individuals receiving assistance through the HOME program must be determined income eligible using the most current definition of IRS Form 1040 Adjusted Annual Gross Income. Individuals receiving rental assistance must be determined income eligible using the most current definition of the "Part 5" Annual Income as defined at 24 CFR 5.609. The income eligibility determination is the responsibility of the entity providing the assistance, not that of the City of Modesto.

9.4.7.2. Initial income must be verified via third-party documentation. Income must be re- certified annually in accordance with HOME regulations, utilizing third-party documentation. A minimum of three (3) months of income source documentation shall be reviewed when determining income.

9.4.7.3. Applicant requirements and documentation must be consistent for all participants of a project (i.e. criminal history checks, credit reports, etc.)

9.4.8. Record Retention

9.4.8.1. All records must be maintained and accessible for a minimum of five (5) years beyond the end of the affordability period.

9.4.9. General

9.4.9.1. The City of Modesto will not accept proposals from any applicant for previously approved projects that have not commenced and that received previous years' City of Modesto HOME funding commitments.

9.4.10. In the event there is a turnover in agency staff administering any HOME funded project, the City of Modesto must be notified within thirty (30) days in order to provide technical assistance to new and/or reassigned staff to ensure program compliance.

9.4.11. All applications for either homeownership projects containing more than one unit or rental projects, must be accompanied by a 10-year (or longer) operating Pro Forma, as well as, a "Sources and Uses Statement". Applications not containing this information may not be reviewed or funded.

9.5. Match Requirements

9.5.1. All projects for HOME assistance must provide a minimum of 25% match. Homebuyer projects will be subject to Section 92.221(d).

9.5.2. Eligible forms of project match include:

9.5.2.1. Cash contributions from non-federal sources

9.5.2.2. Participation of Federal Home Loan Bank Affordable Housing Program, Trust Fund, State and other public or private sources

9.5.2.3. Grants contributing to a below-market interest rate loan

9.5.2.4. Waived fees for a HOME-eligible project

9.5.2.5. Donation of real property

9.5.2.6. Donated labor and/or sweat equity

9.5.3. Ineligible forms of match include:

9.5.3.1. Owner equity or investment in a project

9.5.3.2. Interest rate subsidy attributable to the Federal tax-exemption on financing or Federal tax credits

9.5.3.3. Cash or other forms of contributions from applicants or recipients of HOME assistance (with the exception of sweat equity).

9.5.3.4. Documentation of match must be submitted to the City of Modesto upon

9.5.4. Agencies must also maintain documentation of match for a minimum of five (5) years after the completion of the project.

9.6. **Affordability Period**

9.6.1. HOME project owners/buyers are required to maintain HOME funded properties as affordable for a minimum affordability period based on the amount of HOME funds spent on the project. The guidelines are as follows:

Under $15,000 per unit	**5 years**
$15,000 - $40,000 per unit	**10 years**
Over $40,000	**15 years**
New construction or acquisition within one year of construction (for rental)	**20 years**

HOME rental project owners are subject to a minimum 15 year affordability period (but more typically 20 years), regardless of funds invested, (See 92.206(b)(2)).

9.6.2. A deed restriction and/or restrictive covenant will be prepared by the City of Modesto, a subrecipient, or a CHDO, and must be signed by the owner/buyer. The agreement will establish the occupancy and affordability requirements for the property as well as the owner's obligations to the City of Modesto.

9.6.3. In signing the agreement, the owner will agree to the restrictions on the use of the property set forth in the document. This agreement will be recorded by the City of Modesto, its sub-recipient, or CHDO, in the office of the Stanislaus County Clerk Recorder and bind the project owner and all subsequent owners for the full term of the agreement.

9.6.4. In the event the Property or any interest therein is sold, refinanced, conveyed or transferred without advanced written consent of CITY during the period of the Affordable Housing Covenant, CITY shall be entitled to share in the sale proceeds under the recapture provision.

9.6.5. Pursuant to 24 CFR 92.254 (a) (5) (ii), CITY requires that HUD Funds be recaptured if the Property does not continue to be the principal residence of BUYER for the duration of the Affordable Housing Covenant. If all or any portion of the Property or any interest in it is sold, refinanced, conveyed or transferred the "Equity" as hereafter defined, in the Property shall be shared between BUYER and CITY on the following basis:

Number of Years After Date of Purchase	BUYER's Equity Share	CITY's Equity Share
0-5	25%	75%
6-10	50%	50%
11-15	75%	25%
Thereafter	100%	0%

9.6.6. If, for example, the Property is sold, rented, refinanced (outside the City's allowable terms), conveyed, or transferred in the first year of the Affordable Housing Covenant, BUYER shall receive fifty percent (50%) of the Equity in the Property and the CITY shall receive fifty percent (50%) of the Equity. "Equity" is defined as the dollar amount that constitutes the difference between the sales price of the Property and the sum of the following amounts:

9.6.7. a. The principal on a Promissory Note and Deed of Trust from private financing; and

9.6.8. b. The principal on the Promissory Note, and Deed of Trust to CITY; and

9.6.9. c. All costs of sale, including costs of brokers' commissions, escrow fees, title costs and fees, recording charges, etc.; and

9.6.10. d. Current year taxes, including all pro-rata real estate taxes calculated to the date of sale; and

9.6.11. e. BUYER's down payment or cash contribution not including the Assumed Debt; and

9.6.12. f. the costs of any improvements to the Property, provided such improvements were approved by the CITY prior to construction and provided that such improvements have been documented to the satisfaction of CITY.

9.6.13. In the event that no Equity exists at the time of transfer or sale, the current balance of the Debt under the Promissory Note and Deed of Trust will still be due and payable.

9.6.14. In the event that a negative Equity exists at the time of transfer or sale, and the full amount of the current balance of the Promissory Note is not available to be recaptured, the amount of the HUD Funds required to be repaid to CITY shall be as set forth in 24 CFR 92.254(a)(ii)(A)(3). The formulas are as follows:

$$\frac{\text{HUD Funds}}{\text{HUD Funds + BUYER'S Investment}} \times \text{Net Proceeds} = \text{HUD Funds amount to be recaptured}$$

$$\frac{\text{BUYER'S Investment}}{\text{HUD Funds + BUYER's Investment}} \times \text{Net Proceeds} = \text{Amount to BUYER}$$

HUD Funds means the amount of Debt assumed under the Promissory Note and Deed of Trust.

9.6.15. BUYER's Investment means the amount of down payment or other cash contribution towards purchase of the Property and the amount of any capital improvements made by BUYER to the Property since BUYER's purchase. Capital improvements must be documented with receipts and provided to CITY at time of recapture proceedings.

9.7. **Lead-based Paint**

9.7.1. Housing that is purchased, rehabilitated or assisted in some way with HOME is subject to the Lead-based Paint Poisoning Prevention Act, the Residential Lead-based Paint Hazard Reduction Act and the implementing regulations for these Acts.

9.7.2. HUD maintains a website for the Office of Healthy Homes and Lead Hazard Control where lead- based paint requirements are described as they apply to HUD programs. The website is www.hud.gov/offices/lead/index.cfm.

9.7.3. Applicants for HOME funds shall discuss acquisition projects where units that are older than 1978 are being purchased with City of Modesto program staff prior to purchase.

9.7.4. Testing for lead, an assessment of its presence, and a plan for stabilization or removal will be required if HOME funds are used to acquire pre-1978 units. Testing for lead, an assessment of its presence, and a plan for stabilization or removal will be required if HOME funds are used to acquire pre-1978 units, and as otherwise required to comply with all applicable HUD regulations.

9.8. **Useful Life of Major Systems and Capital Needs Assessments**

9.8.1. The 2013 Final Rule requires a Capital Needs Assessment to estimate the useful life of major systems when HOME funds assist a project. To this extent, the City of Modesto is required to estimate the remaining useful life of majors systems (based on age and current condition). Where it is estimated that the useful life is less than the affordability period, the City through project underwriting is required to ensure that a replacement reserve is established and

annual payments made to the replacement reserve are adequate to replace and/or replace major systems when needed. The City reserves the right to inspect Major Life Systems and may require owner to conduct Capital Needs Assessment periodically during affordability period, as necessary to comply with HUD requirements.

9.8.2. HOME funds are not eligible to fund replacement reserve accounts, but a larger HOME subsidy may be permitted to reduce debt payments and overall operating expenses, allowing a larger share of operating revenue to fund the replacement reserves.

9.8.3. For homeowner acquisition and/or rehabilitation projects and rehabilitation of owner-occupied housing, the City of Modesto is required to ensure that each major system has a remaining useful life of at least five (5) years at the time of project completion.

9.8.4. Major systems with a useful life of less than five years after project completion would be required to be rehabilitated or replaced to meet this requirement.

10. CHDO

10.1. Federal regulations require a minimum of 15% of the annual HOME allocation to the City be set aside for housing projects that are owned, sponsored or developed by CHDOs. A CHDO is a non-profit organization that meets a variety of criteria outlined in the HOME regulations. HUD has specific requirements to qualify as the owner, sponsor, or developer.

10.2. Rental Housing

10.2.1. OWNER - A CHDO that is an owner is required to own the HOME project during the development and throughout the period of affordability, and is required to hire a project manager or have a contract with a development contractor to oversee all aspects of the development.

10.2.2. DEVELOPER - A CHDO that is a developer of rental housing must arrange for the construction financing and is in sole charge of the construction, and must own the HOME-assisted housing throughout the period of affordability.

10.2.3. SPONSOR - A CHDO that is a sponsor of HOME-assisted rental housing "owns" and "develops" the rental housing project that it agrees to convey to a private non-profit organization at a predetermined time after completion of the development of the project.

10.2.4. Homebuyer Projects

10.2.4.1. DEVELOPER - Housing is developed by a CHDO if it is the owner (in fee simple absolute, or long-term ground leases) and developer of new housing that will be constructed or existing substandard housing that is owned or will be acquired by the CHDO and rehabilitated for sale to low-income families, in accordance with 92.254. The CHDO must arrange financing of the project and be in sole charge of the construction.

10.2.4.2. Sole General Partner

10.2.4.2.1. 24 CFR 92.300(a)(a1) requires that if a CHDO owns a

project in partnership, or owns the project through its wholly-owned for-profit or non-profit subsidiary, it must be the managing general partner. This also extends to LLCs.

10.3. **CHDO Commitment of Funds**

10.3.1. CHDO funds must be committed by City of Modesto within 24 months of the obligation of HOME funds from HUD. Funds may not be committed to a project until all necessary project financing is secured, a budget and time schedule are established and underwriting and subsidy layering review are completed, as noted in Appendix 2. Construction must commence within 12 months of the project commitment.

10.3.2. The City of Modesto urges CHDOs, which plan to submit applications for projects, to plan well in advance so that all financing is secured and the budget and time schedule are completed. This ensures that HOME funding may be utilized and that no funds will be withdrawn from the project for lack of being able to move forward and meet the HOME requirements.

10.3.3. The City of Modesto will not undertake the underwriting and subsidy layering review until all funding has been identified.

10.3.4. The CHDO and City of Modesto will enter into a written agreement which will stipulate all of the conditions of the HOME funding as well as the legal documents that will need to be signed and/or recorded for the project.

10.3.5. CHDOs must apply for certification as a City of Modesto CHDO at the time of project application. It is recommended to begin work on this process prior to application submission as it may take some time for the City to certify.

10.3.6. **CHDO Certification**

10.3.6.1. An organization that meets the requirements of a CHDO found at 24 CFR 92.300 may apply for City CHDO Certification. This application must be done at the same time that application for funding is made. City of Modesto will certify only those organizations applying for CHDO set- aside funding each year. City of Modesto reserves the right to make the final determination on whether an organization meets all of the requirements of the HOME regulations.

10.3.7. **CHDO Policies and Procedures**

10.3.7.1. CHDO Policies and Procedures are reviewed and modified as needed on an annual basis. Those policies and procedures are included as a part of the ZoomGrants application process. The applications and information should be made available to the City as well.

11. Rental Projects

11.1. HOME funds may be used for acquisition, new construction or rehabilitation of affordable rental housing. Owners of the rental housing may be small property owners, for-profit developers, non-profit housing providers, CHDOs or government agencies. Owners will be "desk monitored" on an annual basis by

the City of Modesto to ensure compliance in occupancy, rent restrictions, affordability requirements, and property standards. Additionally, an on-site inspection will be required to be conducted a minimum of once every three (3) years.

11.2. **General Requirements**

11.2.1. Funds may not be committed to a project until all necessary project financing is secured, a budget and time schedule are established and underwriting and subsidy layering review (if necessary) are completed, as noted in Appendix 1. Construction must commence within 12 months of the project commitment. Agreements will not be signed until this information has been submitted to and approved by the City of Modesto.

11.2.2. Project records must be maintained by the owner for a minimum of five (5) years beyond the required affordability period.

11.2.3. Owners must adopt a written tenant selection policy. A copy of the policy must be on file with the City of Modesto. Any changes to an existing policy must be provided to the City of Modesto immediately.

11.2.4. Tenant files must be maintained on all HOME units. Files must contain a current lease signed by the tenant, documentation of income, application and household information including family composition, documentation of Section 8 subsidy showing tenant and subsidized portions and documentation of correspondence with tenant, yearly income verifications, as well as any other pertinent information on the tenant (i.e. background/criminal checks, etc.)

11.2.5. Third party documentation of income must be verified to determine eligibility prior to family moving in. Income documentation must be no more than three (3) months old. The tenant selection policy must conform with HUD requirements and must be approved in writing by the City.

11.2.6. Income must be verified annually to ensure compliance and maintained in the tenant's files. Third-party documentation must be performed every six (6) years.

11.2.7. Tenant files must be maintained for a minimum of five (5) years after the tenant vacates the unit.

11.2.8. All units must be maintained in compliance with HUD Housing Quality Standards and City of Modesto Minimum Housing Rehabilitation Standards and/or other governing jurisdiction building codes.

11.2.9. Owner must adhere to Equal Opportunity, Affirmative Marketing and Fair Housing (contained within these policies) practices in all marketing efforts, eligibility determinations and other transactions. Owners must solicit applications from persons in the housing market not likely to apply without special outreach efforts. All marketing efforts must be documented. The Owner may be required to complete an Affirmative Fair Housing Marketing Plan, to comply with HUD requirements.

11.2.10. The Equal Housing Opportunity Logo or statement must be used in

all written communication and advertising of vacant units and must be displayed in the housing/ rental office.

11.2.11. No bidding or contracting may occur prior to written authorization of the City of Modesto. Failure to follow these requirements will cause the funding agreement to become void.

11.2.12. Progress inspections will be conducted by the City of Modesto in order to ensure that work is progressing in a timely manner, that the work is completed in accordance with the codes and construction contract and documents, and to initiate a progress payment. No final payment of HOME funds will be made until all construction is complete and the unit is ready for occupancy.

11.2.13. City of Modesto will monitor the project during the period of affordability. This will include on-site inspections to determine that the unit(s) continues to meet the property standards as well as a monitoring of files as required by HOME regulations. The Owner may be required to pay a fee that will be invoiced to the Owner by the City of Modesto to cover the cost of on-going monitoring.

11.3. PROPERTY STANDARDS

11.3.1. New Construction

11.3.1.1. All newly constructed rental units must meet the applicable State and Local residential and building codes upon project completion.

11.3.1.2. All newly constructed rental units must also meet the accessibility requirements of 24 CFR Part 8 (implements Section 504 of the Rehabilitation Act of 1973) and Titles II and II of the Americans with Disabilities Act implemented at 28 CFR Parts 35 and 36, as applicable. Covered multifamily dwellings, (buildings consisting of 4 or more dwelling units if such buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of 4 or more dwelling units) must also meet design and construction requirements at 24 CFR 100.205.

11.3.2. Rehabilitation

11.3.2.1. City of Modesto has adopted a modified version of the Minimum Housing Quality Standards (HQS) as the standard for all rehabilitation work.

11.3.2.2. Eligible projects may be existing one or more multifamily buildings with rental units on a single site; or multiple sites that are under common ownership, management and financing. In no case shall funding be provided for a unit to be converted to a rental unit if the existing use or former use was owner-occupied housing.

11.3.2.3. A Capital Needs Assessment is required for rehabilitation projects with a total of 26 or more units. The City will require that the scope of the rehabilitation work and replacement reserves deposits are sufficient to ensure the useful life of essential building components throughout the required Affordability Period.

11.3.3. Occupancy

11.3.3.1. Upon initial occupancy, renters must be at or below 50% of the Area Median Income (AMI). If after initial occupancy the family's income increases above 80% AMI, the family may continue to occupy the unit with the stipulation that they pay at least thirty percent (30%) of their adjusted monthly income as rent. An exception is made for units financed with Low Income Housing Tax Credits, in which case tax credit regulations apply.

11.3.3.2. In rental project of five (5) or more units, at least twenty percent (20%) of the HOME assisted units must be occupied by families with an annual gross income at or below fifty percent (50%) of the AMI. Rents for these units must be at or below the Low HOME rents. The City of Modesto's current policy is that all HOME assisted units in rental projects are subject to Low HOME rents.

11.3.3.3. All HOME assisted units must be fully occupied within 18 months of construction/rehab completion. Project completion is specified below. If a unit is not occupied within 18 months, the Owner will be required to repay the HOME funds that have been invested on that unit.

11.3.3.4. All tenants in HOME assisted units must have a lease that meets all of the requirements of the HOME program.

11.3.3.5. Leases

11.3.3.5.1. Lease must be for at least one year

11.3.3.5.2. Lease may not contain any of the following provisions:

11.3.3.5.2.1. Agreement to be sued: Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease.

11.3.3.5.2.2. Treatment of property: Agreement by the tenant that the owner may seize or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This provision does not apply to disposition of personal property left by a tenant who has vacated a property.

11.3.3.5.2.3. Excusing owner from responsibility: Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent.

11.3.3.5.2.4. Waiver of notice: Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant.

11.3.3.5.2.5. Waiver of legal proceedings: Agreement of the tenant that the owner may evict the tenant or household members without instituting a civil

court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties.

11.3.3.5.2.6. Waiver of a jury trial: Agreement by the tenant to waive any right to a trial by jury.

11.3.3.5.2.7. Waiver of right to appeal court decision: Agreement by the tenant to waive the tenant's right to appeal or to otherwise challenge in court a court decision in connection with the lease.

11.3.3.5.2.8. Tenant chargeable with cost of legal actions regardless of outcome: Agreement by the tenant to pay attorney's fees or other legal costs, even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses.

11.3.3.5.2.9. Mandatory supportive services: Agreement by the tenant (other than a tenant in transitional housing) to accept supportive services that are offered.

11.3.3.5.3. Owners may terminate tenancy or refuse to renew a lease upon 30 days' written notice, and only for: serious or repeated violation of the terms and conditions of the lease; violation of applicable federal, state, or local law; completion of the tenancy period for transitional housing or for other good cause in accordance with 24 CFR 92.253(c).

11.3.4. **Tenant Selection**

11.3.4.1. The Owner must comply with the Affirmative Marketing Policy (Appendix 1). The Owner must also adopt and follow written tenant selection policies and criteria (24 CFR 92.253 (d)). The Owner must submit the tenant selection policies and criteria to the City of Modesto with the funding agreement. These policies and criteria must be approved by the City of Modesto prior to the leasing/renting of any properties.

11.3.5. Fixed/Floating Units

11.3.5.1. For properties with both HOME-assisted and Non-HOME-assisted units (which is usually the case in the City HOME Program's funding history), HOME regulations require that a choice between fixed and floating unit designation must be determined at the time of project commitment.

11.3.5.2. A fixed unit designation requires that specific units be identified for HOME rent and occupancy restrictions. A floating unit designation indicates that the HOME-assisted units may change over time as long as the total number of HOME=assisted units in the project remains constant.

11.3.5.3. It is the policy of the City HOME Program to always fund only floating units and this designation is to be understood in all new City HOME Program funded rental projects.

11.3.6. Rent Restrictions

11.3.6.1. Owners of HOME projects must keep units affordable to low-income tenants during the entire affordability period. Maximum rent limits are published by HUD annually and distributed to recipients of funds. Current rent limits are contained in Appendix 1. In the event that limits go below the rate published at the time of contract execution, owners will not be required to lower rents and may retain their current rates.

11.3.6.2. Owners may request an increase in rent as rent limits change. However, the owners may not change a tenant's rent prior to the expiration date on the lease agreement. Owners must provide tenants at least thirty (30) days notification of rent increases. The City of Modesto shall review and approve all proposed rent increases.

11.3.7. Site and Neighborhood Standards

11.3.7.1. New construction rental projects must ensure that the project conforms to the "Site and Neighborhood Standards" as described in 24CFR 983.6(b).

11.3.8. Project Completion

11.3.8.1. Rental projects are considered complete once construction is completed and the units are ready for occupancy. All HOME units within a rental projects must be rented to an initial occupant within 18 months of project completion. All HOME funding will be required to be repaid to HUD for units not occupied within the 18 month time frame.

11.3.8.2. All HOME assisted units must be completed within four (4) years of signing the funding agreement between the Owner and the City of Modesto. Funds expended on units that are not complete within the required 4 years will result in the repayment of all HOME funding to the City of Modesto for reimbursement to HUD. Funding agreements must be signed within 12 months of the beginning of the program year.

11.3.9. Funding Levels

11.3.9.1. The minimum amount of funding that can be applied to a HOME assisted unit is $1,000.

11.3.9.2. The maximum amount of funding that can be applied to a HOME assisted unit is the 221(d)(3) limit as published each year and provided to the City of Modesto by HUD. The current limit is available upon request.

12. Homeownership Activities

12.1. Construction/Rehab of Homeownership Units for Resale

12.1.1. City of Modesto HOME funds may be utilized by entities for the construction or rehabilitation of units for resale for homeownership to qualified low-income (up to 80% of AMI) individuals and/or families.

12.1.2. Environmental and historical reviews must be conducted by City of Modesto on every project. City of Modesto will notify the agency of

documentation needed to complete the review. It is the responsibility of the owner/developer to insure that City of Modesto has all information necessary to complete the reviews. Environmental and historical reviews will be completed prior to the award of a Grant Agreement.

12.1.3. Projects may not commence and funds may not be expended (federal or non-federal) until the review is completed and HUD releases the project.

12.1.4. Grant agreements will only be signed upon the submission of project timeline and final commitment and proof of all other funding sources.

12.1.5. Construction plans and/or work specifications must be submitted to City of Modesto to be reviewed prior to the execution of the HOME Grant Agreement between the City of Modesto and the owner/developer (non-profit). All plans must be approved prior to commencement of construction. Any changes to the approved plans must be submitted to City of Modesto for approval.

12.1.6. Funds may not be committed to a project until all necessary project financing is secured, a budget and time schedule are established and underwriting and subsidy layering review (if necessary) are completed, as noted in Appendix 2. Construction must commence within 12 months of the project commitment. Grant agreements will not be signed until this information has been submitted to and approved by the City of Modesto.

12.1.7. The City of Modesto will not approve a grant agreement until a buyer is pre-approved to purchase the property upon completion.

12.1.8. HOME Grant Agreements must be signed within fourteen (14) days of the receipt of the funding agreement from the City of Modesto.

12.1.9. Construction must begin within three (3) months of plans and/or work specification approval by the City of Modesto.

12.2. **For projects that require acquisition of land or property, the agency may obtain a purchase option agreement in lieu of full ownership. The agreement must state that the purchase of the property is contingent upon the results of the environmental review and the release of funds by HUD.**

12.2.1. All legal notices and advertisements pertaining to construction of the project must be reviewed by the City of Modesto prior to publication.

12.2.2. All new construction projects must meet the federal energy efficiency standards and must meet or exceed building codes as established by City of Modesto.

12.2.3. All rehabilitation projects must meet the City of Modesto Minimum Housing

12.2.4. Quality Standards adopted by the City of Modesto and adopted local applicable building codes.

12.2.5. Construction files must be maintained and accessible for a minimum of five (5) years beyond the affordability period

12.3. Bid Procedures

12.3.1. All projects, except for CHDO projects, must be sent out for public

bid regardless of other funding sources in the project. (Projects involving Low-Income Housing Tax Credit (LIHTC) funding may request a waiver of this requirement.) Bid documents must be approved by the City of Modesto prior to advertisement. Failure to receive prior approval will result the project non-compliance and termination of the funding agreement.

12.3.2. Bid packets must be available for pickup for a minimum of two (2) weeks.

12.3.3. Bids must be sealed when submitted to the agency. All bids will be opened by the agency at a pre-designated date and time.

12.3.4. City of Modesto staff and all bidders must be notified of date and time of bid opening.

12.3.5. Normally the lowest, responsive bidder will be awarded the contract. In the event the agency selects a bid other than the lowest, they must submit the bids along with documentation to support the selection to the City of Modesto for approval. This may or may not be approved by the City of Modesto.

12.4. Payment/Release of funds

12.4.1. Funds are disbursed on a reimbursement basis. If the Agency is unable to meet the cost of construction and/or services on a reimbursement basis, payment terms must be discussed and approved by City of Modesto CDD staff prior to construction.

12.4.2. Agencies must submit one copy of a CDD Request for Payment form along with copies of the invoice from the contractor or service provider. Claims submitted without proper back-up documentation will be returned to the Agency. No faxed copies of the "Request for Payment" form will be accepted. However, a scanned copy with an original signature in blue ink will be accepted.

12.4.3. The City of Modesto may hold payment including final payment for the project pending inspection and approval by the City of Modesto for possible Davis Bacon and all other federal requirements as well as requirements of the Grant Agreement. The funds will not be released until the City of Modesto has received and approved all required documentation. All new construction projects must have a Certificate of Occupancy from City of Modesto or other governing jurisdiction. All rehab projects must be inspected by a City of Modesto housing inspector and have documentation indicating theproperty complies with building code regulations.

12.5. Relocation

12.5.1. HOME projects must comply with the Uniform Relocation Act (URA) whenever displacement occurs as a direct result of HOME-assisted rehabilitation, demolition or acquisition, including acquisition for homebuyer activities. If the proposed project is occupied at the time of application, contact the City of Modesto for detailed regulations. Failure to do so may result in disqualification ofyour application as you may be required to submit notifications as part of your application. It is the expressed policy of City of Modesto to strictly comply with the URA and to minimize displacement.

12.6. Cost Overruns

12.6.1. Applicants should make every effort to be realistic when developing the construction and development budgets. Construction budgets should be comprehensive and should consider items such as the removal of lead based paint and asbestos, the effect of cost estimating now for work to be performed some months into the future, and contingencies.

12.6.2. The City of Modesto does not keep a reserve account for cost overruns. Funds will not be available to pay for cost overruns. Overruns will be the responsibility of the owner or developer. The protocol for payment of HOME funds to the project is:

12.6.3. GAP

Cannot exceed the result of the maximum subsidy layering calculation, and the City of Modesto reserves the right to provide gap funding in an amount below the maximum subsidy layering calculation cap.

12.6.4. Contingency

Contingency may not exceed 12% of the total project costs.

12.6.5. Developer Fee

Developer fees may not exceed 15% of the total project costs. The final payment of Developer fees will be the last funds paid for a project. In the event of cost overruns, developer fees must be used as a contingency fund if no other funds are available.

12.7. Project Completion

12.7.1. A Homeownership housing project is considered complete when:

12.7.2. - all necessary title transfer requirements and construction work are complete; and

12.7.3. the project complies with the property standards under 24 CFR 92.251; and the final payment of HOME funds has been disbursed; and

12.7.4. all project completion data has been submitted to City of Modesto including demographic information on the homeowner and City of Modesto has approved and entered the completion data into IDIS (Integrated Disbursement Information System).

12.7.5. Project must be completed within four (4) years of the signing of the Grant Agreement with the City of Modesto.

12.7.6. The 2013 amended HOME Final Rule requires that all units must be sold within nine (9) months of a certificate of occupancy (6 months for projects funded with 2012 HOME funds). Units not sold within this time frame must be converted to rental units. The City's HOME policy is that homeownership units are preferred over rental units. Therefore, the City will not enter into a grant agreement until a buyer is prequalified, and there is a pool of alternate buyers (92.254).

12.7.7. Owner must provide a market study to ensure that the units will be sold within the required time frame, along with documentation of a prequalified buyer and pool of alternate buyers.

12.8. Funding Levels

12.8.1. The minimum amount of funding that can be applied to a HOME

assisted unit is $1,000.

12.8.2. The maximum amount of funding that can be applied to a HOME assisted unit is determined by the HOME Homeownership Value Limits as published each year and provided to the City of Modesto by HUD. The current limit is attached as Appendix 2.

12.9. Labor Standards

12.9.1. Davis-Bacon wage compliance and other federal laws and regulations pertaining to labor standards apply to all construction and rehabilitation contracts that are financial in whole or in part with HOME funds for residential property consisting of 12 or more assisted units.

12.9.2. Davis-Bacon and Related Acts (40 USC 276a-276a-7; Contract Work Hours and Safety Standards Act (40 USC 327-333); Copeland (Anti-Kickback) Act (18 USC 874; 40 USC 276c); Fair Labor Standards Act of 1938, as amended (29 USC 201, et.seq.)

13. Owner Occupied Housing Rehabilitation

13.1. The City of Modesto manages and operates an in-house owner occupied housing rehabilitation program. The Rehabilitation Loan Program provides assistance for owner-occupied single family homes to rehabilitate their homes through a deferred loan.

13.2. Loans up to a maximum of $60,000, and $10,000 ($20,000 mobile homes) grants are available based on property equity, less any existing mortgage balances.

13.3. Applicants are required to have proof of Homeowner's insurance, be current with any existing mortgage payments and not be tax-delinquent. Applicants will be required to permit the City to inspect the interior and exterior of their property and to conduct a HQS assessment.

13.4. All identified lead paint hazards and violations of the City's Property Maintenance Code will be required to be completed through the loan program. Additionally, major building components such as roofing, windows, furnaces and water heaters will be evaluated to ensure a useful life of at least five (5) years. Where the useful life of a major building component is determined to be less than five years, replacement or repair shall be required.

13.5. The maximum after-rehab value of a property assisted with HOME funds may not exceed the HOME Homeownership Value Limits as published each year by HUD.

13.6. Repayment will not be required until the applicant no longer resides at the property or upon transfer of the property to a new owner. Repayment will consist of the principal balance of the loan, 3% deferred interest.

14. Down Payment Assistance

14.1. The City of Modesto, a subrecipient, or a CHDO may provide a Homebuyer Assistance Loan to eligible homebuyers through HOME Program funds. The Homebuyer Assistance Loan requires the homebuyer to provide a minimum of 25% of the required down payment amount, or$1000, whichever is greater. Additional Homebuyer Assistance Program (HAP) guidelines can be found within the City of Modesto's HAP Policies and Procedures

Appendix 1

1. Affirmative Marketing Policy

1.1 ***Policy:***

14.1.1. The City shall use a variety of public service announcements to inform persons of all genders, races, ages, ethnic groups, religious orientation, employment status, sources of income, marital status and sexual orientation of the availability of the housing opportunities made under the HOME Program

1.2 ***Actions:***

1.2.1 By virtue of the above policy, the City of Modesto:

1.2.1.1 Will continue to periodically publish information about programs it is implementing. Such information will include reference to the Affirmative Marketing Policy; Federal, State and local fair housing laws; and contain information on the program and housing units. New programs are introduced to the community through special news releases and as such call attention and impart information about them.

1.2.1.2 Does include in its contractual agreement with sub-recipients in the HOME Program, the requirements of an Affirmative Marketing Policy for a period of time equal to their HOME loan term.

1.2.1.2.1 **This policy is to include the following requirements:**

1.2.1.2.1.1 Inform the Housing Authority of the County of Stanislaus (HACS) and those community organizations offering referral services when a unit becomes available.

1.2.1.2.1.2 Maintain a log of all households and applications received for occupancy in vacant units and to assess marketing effectiveness.

1.2.1.2.1.3 Use the Equal Housing Opportunity logo, slogan, or statement in all advertising:

1.2.1.2.1.3.1 Equal Opportunity Logo

1.2.1.2.1.3.2 Slogan: "Equal Housing Opportunity"

1.2.1.2.1.3.3 Statement: "We are pledged to the letter and spirit of US policy for achievement of equal housing opportunity throughout the nation.

1.2.1.2.1.4 We encourage and support an affirmative advertising and

marketing program in which there are no barriers to obtaining housing because of race, color, religion or national origin."

1.2.1.2.1.5 This information will be provided individually unless the advertisement appears in publication which carries a blanket Equal Opportunity logo, slogan, or statement.

1.2.1.2.1.6 Maintain a nondiscriminatory hiring policy.

1.2.1.3 Display the Equal Housing Opportunity logo (in office or where there is a project sign).

1.2.2 Requires that in support of the Affirmative Marketing Policy, the sub-recipient makes every effort to solicit applications from persons not likely to apply for the housing without special outreach.

1.2.3 This shall include in addition to notifying the HACS of occurring vacancies, and any other community organizations the City identifies as providing housing referral services.

1.2.4 Review sub-recipient efforts to affirmatively market their units on an annual basis and suggest corrective action for sub-recipients who fail to follow the affirmative marketing requirements.

1.2.5 Through the Community Development Division, the City will develop and distribute informative materials through community outlets to aid in the affirmative marketing effort of these units.

1.3 **Records**

1.3.1 As a result of the Affirmative Marketing Policy and the actions outlined above, the City of Modesto will:

1.3.1.1 document its good faith efforts to inform persons about vacant units and how they can be occupied.

1.3.1.2 Conduct evaluations of assisted units to ensure compliance with the Affirmative Marketing Policy and to determine the policy's impact.

1.3.1.3 Maintain and make available records which will detail affirmative marketing actions by the City of Modesto. The City also maintains documentation and communication with the Equal Housing and Equal Opportunity Office of the Milwaukee Area HUD office.

1.3.1.4 Maintain and make available the following data from each program-assisted project:

1.3.1.4.1 The race, family size, gender, and income of households moving into assisted projects.

1.3.1.4.2 The race, gender family size, and income of any household displaced as a result of program activities.

1.3.1.5 This data will be reviewed annually or periodically as determined by the City to effectively and efficiently report

such information to HUD. This data will be used to assess the program's impact, households benefiting from program activities and the sub-recipients efforts to affirmatively market the assisted units. Any sub-recipient found not marketing the units in an affirmative manner will face actions outlined in this policy.

1.4 **Affirmative Marketing And Outreach To Minority And Women Owned Businesses Policy**

1.4.1 The City of Modesto shall administer its HOME Program in a manner that will further the purposes of federal, state, and local affirmative marketing and equal opportunity requirements. To that end, the City of Modesto will:

1.4.1.1 Conduct its affirmative marketing and outreach to minority (MBE) and women owned businesses (WBE) in conformance with 24 CFR Part 85.36 (e).

1.4.1.2 Compile and utilize a listing of all known MBE;s and WBE's, their capabilities, services, supplies and/or products in the Modesto area.

1.4.1.3 Encourage MBE's and WBE's to participate in the City of Modesto's HOME Program.

1.4.1.4 Require HOME sub-recipients to take affirmative steps to use MBE's and/or WBE's in HOME funded projects.

1.4.1.5 Require HOME sub-recipients to maintain appropriate records to document the number and types of contracts and subcontracts it awards, the dollar value of each award, and the gender and ethnic/racial status of the management/ownership of the business.

1.4.1.6 Compile an annual record of MBE's and WBE's participating in the HOME Program and conduct an annual review to assess the effectiveness of efforts to encourage participation by minority and women owned businesses.

1.4.1.7 Section 3: Requires that employment and other opportunities generated by federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low income persons, particularly those who are recipients of government assistance by the City of Modesto.

Appendix 2

1. Subsidy Layering Review and Underwriting Guidelines:

1.1. As described in 24 CFR 92.250, the City of Modesto is required to:

1.1.1. Evaluate subsidy layering and conduct or examine the underwriting of all projects to ensure that the HOME subsidy is not excessive and does not result in an undue or excessive return to the owner; and

1.1.2. Assess, at a minimum, the current market demand in the neighborhood in which the project will be located, the experience of the developer, the financial capacity of the developer, and firm financial commitments for the project.

1.2. Underwriting capacity does not apply to owner-occupied rehabilitation projects where is assistance is provided as a grant or deferred, forgivable loans to owner-occupants, or to homebuyer assistance projects that do not involve development or rehabilitation of housing, such as down payment assistance.

1.3. Underwriting capacity does apply to owner-occupied rehabilitation projects with an amortizing HOME-funded rehabilitation loan.

1.4. The City of Modesto also will not be required to perform neighborhood market analyses or evaluate developer capacity for owner-occupied rehabilitation projects, or projects involving HOME-funded down payment assistance, but no HOME-funded development.

1.5. The City of Modesto will use the following types of subsidy layering review before committing HOME program funds to any project:

1.5.1. A subsidy layering review produced by HUD, when the source of funding is provided by HUD, and HUD conducts a subsidy layering review;

1.5.2. Subsidy layering analysis produced when Low-Income Housing Tax Credit (LIHTC)is used, and an evaluation to determine whether there are excess tax subsidies;

1.5.3. A subsidy layering analysis produced by the developer and reviewed by the City of Modesto in accordance with the guidelines in HUD Notice CPD 98-1

1.6. Documentation Needed:

1.6.1. Project Pro Forma including sources and uses of funds statement, operating pro forma (rate of return on equity investment) that covers the entire HOME affordability period of the proposed

1.6.2. project, project development budget along with certification of federal assistance. The pro forma should include achievable rent levels, market vacancies, and operating expenses.

1.7. Sources of Funds

1.7.1. Commitment letters with all terms and conditions for all mortgages, grants, subordination agreements, bridge (interim) loans and investment tax credits (historical, low-income, if applicable); and

1.7.2. If a partnership, a copy of the partnership agreement, which indicates the cash contribution by the general partner(s) and/or limited partner(s)

1.7.3. Documentation of owner cash equity and any deferred developer fees

1.8. Uses of Funds

1.8.1. Earnest money agreement; option or closing statement for land and/or buildings

1.8.2. Construction cost estimate including acquisition costs, rehabilitation or new

1.8.3. construction costs, financing costs and professional fees
1.8.4. Construction contract or preliminary bid(s)
1.8.5. Agreements governing the various reserves which are capitalized at closing (to verity
1.8.6. that the reserves cannot be withdrawn later as fees or distributions)
1.8.7. Appraisal (to substantiate the value of the land and the value of the property after
1.8.8. rehabilitation or construction of the structure being built)
1.8.9. If low-income tax credits are utilized, documentation on the syndication costs (legal,
1.8.10. accounting, tax opinion, etc) from the organization/individual who will syndicate and sell the offering to ensure that the project can support the fees necessary to syndicate/fund the project
1.8.11. Supporting documentation for all other costs specified in the Sources/Uses of Funds statement

1.9. Certification of Federal Assistance

1.9.1. Formal certification concerning any other governmental assistance provided or to be provided to the project - one certification for each funding source
1.9.2. If no other governmental assistance, certification to this affect
1.9.3. If this changes during the course of the project, the City of Modesto needs to be informed immediately in the form of a new certification.

1.10. Project Development Budget

1.10.1. The City of Modesto will review the project development budget to determine that the development costs are necessary and "reasonable". The budget will include all costs associated with the development, regardless of the funding sources.
1.10.2. "Reasonableness" of costs shall be based on the following factors:
1.10.2.1. Cost of comparable projects in the same geographical area;
1.10.2.2. The qualifications of the cost estimators for the various budget line items; and
1.10.2.3. Comparable costs published by recognized industry cost index services.

1.11. Underwriting Standards

1.11.1. City of Modesto HOME projects will utilize the underwriting criteria as set forth below. Generally underwriting will review the risk analysis of the project including: market risk, developer risk, and project risk. Market risk is defined as the likelihood that the units can be sold. Developer risk is defined as the likelihood that the developer can complete the project on-time and budget. Project risk is defined as the adequacy and reasonableness of the costs and sources to complete and sell the project.
1.11.1.1. Developer fees & overhead and any consultant fees may not exceed the sum of:
1.11.1.1.1. 15% of total rehabilitation and new construction eligible basis; and
1.11.1.1.2. 5% of total acquisition eligible basis; however a fee up to 10% of total acquisition eligible basis will be permitted for projects that require the approval of HUD for the transfer of

the property.

1.11.1.2. Limits for Contractor Fee, Contractor Overhead and General Requirements will be calculated as follows:

1.11.1.2.1.1. Contractor Fee = 6% of hard construction costs

1.11.1.2.1.2. Contractor Overhead = 2% of hard construction costs

1.11.1.2.1.3. General Requirements = 6% of hard construction costs.

1.11.1.2.2. Total soft costs may not exceed 35% of total eligible basis. Total soft costs equal the sum of general requirements, contractor overhead, contractor profit, architectural fees, survey costs, engineering fees, permanent loan fees, cost of tax-exempt bond issuance, taxes, appraisal, market study, environmental report, rent-up/marketing costs, title & recording fees, non¬syndication legal fees, accounting fees, developer fees & overhead, consultant fees, organizational fees, and syndication expenses.

Section 13

City of Modesto
Neighborhood Stabilization Program 3
Subrecipient Management Policies and Procedures

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
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Committee: Citizens Housing and Community Development Committee — Approved:06/29/2017
City Council: Resolution No. — Approved:

These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto's Citizens Housing and Community Development

City of Modesto
Neighborhood Stabilization Program 3

NSP3 Subrecipient Management Policies and Procedures

(2 CFR Part 225 appendix A (C)(1)(c))

1. During the period of affordability, the City of Modesto will perform annual on-site compliance or desk monitoring inspections of all single-family and multi-family developments utilizing NSP3 funds to determine compliance with the applicable regulations and requirements outlined below utilizing NSP3 regulations to govern activities.
   - 1.1. This monitoring will consist of the following parties and unit types:
     - 1.1.1. All participating NSP Developers
     - 1.1.2. All NSP Rental Properties
     - 1.1.3. All NSP Re-Sale Properties
   - 1.2. Developers will be notified of their monitoring date and time through a formal letter no less than 2 weeks prior to the date of monitoring. The letter contains information notifying the developer as to which program is being monitored, which properties are being reviewed, and the type of monitoring being conducted.
     - 1.2.1. Type of monitoring is dependent on which program component is being monitored by City of Modesto Staff. Types of monitoring are as follows:
       - 1.2.1.1. "Windshield" Inspection - Upon sale of the property to a qualified buyer, notification of annual inspection and guarantee of general property upkeep is agreed to by the buyer for the life of the affordability covenant.
         - 1.2.1.1.1. A "Windshield" inspection is done annually to ensure that the exterior of the home is adequately maintained and that the property does not become blight to the neighborhood. This 10 point visual inspection is done by a City of Modesto Housing Rehabilitation Specialist (HRS).
         - 1.2.1.1.2. Upon completion, any egregious concerns are turned over to the Neighborhood Preservation Unit and the property will be served with a Notice of Violation.
       - 1.2.1.2. Physical Monitoring - Every property shall be physically inspected by city staff no less than every three (3) years for property damage, code violations, and maintenance issues and concerns (primarily Rental Properties).
         - 1.2.1.2.1. The Developer/Property management firm informs the current tenant of the time and date of the city inspection.
         - 1.2.1.2.2. A City of Modesto Housing Rehabilitation Specialist does a full Housing Quality Standards (HQS) walkthrough of the facility and grounds. For multi-unit properties HOME guidelines are followed and 10% of the units are reviewed.
         - 1.2.1.2.3. The property is given a Pass/Fail/Inconclusive check on all health and safety components of the inspection. Once completed, the HRS determines if any of the deficiencies are severe enough for a FAIL result on the property as a whole or if the item is a "Concern" to reinsert at the next monitoring.
         - 1.2.1.2.4. An electronic copy of the report is given to the Housing Finance Specialist (HFS) and to the developer representative for signature. If the items that are discovered are easily remedied, and the developer says that they will fix the items immediately, a 2 week period of time will be allowed before an unresolved finding is recorded.

1.3. Subrecipient/Developer File Monitoring:

1.3.1. Developers are expected to annually provide to City Staff a completed "Rental Housing Project Compliance Report" (City of Modesto Monitoring Form 2-A) prior to staff conducting a monitoring session. Form 2-A is a program summary containing all pertinent data for the monitoring and serves as a starting point for data verification.

1.3.2. Developer monitoring will be conducted at the developer's place of business or at the City of Modesto (optional).

1.3.2.1. Monitoring Form 1-A: Developer Compliance (File Monitoring), is a checklist utilized by the City of Modesto to verify developer specific information and documentation dealing with:

1.3.2.1.1. Program Compliance

1.3.2.1.2. Rental Compliance

1.3.2.2. Monitoring Form 1-C: Acquisition & Rehab (File Monitoring), is a checklist utilized by the City of Modesto to verify property specific information and documentation dealing with

1.3.2.2.1. Property Acquisition

1.3.2.2.2. Construction/Rehabilitation

1.3.2.2.3. Property Financials

1.3.3. NSP Rental Property Monitoring:

1.3.3.1. Developers are expected to annually provide to City Staff a completed "Recertification Packet" for every tenant at the time of lease renewal. This information will be used in conjunction with Monitoring Form 2-A to provide a basis for monitoring of the developer's tenant files. The "Recertification Packet" consists of:

1.3.3.1.1. Part V Income Certification (Section 8 method)

1.3.3.1.2. Household Characteristics form

1.3.4. Monitoring Form 1-B: Tenant Compliance & Verification (File Monitoring), is a checklist utilized by City of Modesto Monitoring Staff to verify that the developer is complying with program guidelines for rent and occupancy.

2. Monitoring Follow-Up

2.1. When both the Physical and File Monitoring have been completed, staff will draft one of 2 letters and send them to the developer stating the results of the findings: Finding Letter or Clearance Letter. As clarification, a "finding" is an element which does not comply with a Federal or State statute or regulation; whereas a "concern" represents a potential finding or a program deficiency that should be improved before it leads to a finding.

2.2. Finding Letter

2.2.1. This letter notifies the developer that one or more serious issues were uncovered during the course of monitoring. It will identify whether the finding was discovered during the Physical Monitoring or the File Monitoring, the nature of the finding and the remedy available.

2.2.2. The developer has 30 days to respond to the City of Modesto with their corrective actions at which point an additional inspection will be done within a reasonable timeline.

2.2.3. Clearance letter

2.2.3.1. This letter informs the developer that there were no findings discovered during the monitoring and their property has been cleared for 1 year.

2.2.3.2. If there are any concerns that were discovered during the monitoring, the letter will disseminate the details. Any concerns will be inspected at the next monitoring, and staff will determine if the concern had graduated to a finding.

MODESTO

PASS ☐ Staff Initials _____
FAIL ☐

MONITORING FORM 1-A

Neighborhood Stabilization Program
Monitoring Documentation – Developer Compliance

Monitoring Date: _____ Reviewer: _____

Developer Name: _____

Program: ☐ NSP1 ☐ NSP2 ☐ NSP3

Monitoring Type: ☐ Initial ☐ Annual

Total NSP Allocation: _____

Number of NSP Units: _____

Affordability Period: _____

PROGRAM COMPLIANCE:

	CRITERIA	Y/N	COMMENT/ACTION
1.	Does Developer have a copy of fully executed MOU with the City of Modesto?		
2.	Does Developer have a copy of the Program Pro-Forma for their rental units? *(if applicable)*		
3.	Has Developer maintained current insurance requirements?		
4.	Has Developer maintained all necessary licenses/certifications?		
5.	Has Developer submitted a completed Project Compliance Report within the last 12 months? *(HOME Monitoring Checklist 6-D)*		
6.	Has Developer received/completed any NSP specific trainings in the last 12 months?		
7.	Has Developer Provided copies of tax returns for the last 2 years?		
8.	Has Developer provided proof of payment of any taxes due?		

RENTAL COMPLIANCE:

	CRITERIA	Y/N	COMMENT/ACTION
1.	Does Developer have tenant selection procedures that are non-discriminatory?		

2.	Does Developer provide adequate information to program applicants about program rules and expectations?		
3.	Does Developer monitor rents in NSP units and enforce proper rent limits for all properties?		
4.	Are tenant incomes properly documented during occupancy?		
5.	Is there a copy of the lease in every tenant file?		
6.	Are all leases free of prohibited provisions?		
7.	Does developer conduct regular property inspections?		
8.	Does Developer affirmatively market the NSP Units?		
9.	Does Developer follow their tenant selection policy?		
10.	Does Developer properly maintain applicant records and history? a. Intake/Applications b. Letter of Denial/Rejection c. Contact Log		
11.	Does Developer properly maintain and administer an active waiting list?		
12.	Do Properties exhibit a high level of vacancy?		

ADDITIONAL NOTES & COMMENTS:

MODESTO

PASS ☐ Staff Initials _____
FAIL ☐

MONITORING FORM 1-B

Neighborhood Stabilization Program
Monitoring Documentation – Tenant Compliance & Verification

Monitoring Date: _____ Reviewer: _____

Developer Name: _____

Property Address: _____ ☐ Multiple Unit Property

Affordability Period: _____

Program: ☐ NSP1 ☐ NSP2 ☐ NSP3

Monitoring Type: ☐ Initial ☐ Annual

Has Tenant been Reviewed/Approved by City? ☐ Yes ☐ No

Tenant/Head of Household: _____

AMI Qualification: ☐<30% ☐<50% ☐<80% ☐<120% ☐ Unqualified

Does Tenant Meet a Special Needs Criteria? ☐ Yes ☐No

Is Tenant currently living in the unit? ☐ Yes ☐ No

INITIAL RENT AND OCCUPANCY COMPLIANCE:

	CRITERIA	Y/N	COMMENT/ACTION
1.	Is the following documentation complete and present in the file? a. Tenant Intake/Application b. Household Characteristic Form *(In toolbox)* c. Tenant Income Certification d. Income supporting documentation e. Lease/Lease with addendums f. Lead-based paint compliance documentation		
2.	Does Tenant File project Developer maintains & adequately documents income determinations? a. Pay Stub in file? b. W-2 or comparable tax form? c. Additional income documentation?		
3.	Is Part IV of Income Certification – Income From Assets, properly filled out? a. Are bank accounts clearly acknowledged? b. Are vehicles clearly acknowledged? c. Are additional assets listed?		
4.	Is Tenant Lease free of all prohibited provisions?		

5.	Is Tenant Lease for a minimum of 1 year? *(NSP regulatory requirement)*		
6.	Does Tenant Lease support that rents reported in Tenant File, Income Certification, & submitted to City of Modesto are accurate?		
7.	Were proper utility allowances used to calculate maximum rent levels?		
8.	Is Tenant being charged <30% of their adjusted monthly income as rent?		
9.	If Tenant receives Section 8 assistance: a. Is the appropriate tenant payment (30% of adjusted income) charged to the tenant? b. Is there proper documentation of the rental assistance in the file?		
10.	Is the Gross Rent being charged to Tenant below maximum allowable rent?		
11.	Are all contributions to rent in Part V of the Income Certification properly displayed and calculated?		
12.	Does file document that the property meets ongoing property standard requirements?		

ADDITIONAL NOTES & COMMENTS:

MODESTO

PASS ☐ Staff Initials _____
FAIL ☐

MONITORING FORM 1-C

Neighborhood Stabilization Program
Monitoring Documentation – Acquisition & Rehab

Monitoring Date: _____ Reviewer: _____

Developer Name: _____

Property Address: _____

Program: ☐ NSP1 ☐ NSP2 ☐ NSP3

Monitoring Type: ☐ Initial ☐ Annual

FILE MAINTENANCE COMPLIANCE:

CRITERIA	Y/N	COMMENT/ACTION
Property Acquisition		
1. Does file have environmental review documentation?		
2. Does file have purchase contract with addendums?		
3. Does file have copy of Appraisal *(within 60 days of offer)*		
4. Does file have copy of initial pest inspection/report?		
5. Does file have copy of initial home inspection?		
6. Does file have documentation to show that property was abandoned/foreclosed at the time of purchase?		
7. Does file have a copy of the Final HUD 1		
8. Does file have documentation showing that existing tenants were properly notified of the following: a. Change of Ownership b. Effects of Rehabilitation c. Program Qualification Requirements		
Construction/Rehabilitation		
1. Does file contain a copy of the initial work write-up and cost estimate?		
2. Does file have documentation addressing Lead Based Paint concerns *(if built prior to 1978)*		
3. Does file contain contractor agreement/contract and bid documents *(if applicable)*?		

4.	Does file demonstrate that the Developer ensured that contractors and sub-contractors were properly licensed, insured, and not debarred?		
5.	Does File contain a copy of signed City of Modesto Preliminary Inspection Report?		
6.	Does file contain copies of all necessary permits with notice of completion?		
7.	Does file contain progress payment documentation? a. Receipts/Invoices b. Copies of checks issued c. Copies of checks received		
8.	Does file contain documentation of any change orders? *(if applicable)*		
9.	Does file contain final LBP Clearance Report? *(if applicable)*		
10.	Does file contain any additional hazard abatement reports? *(if applicable)*		
11.	Does file contain copies of any lien releases, or contractor waivers?		
12.	Copies of any contractor warranties *(if applicable)*		
13.	Does file contain copy of signed City of Modesto Final Inspection		
Property Financials			
1.	Does file have copy of fully executed loan documents: a. Deed of Trust b. Loan Agreement c. Promissory Notes d. Regulatory Agreement		
2.	Does file have copies of any loan document amendments?		
3.	Does file have copy of property pro-forma?		
4.	Does file have copy of True-up documentation?		
5.	Does file have copy of current and valid property Title Insurance?		

ADDITIONAL NOTES & COMMENTS:

MODESTO

PASS ☐ Staff Initials _____
FAIL ☐

MONITORING FORM 2-A

Neighborhood Stabilization Program (MONITORING)
Rental Housing Project Compliance Report

Program: ☐ NSP1 ☐ NSP2 ☐ NSP3 Reporting Period: _____ to _____

Developer/Agency: _____

Project # (From Invoice)	Tenant Name/ Head of Household	# Pers. in Home	# Bed Rm.	Date of Last Income Cert.	Max Rent	Actual Rent	Utility Allowance	Tenant's Annual Gross Income	Temp. Compliance (verified @ Monitoring)

Reviewer: _____ Date: _____

Section 14

City of Modesto
Environmental Review Plan
For HUD Programs

CITY OF
MODESTO
CALIFORNIA

City Of Modesto
Community and Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95354
www.cityofmodesto.com
housing@modestogov.com

Committee: Citizens Housing and Community Development Committee — Approved:06/29/2017
City Council: Resolution No. — Approved:

These policies supersede any previously adopted policies and are subject to review and revision by the City of Modesto's Citizens Housing and Community Development

Environmental Review Process – City of Modesto

City of Modesto Environmental Review Process for Activities Utilizing Funding From the U.S. Department of Housing and Urban Development

1. *Overview of Environmental Review*

1.1. All Federal Agencies must comply with the National Environmental Policy Act of 1969 (NEPA). This means that all activities proposed to receive Federal funding must be reviewed for compliance with applicable Federal laws and authorities (including Executive Orders and Agency regulations) which collectively protect and enhance the environment by removing healthy and safety related concerns and providing citizens with the benefits of a healthy environment. A few of these laws and authorities are: the Endangered Species Act, the National Historic Preservation Act, the Clean Air Act, the Flood Insurance Reform Act, as well as regulations and policies implemented by other federal agencies. These laws and authorities help the Department of Housing and Urban Development (HUD) in its mission to provide "safe, decent and affordable housing."

1.2. NEPA provides the basic requirements for the review process. Title II of the Act established the Council on Environmental Quality (CEQ) within the White House. The CEQ regulations that implement NEPA are spelled-out in the Code of Federal Regulations (CFR) at 40 CFR Parts 1500 – 1508.

1.3. Each federal agency has their own regulations that implement NEPA and fall in line with those of the CEQ. For HUD, regulations listed at 24 CFR apply to their programs and operations as a whole. Within 24 CFR there are numerous "Parts." Of particular importance to the environmental review process are Parts 35, 51, 55, and 58.

1.4. Generally, Federal agencies have their own staff to conduct their environmental reviews; the one notable exception is HUD. Due to the vast number of projects and activities that HUD assists, they delegate many, but not all environmental review responsibilities to states and units of local government. In this capacity each is referred to as a "Responsible Entity" (RE). As an RE, the City of Modesto, California, acts as an official agent of HUD, taking-on legal obligations on behalf of HUD, and overseeing the on-going implementation and monitoring of grant funded activities. The specific portion of HUD's regulation that outline's the City's obligations and procedures for the environmental review process is 24 CFR Part 58.

1.5. As an entitlement community, Modesto, California must review large numbers of activities. These include projects funded through the following programs:

1.5.1. Community Development Block Grant Program (CDBG)

1.5.2. HOME Investment Partnerships Program (HOME)

1.5.3. Neighborhood Stabilization Program (NSP)

1.5.4. Emergency Solutions Grant Program (ESG)

1.5.5. Any local funds that are to be repaid with these Federal funds (Section 108 Loans)

1.6. The City's Community & Economic Development Department (CEDD) is tasked with managing the expenditure and oversight of any of these HUD funds and programs that are provided through the City. The City's Environmental Review Specialist (ERS) is responsible for carrying-out the review process and determining whether activities are compliant with NEPA and related laws and authorities. The ERS enlists the assistance of others who have specific knowledge or skills pertinent to the process, such as the City's CEDD staff, the City's Planning Department, Stanislaus County Appraiser's Office, Development Management staff, Plans Review staff, and staff of the City's Parks and Recreation, Water Services and Public Works Departments. Additionally, the U.S. Fish and Wildlife Service and other non-municipal resources are brought into the process.

1.7. Frequently, non-profit agencies become direct recipients of other HUD grant funds. In these circumstances, such grantees must request the City to act as Responsible Entity for the purposes of performing environmental review. The grantee must provide the ERS with a formal request to act as RE and provide full project information. The grants typically involved are:

1.7.1. Supportive Housing Program (SHP);

1.7.2. Self-Help Homeownership Opportunity Program (SHOP);

1.7.3. Public Housing Authority (Capital Fund Program, etc.) grants, and

1.7.4. Housing Opportunities for Persons with AIDS Program (HOPWA)

1.7.5. A complete listing of programs that REs review can be found at 24 CFR 58.1(b)

2. *The Environmental Review Process*

2.1. Early Documentation

2.1.1. Once applications (proposals) have been received by the City, copies are provided to the ERS by CEDD staff and a cursory review is conducted to determine whether there are items that would require clarification in the environmental review process. If warranted, a follow up to the applicant may be provided to help avoid conflicts

with statutory or regulatory requirements, should their proposal be selected for inclusion in the Consolidated Action Plan. However, it is the responsibility of applicants to understand the limitations and requirements that are placed on HUD funds at the time of application. ("Choice-limiting actions," are not allowed per 24 CFR 58.22).

2.1.2. The environmental review process starts with good information about projects or programs being considered for funding. As part of the Consolidated Planning RFP process, applicants must provide detailed descriptions of projects that clearly state all proposed uses for HUD funds as well as Non-HUD funds. Applicants must also provide a budget associated with all related activities and all funding sources. "Activities" include such things as tenant based rental assistance, acquisition, public services, sidewalk replacement (Curb Improvements, Street Improvements, etc.), preparation of vacant lots for new construction, construction of Energy Star for New Homes rated housing, and multi-family housing, etc.

2.1.3. Once a project, program or activity has been identified for inclusion in the Consolidated Action Plan, the ERS will generate an Environment Review Record for such activities. The ERS will contact the sponsors of those activities to ensure that they are aware of the level of review necessary, and to request any further clarification and documentation necessary to begin the review. Additional documentation that may be requested includes maps; photographs with a key which shows, on a project site map, the locations where photos were taken and in which direction they were taken; and existing Environmental Site Assessments.

2.1.4. Note: An Environmental Site Assessment or ESA is a site investigation conducted to determine the presence of contamination, and should not be confused with an Environmental Assessment which is a NEPA defined level of review (discussed later).

2.1.5. For all project types, the review process can only progress only once the necessary information has been received by the ERS.

2.1.6. CEDD staff is responsible for communicating to the ERS, all changes in project scope as they happen.

2.1.7. HUD's regulations specify the activities that can be undertaken using particular program funds. Various portions of the regulations define those activities. Part 58 of the regulations tie program definitions to

NEPA definitions. This is crucial, as it allows activities to be grouped together in the environmental review process.

2.1.8. Aggregation (24 CFR 58.32) - A responsible entity may group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions. [24 CFR Sec. 58.32(a)]. This is done so that we address adequately and analyze, in a single environmental review, the separate and combined impacts of activities that are similar, connected and closely related, or that are dependent upon other activities and actions; and consider reasonable alternative courses of action; and schedule the activities to resolve conflicts or mitigate the individual, combined and/or cumulative effects; and prescribe mitigation measures and safeguards including project alternatives and modifications to individual activities. [24 CFR Sec. 58.32(c)].

2.1.9. Once the types of projects have been identified, the ERS determines the level of environmental review needed for those projects and records that determination in the Environmental Review Record (ERR). Again, this can only be done if the project is defined well enough and its activities appropriately aggregated (24 CFR 58.32).

3. *Determination of Level of Review*

3.1. Environmental reviews can range from very simple documentation for "Exempt" activities, to a Finding of Significant Impact (FOSI) which would require that an Environmental Impact Statement (EIS) be conducted as prescribed by NEPA. [Note: given the range of activities typically associated with HUD funding, an EIS is highly improbable, which is an indication that suitable alternatives have been found for large scale projects during the course of the environmental review.

3.2. <u>Exempt</u>

3.2.1. "Exempt" activities (listed at 24 CFR 58.34) require clear notation of a project's activities and funding. They include environmental and other studies, development of plans and strategies; information and financial services; administrative and management activities; public services that will not have a physical impact or result in any physical changes; inspections and testing of properties for hazards or defects; purchase of insurance; purchase of tools; engineering or design costs; technical assistance and training; payment of principal and interest on loans made or obligations guaranteed by HUD, etc. "Exempt" means the activity is not considered capable of having a

direct impact on the environment and is therefore exempt from a NEPA proscribed review [the full range of project activities must be considered in making such a determination].

3.3. Categorically Excluded

3.3.1. "Categorically Excluded" means that the activity is one of a category of activities that, by their nature, do not have the potential to cause a significant impact to the environment and are therefore excluded from the NEPA Environmental Assessment requirements. Though, because they can have an impact, they must be reviewed for compliance with all applicable laws and authorities to determine what must be done in order for the project or activity to comply with those laws. Within this general group of activities there are two subgroups: CENST and CEST. Their differences are significant.

3.4. *CENST (Categorically Excluded and are Not Subject To)*

3.4.1. This level of determination is associated with activities which are "Categorically Excluded [from an Environmental Assessment] and are Not Subject to" authorities listed at 24 CFR 58.5 (CENST). Over the course of several years, HUD has determined that CENST activities should be treated much like Exempt activities because they do not themselves have a physical impact on the environment. However, because these activities are associated with physical locations, they do require review for compliance with the requirements listed at 58.6. These activities (listed at 24 CFR 58.35(b)) include tenant-based rental assistance; supportive services such as short term payment of utilities or rent; operational support of homeless facilities and daycare facilities; activities to assist homebuyers in purchasing an affordable dwelling that is existing or under construction; etc. Compliance with the Flood Insurance stipulations must be documented for Tenant Based Rental Assistance and Homebuyer Assistance activities. CENST activities are documented in the ERR and do not require any further review or authorization by HUD (discussed later).

3.5. CEST *(Categorically Excluded and are Subject To)*

3.5.1. The next level of determination is associated with activities which are "Categorically Excluded [from an Environmental Assessment] and are Subject To" authorities listed at 24 CFR 58.5 (CEST). These activities (listed at 24 CFR 58.35(a)) include acquisition (including leasing) or disposition of land and improvements; rehabilitation of housing and other property; new construction of single family housing where there are four (4) or fewer units being developed on any one site; a

project of five (5) or more new housing units being developed on scattered sites when each of the sites is at least 2,000' from any one of the other sites and, there are not more than four (4) housing units on any one site. Because these activities are of a physical nature or are committing HUD funds to a property that may or may not be suitable, these activities must be reviewed for compliance with the laws listed at 58.5. HUD regulations are very specific about what scale of activity is accepted into this category of review. Housing density, for example, can mean a great deal in determining whether the environment will be suitable for a project or, vice versa.

3.5.2. CEST activities are documented in the ERR and require public notification, completion of a Request for Release of Funds (RROF) *(only if there is a mitigation measure (otherwise, converts to exempt),* and subsequent authorization by HUD.

3.5.3. As noted at 24 CFR 58.34(a)(12) some CEST activities may "convert" to Exempt if, after the environmental review process has been completed, they have been found not to trigger any of the 58.5 Statutory Authorities. In these cases, CEST activities are documented in the ERR but do not require the completion of a RROF and subsequent authorization by HUD. Such projects must still comply with Requirements set forth at 24 CFR 58.6.

4. Environmental Assessment

4.1. If a project does not fit within one of the above classifications, an Environmental Assessment (EA) is required. The EA, in turn, forms the basis for determining whether the project/activity will have a significant impact on the environment. This determination results in either:

4.1.1. the requirement to perform an EIS as mentioned previously; or

4.1.2. a finding that the project/ activity will have no finding of significant impact on the environment (FONSI).

4.2. To get to a FONSI, the EA will take into consideration many more factors than the CEST level review. Included are: review for consistency with area plans; land use and zoning requirements; stated policies of City Council; federal, state and local recommended best practices for such developments; possible infrastructure needs; etc.

4.3. Additionally, alternatives including the "No Action" alternative must be considered along with alternative sites. On-going NEPA compliance must be maintained (see "On-going Compliance with Related Federal Authorities" below). Once the level of review has been determined, the next step is a full review for compliance with 24 CFR Part 58.

5. *Review Process Environmental Review Focus*

5.1. Compliance with Federal environmental statutes and regulations listed at 58.5 include compliance with Section 106 of the National Historic Preservation Act (Often referred to as the "Section 106 Review," the regulation implementing this compliance process is found at 36 CFR Part 800), floodplain regulations set-out in 24 CFR Part 55, HUD noise regulations set-out in 24 CFR Part 51, Subpart B, Executive Order 11990 Protection of Wetlands, the Endangered Species Act, the Clean Air Act, the Clean Water Act, as well as other requirements. [for specific citations refer to 24 CFR 58.5]

5.2. Additionally, projects are reviewed for compliance with State and Local laws that govern the environmental conditions relevant to the project site or activities. All activities undertaken using HUD funds must comply with the authorities listed at 58.6 as well; these include the Flood Disaster protection Act which requires that, for those properties located within the 100 Year Floodplain, flood insurance be obtained and maintained for the life of the property that is receiving HUD assistance. [for specific citations refer to 24 CFR 58.6]

5.3. Compliance can be determined through review of on-line resources (as in the case of Wild and Scenic Rivers or Sole Source Aquifers), through consultation with authorities who track data associated with a given subject (e.g. Clean Air Act and the State Implementation Plan), or through appropriate procedures that involve legally proscribed consultation (e.g. Section 106 review or Endangered Species and Habitat).

5.4. The environmental review must be concluded before clearance can be gained and funding provided. To reach conclusion, all compliance issues must be adequately addressed. This does not always mean that the statutory or regulatory issues have been fully resolved prior to release of funds. Indeed, there may be on-going requirements that are needed to insure that outstanding issues are resolved prior to completion of the program or project (e.g. - nesting birds cleared prior to tree removal). This means that, in some cases, the program developer must satisfy compliance steps as properties are identified for inclusion in a program (e.g. is the property located in the floodplain or within proximity to a major roadway). In some cases, full evaluation of potential contamination cannot be undertaken until the site has been further prepared for development. In these cases, Conditions of Approval are made to prescribe specific actions required to ensure that the property is safe for its intended reuse. It is important to note that the type of activity or program drives the determination that no significant impact would result and therefore some issues are weighed more heavily in the decision-making process.

5.5. Most often, issues are resolved prior to release of funds. As part of the review process the ERS and developer work together to find solutions that ensure the protection and enhancement of the environment that will eventually benefit residents or patrons. This process is crucial and always

results in a better project (Is bicycle parking being provided? Is the playground protected from highway noise? What steps have been taken to protect the historic integrity of the building? Is there enough street lighting or sidewalks?). In all cases there must be a clear path to compliance for any outstanding issues that may remain at the time of clearance.

5.6. Note: Once an application has been submitted for a project that anticipates the use of Department of Housing & Urban Development (HUD) funding, neither HUD funds or non-HUD funds can be committed to that project until the environmental review has been approved by HUD or the Release of Funds obtained. No choice limiting action can be taken until the environmental review is approved (24 CFR 58.22) and Release of Funds obtained. Choice limiting actions include real property ACQUISITION, DEMOLITION, SITE CLEARANCE, REPAIR, REHABILITATION, CONSTRUCTION and LEASING activities. If you are not certain about where your project stands with regard to this statement, please contact the Environmental Review Specialist.

5.7. Once the project has been reviewed and a determination has been made that a project can proceed, the City must publish a notice for the project/activity, and a RROF must be completed and submitted to HUD, with subsequent approval by HUD.

6. *Categorical Exclusion Approval Process*

6.1. Public Notice & Comment Period

6.2. Once the environmental review has been concluded, CEST activities require that the City publish what is called a "Notice of Intent to Request Release of Funds" (NOI-RROF), which is published in the local paper of general circulation. Typically the publication is run in the public notice section of the Modesto Bee and the Vida en el Valle. This notice provides the public with a 7-day window within which they can comment on the proposed use of funds. Comments received in the specified time will be responded to and any appropriate modifications will be incorporated into the ERR.

6.3. Submittal of Request for Release of Funds to HUD
The day after the expiration of the comment period, a "Request for Release of Funds and Environmental Certification" form is sent to HUD for authorization. This RROF is signed by the City's Certifying Officer, Cynthia Birdsill, or her designee.

6.4. Objection Period & HUD Approval of RROF
The day after HUD receives the RROF, they open a 15-day Objection Period, during which time the public can object to the release of funds - if such objections meet criteria specified at 24 CFR 58.75. The day after expiration of the Objection Period, HUD approves the RROF and transmits their "Authority to Use Grant Funds" form (AUGF) to the City. Once received, the City notifies grant sub-recipients that they can commit funds to, and undertake actions authorized via the environmental review. That

authorization includes any stipulations identified in the review - these conditions become legal obligations of any contractual agreements associated with the project.

7. Environmental Assessment Approval Process
   7.1. The approval process for an EA is nearly the same as the process for CEST activities. The difference is that the City must publish its Finding of No Significant Impact or FONSI, as well as a NOI-RROF. Typically this is accomplished through what is called a "combined notice" which simply publishes the two together. This notice provides the community a 15-day Comment Period rather than a 7-day period. Under exceptional circumstances, a 30 day Period may be necessary. Because there are many more aspects to an EA review, the process may result in several "Conditions of Approval." Those conditions become legal obligations of any contractual agreements associated with the project, and must be adhered to in order for the grantee or sub-recipient to remain in compliance with their grant obligations.
8. On-going Compliance with Related Federal Authorities
   8.1. Some CEST or EA reviews are associated with programs involving multiple properties over the course of time. These programs are designed to assist properties not identified at the time of program inception. In these cases, as sites are identified, they must be reviewed to ensure compliance with statutory or regulatory requirements not fully addressed at the time clearance was provided to the program. This "site-specific" review is in line with the NEPA concept of "Tiering." This approach allows compliance issues to be reviewed once they are "ripe," expediting what would otherwise be successive reviews for similar projects that would each require their own release of funds.
   8.2. Examples of program-based activities that require such on-going review and compliance for site-specific projects include the following:
      8.2.1. *Programs*
         8.2.1.1. Property Acquisition
         8.2.1.2. New Housing Construction
         8.2.1.3. Housing Rehabilitation
         8.2.1.4. Commercial Rehabilitation
         8.2.1.5. Demolition
      8.2.2. *Compliance Issues*
         8.2.2.1. Floodplains
         8.2.2.2. Historic preservation (i.e., Noise Impacts)
         8.2.2.3. Explosive hazards
         8.2.2.4. Hazardous substances
         8.2.2.5. Lead-Based Paint
         8.2.2.6. Asbestos Containing Materials
9. Grant recipients and sub-recipients must ensure that the Conditions of Approval or other required actions are carried out as part of any executed contracts associated

with HUD-funded activities. Documentation of such compliance must be maintained in program / project files.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-313

RESOLUTION APPROVING AN AGREEMENT WITH TRANSYSTEMS OF LAKE FOREST, CA FOR CONSULTANT SERVICES FOR THE ENGINEERING PLAN CHECK AND DESIGN REVIEW OF THE PLANS, SPECIFICATIONS AND ESTIMATES (PS&E) FOR THE SR-132 WEST FREEWAY/EXPRESSWAY – PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED $375,459 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $37,550 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT OF $413,009; AND AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, Stanislaus Council of Governments (StanCOG), City of Modesto, Stanislaus County and the California Department of Transportation (Caltrans) are completing the formal studies for the Project Approval and Environmental Document (PA&ED) Phase for the State Route 132 West Freeway/Expressway Project (Ultimate Project), and

WHEREAS, the Ultimate Project is presently in the final stage of the environmental approval process, with approval expected in the January of 2018, and

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project (Phase 1 Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, delivery of the PA&ED phase of the Ultimate Project has been slowed due to problems with gaining environmental clearance of contaminated soils stockpiles, and Project construction must commence on or before June 30, 2019, and

WHEREAS, the combination of environmental clearance delay along with a shortened window for startup of construction has resulted in the need to accelerate

supporting services of the final design (PS&E) phase of the Phase 1 Project to meet the construction startup deadline of June 2019, and

WHEREAS, this acceleration must be performed so that approximately $71,500,000 of programmed construction funds will not be lost, and

WHEREAS, it is anticipated that Caltrans will complete CEQA and NEPA review in January 2018 as part of the current PA&ED Phase and select a Project alternative at that time. It is anticipated that Caltrans will select one of the two build alternatives, but there is potential risk that Caltrans will select the no-build alternative, which would mean no Project would go forward, and

WHEREAS, the design phase must proceed "at risk" to progress the final design concurrently with the Final Environmental Document approval, and

WHEREAS, Staff proceeded through an RFP process pursuant to Administrative Directive 3.1 and the City solicited for proposals for Engineering Plan Check & Design Review Services for the SR132 Freeway/Expressway - Phase 1 Project on May 12, 2017 in compliance with Modesto Municipal Code section 8-3.401 – 8-3.404, and

WHEREAS, proposals were received, evaluated and ranked, and

WHEREAS, City entered into negotiations with the top ranked firm, TranSystems on July 7, 2017, and

WHEREAS, TranSystems has agreed to a contract for professional services in the amount of $375,458.44 to provide the Engineering Plan Check & Design Review Services for the SR132 Freeway/Expressway - Phase 1 Project, and

WHEREAS, Staff recommends approval of the agreement with TranSystems for the SR132 West Freeway/Expressway-Phase 1 Project, and

WHEREAS, City of Modesto previously committed $4,000,000 of funds to support the design PS&E phase of the Phase 1 Project, and

WHEREAS, City staff has worked diligently in coordination with Stanislaus County and StanCOG to agree to a financing strategy to support the remainder of funding required to support the PS&E design phase, and

WHEREAS, City will provide $4,000,000 of CFF money and StanCOG will provide $6,000,000 of Measure L Regional Account money to support the PS&E design phase, and

WHEREAS, on April 19, 2017 StanCOG Policy Board approved Resolution 16-36 designating the State Route 132 West Freeway/Expressway Project as the top regional project to receive Measure L Regional funding up to $10,000,000 to be used to support the total PS&E project cost, and

WHEREAS, the Director of Community and Economic Development and the Interim City Manager have recommended that the bid of $375,458.44 received from TranSystems be accepted as fair and reasonable and the contract be awarded to TranSystems of Lake Forest, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with TranSystems of Lake Forest, CA for consultant services for the Engineering Plan Check & Design Review Services for the SR132 Freeway/Expressway - Phase 1 Project in an amount not to exceed $375,458.44 for the identified scope of services, plus $37,550 for additional services (if needed) for a total amount of $413,008.44.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney, in a form approved by the City Attorney as may be necessary to ensure compliance with state and federal grant requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-314

RESOLUTION APPROVING AN AGREEMENT WITH CPSI OF FRESNO, CA FOR RIGHT OF WAY CONSULTANT SERVICES FOR STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY PHASE 1 PROJECT IN AN AMOUNT NOT TO EXCEED $735,000 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $73,500 FOR ADDITIONAL SERVICES (IF NEEDED) FOR A TOTAL AMOUNT OF $808,500; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, Stanislaus Council of Governments (StanCOG), City of Modesto, Stanislaus County and the California Department of Transportation (Caltrans) are completing the formal studies for the Project Approval and Environmental Document (PA&ED) Phase for the State Route 132 West Freeway/Expressway Project (Ultimate Project), and

WHEREAS, the Ultimate Project is presently in the final stage of the environmental approval process, with approval expected in the January of 2018, and

WHEREAS, the SR132 West Freeway/Expressway – Phase 1 Project (Phase 1 Project) proposes to construct a two-lane highway on a new alignment in Stanislaus County and the City of Modesto from State Route 99 just south of Kansas Avenue to Dakota Avenue, and

WHEREAS, delivery of the PA&ED phase of the Ultimate Project has been slowed due to problems with gaining environmental clearance of contaminated soils stockpiles, and Project construction must commence on or before June 30, 2019, and

WHEREAS, the combination of environmental clearance delay along with a shortened window for startup of construction has resulted in the need to accelerate supporting services of the final design (PS&E) phase of the Phase 1 Project to meet the construction startup deadline of June 2019, and

WHEREAS, this acceleration must be performed so that approximately $71,500,000 of programmed construction funds will not be lost, and

WHEREAS, it is anticipated that Caltrans will complete CEQA and NEPA review in January 2018 as part of the current PA&ED Phase and select a Project alternative at that time. It is anticipated that Caltrans will select one of the two build alternatives, but there is potential risk that Caltrans will select the no-build alternative, which would mean no Project would go forward, and

WHEREAS, the design phase must proceed "at risk" to progress the final design concurrently with the Final Environmental Document approval, and

WHEREAS, Staff proceeded through an RFP process pursuant to Administrative Directive 3.1 and the City solicited for proposals for Right of Way Consultant Services for State Route 132 West Freeway/Expressway Phase 1 Project on May 26, 2017 in compliance with Modesto Municipal Code section 8-3.401 – 8-3.404, and

WHEREAS, proposals were received, evaluated and ranked, and

WHEREAS, City entered into negotiations with the top ranked firm, CPSI on July 17, 2017, and

WHEREAS, CPSI has agreed to a contract for professional services in the amount of $735,000 to provide the Right of Way Consultant Services for State Route 132 West Freeway/Expressway Phase 1 Project, and

WHEREAS, the Interim City Manager and Staff recommend approval of the agreement with CPSI for the SR132 West Freeway/Expressway-Phase 1 Project, and

WHEREAS, City of Modesto previously committed $4,000,000 of funds to support the design PS&E phase of the Phase 1 Project, and

WHEREAS, City staff has worked diligently in coordination with Stanislaus County and StanCOG to agree to a financing strategy to support the remainder of funding required to support the PS&E design phase, and

WHEREAS, City will provide $4,000,000 of CFF money and StanCOG will provide $6,000,000 of Measure L Regional Account money to support the PS&E design phase.

WHEREAS, on April 19, 2017 StanCOG Policy Board approved Resolution 16-36 designating the State Route 132 West Freeway/Expressway Project as the top regional project to receive Measure L Regional funding up to $10,000,000 to be used to support the total PS&E project cost, and

WHEREAS, the Director of Community and Economic Development and the Interim City Manager recommend that the bid of $735,000 received from CPSI be accepted as fair and reasonable and the contract be awarded to CPSI of Fresno, CA,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with CPSI of Fresno, CA for consultant services for the Right of Way Consultant Services for State Route 132 West Freeway/Expressway Phase 1 Project in an amount not to exceed $735,000 for the identified scope of services, plus $73,500 for additional services (if needed) for a total amount of $808,500.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney as may be necessary to ensure compliance with state and federal grant requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-315

RESOLUTION ACCEPTING THE *DESTINATION MODESTO* REPORT FOR THE THIRD AND FOURTH QUARTER OF FISCAL YEAR 2016-17

WHEREAS, in 2015, the City absorbed the functions of the Convention & Visitor's Bureau within the Community & Economic Development Department and a *Destination Modesto* Task Force was created to promote travel, tourism and entertainment, and

WHEREAS, the *Destination Modesto* report for the convention and tourism activity are periodically submitted to the City Council for their consideration, and

WHEREAS, subsequent *Destination Modesto* reports have been expanded to also include activity from the McHenry Mansion, McHenry Museum, all three (3) City-owned golf courses, and City parks, and

WHEREAS, the *Destination Modesto* Report – Third and Fourth Quarter Fiscal Year 2016-17 reflects activity from all Destination Modesto assets in addition to second quarter Convention & Tourism activity that was not included in earlier reports.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the *Destination Modesto* Report – Third and Fourth Quarter Fiscal Year 2016-17.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-316

RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA URBAN RIVERS GRANT PROGRAM UNDER THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014 (PROPOSITION 1) FOR REMOVAL OF THE REMNANT DENNETT DAM PROJECT IN THE AMOUNT OF $368,183 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, AS AGENT TO CONDUCT ALL NEGOTIATIONS, EXECUTE AND SUBMIT ALL DOCUMENTS INCLUDING BUT NOT LIMITED TO APPLICATIONS, AGREEMENTS, PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE AFOREMENTIONED PROJECT

WHEREAS, the Tuolumne River Trust applied for a grant from the California Urban Rivers Grant Program and it is in the best interest of all parties that the City of Modesto replaces the Tuolumne River Trust as the applicant for this grant, and

WHEREAS, the Legislature and Governor of the State of California have provided Funds for the California Urban Rivers Grant Program, and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures, and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State, and

WHEREAS, the City of Modesto, if selected, will enter into an agreement with the State of California to carry out the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby

1. Approves the filing of an application for the *Remnant Dennett Dam Removal Project*;

2. Certifies that the City of Modesto understands the assurances and certification in the application; and

3. Certifies that City of Modesto or title holder will have sufficient Funds to operate and maintain the Project(s) consistent with the land tenure requirements; or will secure the resources to do so; and

4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and

5. Certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act* (CEQA), legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained; and

6. Certifies that the City of Modesto will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1, and

7. Appoints the Interim City Manager, or his designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests, which may be necessary for the completion of the aforementioned Project(s).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-317

RESOLUTION APPROVING AN APPLICATION FOR OUTDOOR ENVIRONMENTAL EDUCATION FACILITIES GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR THE TUOLUMNE RIVER REGIONAL PARK (TRRP) RIVER CENTER PAVILION AND LEARNING THEATER IN THE AMOUNT OF $500,000 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO CONDUCT ALL NEGOTIATIONS, SIGN AND SUBMIT DOCUMENTS, INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENT, AMENDMENTS, AND PAYMENT REQUESTS, WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE GRANT SCOPE

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Outdoor Educational Education Facilities Grant Program, setting up necessary procedures governing the application, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State, and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby:

Approves the filing of an application for the Tuolumne River Regional Park (TRRP) River Center Pavilion and Learning Theater; and

1. Certifies that the City of Modesto has or will have available, prior to commencement of any work on the project included in this application, sufficient funds to complete the project; and

2. Certifies that if the project is awarded, the City of Modesto has or will have sufficient funds to operate and maintain the project; and
3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the Interim City Manager, or his designee, to conduct all negotiations, sign and submit all documents, including but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-318

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE SHADOWCHASE RUNNING CLUB (SCRC) AND THE CITY REGARDING THE INSTALLATION OF SIX FITNESS EQUIPMENT STATIONS ALONG THE VIRGINIA CORRIDOR TRAIL AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, in late 2016, ShadowChase Running Club approached the City of Modesto to seek approval to install six outdoor fitness equipment stations along the Virginia Corridor Trail, and

WHEREAS, the ShadowChase Running Club wants to donate the fitness stations to the City and has agreed to maintain the fitness stations, and

WHEREAS, City staff has prepared a Memorandum of Understanding (MOU) to allow the ShadowChase Running Club to install and maintain the donated fitness stations on City property, and

WHEREAS, the MOU outlines the terms of the agreement for both parties.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the ShadowChase Running Club and the City of Modesto regarding the installation of six outdoor fitness equipment stations along the Virginia Corridor Trail.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the MOU, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the Resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-319

RESOLUTION APPROVING THE TERMS AND CONDITIONS OF THE NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES AGREEMENT

WHEREAS, it is the intent of the Modesto Police Department to secure safe and reliable towing services and a manageable contract that will also offset the City's costs of its Non-Exclusive Non-Consensual Towing Program, and

WHEREAS, in September 2016, Police Department staff embarked on formulating an improved contract for the City that would provide optimum service, greater accountability and a tiered fees structure that would offset the growing cost of the City's Non-Exclusive Non-Consensual Towing Program, and

WHEREAS, a Non-Exclusive Non-Consensual Franchise Towing Service Agreement with specific requirements, including a tiered fee structure and implementation of dispatching and tracking software will ensure safe, prompt, reliable and professional service to the Police Department and the citizens of Modesto, and

WHEREAS, on April 4, 2017, City Council approved extending the current Non-Exclusive Non-Consensual Franchise Towing Services agreement for a six month period, which was set to expire on April 13, 2017, to allow staff time to complete the Request for Application (RFA) process, and

WHEREAS, on May 23, 2017, the Purchasing Division solicited Request for Applications (RFA) No. 1617-37, for City generated Non-Exclusive Non-Consensual Franchise Towing Services, and

WHEREAS, on June 22, 2017, applications were opened in City Clerk's Office, and

WHEREAS, eleven (11) applications were received and opened, all of which were local vendors; and

WHEREAS, the applicants have passed all financial, business and insurance requirements, site equipment verification and background checks as required,

WHEREAS, the Non-Exclusive Non-Consensual Franchise Towing Services Agreement contains the terms and conditions under which the franchise agreements may be granted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the terms and conditions of the Non-Exclusive Non-Consensual Franchise Towing Services Agreement, **attached** hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDREN, City Attorney

MODESTO
CALIFORNIA

CITY OF MODESTO

REQUEST FOR APPLICATIONS (RFA) NO. 1617-37
FOR

CITY GENERATED NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES

APPLICATION RESPONSE DUE:

Date June 20, 2017 -Before 11:00 a.m.

APPLICATION DEPOSIT FEE: $500.00

CITY CONTACT: Cindy Medley, Buyer
PHONE: 209-571-5164
E-MAIL ADDRESS: cmedley@modestogov.com

REQUEST FOR APPLICATIONS NO. 1617-37

For

CITY GENERATED NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES

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- Exhibit A Sample

Non-Exclusive, Non-Consensual Tow Service Franchise Agreement 22-43

NOTICE FOR APPLICATIONS

NOTICE IS HEREBY GIVEN that the City of Modesto, County of Stanislaus, State of California is accepting applications for City generated non-exclusive non-consensual franchise towing services for vehicle towing, impound services, street sweeps, and vehicle storage as directed by the Modesto Police Department. To be eligible for a non-exclusive franchise, applicants must: Submit a completed application packet, meet any and all requirements identified in the request for application, agree to comply with the terms and conditions of the non-exclusive non-consensual towing services franchise agreement and meet any other terms and conditions imposed by the City of Modesto for the granting of a non-exclusive franchise.

All Costs associated with the preparation of an application shall be borne by the Applicant.

Applications must be submitted on the application form prescribed by the City of Modesto. An application form is included with the Request for Application or may be downloaded from the City's website at: http://www.modestogov.com/257/contracting-bidopportunities under Bid Opportunities.

Each application packet shall be sealed and filed with the City Clerk's Office, 1010 Tenth Street, Suite 6600, Modesto, CA 95354 no later than Tuesday, June 20, 2017 at 11:00 A.M.at which time application packets will be opened and announced. Application packets will be received only at the City Clerk's Office address shown above, and prior to the date and time indicated. Any application packet received at or after said date and time or at a place other than the stated address shall not be considered and will be returned to the applicant unopened.

All application packets will be on file for review, following the City Managers recommendation for granting of a non-exclusive non-consensual towing services franchise to Modesto City Council, at the City Clerks Office, 1010 Tenth St., Suite 6600, Modesto Ca. 95354 and at the Modesto Police Department Office-Tow Administrator, 600 Tenth St., Modesto Ca. 95354

All application packets, whether delivered by the applicant or agent of the applicant, U.S. Postal Service, courier or package delivery service must be received and time stamped by the date and time stated, at the stated address. The City Clerk's time stamp shall be considered the official timepiece for the purpose of establishing the actual date and time of receipt of the application packet. The City of Modesto assumes no responsibility for delay in the delivery of the application packet. It is solely the applicants responsibility to ensure that the application packet has been delivered to the proper location prior to the date and time indicated on this notice for application. On the outside of the application packet envelope, the applicant shall indicate the following:

NAME AND ADDRESS OF APPLICANT
REQUEST FOR APPLICATION NO.1617-37
NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES
APPLICATION OPENING TIME AND DATE: JUNE 20, 2017 AT 11:00AM

UNITED STATES POSTAL SERVICE
MAIL TO: CITY CLERK
CITY OF MODESTO
P.O. BOX 642
MODESTO, CA 95353

COURIER SERVICE/ HAND DELIVERY
TO: CITY CLERK
CITY OF MODESTO
1010 TENTH ST., SUITE 6600
MODESTO, CA 95354

The City reserves the right to reject any or all applications or to waive any informalities or minor irregularities in any application.

CITY CONTACTS

All questions regarding the application process shall be submitted in writing to: Cindy Medley at cmedley@modestogov.com

Questions regarding the application process shall be submitted to the Purchasing Division. Attempts by the applicant to contact other City representatives may result in disqualification of the applicant from the application process. Application process related questions should be directed to Cindy Medley, Buyer, in writing before 5:00 p.m. on May 30, 2017. Questions can be emailed to cmedley@modestogov.com

CALENDAR OF EVENTS

Event	Date
Request For Applications Issued	May 22, 2017
Written Questions Due	May 30, 2017
Addendum Issued (If applicable)	June 6, 2017
Applications Due	June 20, 2017
To Council for Referral to City Manager	July 11, 2017
To Council for Award	August 22, 017

NOTE: EXCEPT WHERE OTHERWISE STATED, ALL DATES ARE APPROXIMATES

NOTE: It is the responsibility of each applicant to be familiar with all terms, conditions and specifications of this RFA. The applicant agrees to and acknowledges all RFA specifications, terms, and conditions and indicates the ability to perform by submission of an application packet. By the submission of an application packet, the applicant certifies that if awarded a non-exclusive non-consensual towing service franchise, applicant will make no claim against the City based upon ignorance or misunderstanding of the terms, conditions or specifications.

REQUEST FOR APPLICATION (RFA) NO. 1617-37
For
CITY GENERATED NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES

SECTION 1

1.1 BACKGROUND

The main goal of the program is to provide safe, responsible and reliable towing of vehicles on behalf of the City of Modesto. In addition, California Vehicle Code (CVC) 12110 authorizes a fee in connection with the award of a franchise for towing vehicles on behalf of the CITY. However, the fee may not exceed the amount necessary to reimburse the CITY for its actual and reasonable costs incurred in connection with the towing program.

1.2 SCOPE OF WORK

The City of Modesto is accepting applications for City generated non-exclusive non-consensual towing services on behalf of the Modesto Police Department. Non-consensual towing services include but are not limited to:

1) Vehicles impounded by The City of Modesto for investigation, as evidence in a criminal case, asset forfeiture or vehicle forfeiture;

2) Vehicles involved in collisions, stalled vehicles, illegally parked vehicles, vehicles whose driver is incapacitated or physically unable to drive or has been arrested or detained;

3) Vehicles towed under any authority section of the California Vehicle Code or Modesto Municipal Code including but not limited to, 30 day impounds, abandoned vehicles, inoperative vehicles or abated vehicles from any street, alley, highway, or any other private or public property in the City of Modesto;

4) Any other towed vehicle or vessel as may be ordered by any police officer, police employee, or any other employee or agent of the City of Modesto who is properly authorized to order such removal.

1.3 ELIGIBILITY REQUIREMENTS

To be eligible for a non-exclusive non-consensual towing services franchise applicants must:

1) Submit a completed application packet.

2) Meet any and all requirements identified in this request for application.

3) Agree to comply with the terms and conditions of the non-exclusive non-consensual towing services franchise agreement.

4) Meet any other terms and conditions imposed by the City of Modesto for the granting of a non-exclusive, non- consensual tow franchise.

All Costs associated with the preparation of an application packet shall be borne by the Applicant.

Applications must be submitted on the application form prescribed by the City of Modesto. An application form has been included with this Request for Application in Section 4, or may be downloaded from the City's purchasing website at: http://www.modestogov.com/257/contracting-bidopportunities Bid Opportunities.

Each application packet shall be sealed and filed with the City Clerk's Office, 1010 Tenth Street, Suite 6600, Modesto, CA 95354 prior to 11:00a.m. on June 20, 2017 , at which time the applications will be opened and announced.

All application packets will be on file for review, following the City Managers recommendation for granting of a non-exclusive non-consensual towing services franchise agreement to the Modesto City Council, at the City Clerks Office, 1010 Tenth St., Suite 6600, Modesto Ca. 95354 and at the Modesto Police Department Office-Tow Administrator, 600 Tenth St., Modesto Ca. 95354

Applications will be received only at the City Clerk's Office address shown above, and prior to the date and time indicated. Any application received at or after said date and time or at a place other than the stated address shall not be considered and will be returned to the applicant unopened.

SECTION 2

2.1 APPLICATION PACKET AND APPLICATION PROCESS:

The submission of an application is a two (2)-phase process. Each application packet shall consist of two (2) parts.

2.1.1 Application Packet

Each application packet shall consist of the following two (2) parts.

Part 1: The required Business and Insurance documents as defined in Section 3 of this Request for Application shall be placed in a sealed envelope. The outside of the envelope shall be marked "Business/Insurance Documents, Part 1" Failure to provide all documents as required in Section 3 will result in the rejection of the application and the application will be returned to the applicant with no further consideration.

Part 2: The completed Franchise Application, all required documents listed in section 4 and the **Franchise application deposit of $500 (MMC 11-2.03),** shall be placed in a sealed envelope marked "Franchise Application, Part 2". Incomplete applications and/or failure to submit all required documents listed in Section 4 will result in the rejection of the application and the application will be returned to the applicant with no further consideration.

A complete application packet shall consist of the Business/Insurance requirements envelope, Part 1, and the Franchise Application envelope, Part 2. Both application parts shall be placed in an envelope with the following information on the outside of the envelope:

> NAME AND ADDRESS OF APPLICANT
> REQUEST FOR APPLICATION NO. 1617-37
> NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES
> APPLICATION OPENING TIME AND DATE: JUNE 20, 2017 at 11:00 a.m.

The complete application packet shall be submitted at the place, date and time specified in the Notice for Applications.

2.1.2 Application Process

The application process consists of two phases.

Phase 1: The Finance Director and the Risk Manager will open and review the Business/ Insurance Documents, Part 1 envelope. The envelope marked "Franchise Application, Part 2" will remain sealed until it has been demonstrated that the Business /Insurance requirements have been met. If the documents submitted by the applicant do not satisfy all the requirements as detailed in Section 3, the entire Application Packet will be rejected and returned to the applicant and receive no further consideration. Applicants meeting all Financial/Business and Insurance requirements will proceed to phase 2 of the application process.

Phase 2: The Police Department will open and review all documents and statements in the Franchise Application, Part 2 envelope. If the submitted Franchise Application does not satisfy all the requirements as

detailed in Section 4, the entire Application packet will be rejected and returned to the applicant and receive no further consideration.

Applicants satisfying all requirements in both Phase 1 and Phase 2 shall be presented to the Modesto City Council for referral to the City Manager for his recommendation and report.

2.2 REQUIRED DOCUMENTS:

Applicants shall submit one (1) "inked" (preferably blue inked) signed original application packet, plus four (4) copies of a signed original application packet. **Original application packets are to be clearly marked, "Original".** Photocopies do not constitute an original application packet.

A complete application packet shall consist of the Business/Insurance requirements envelope, Part 1, and the Franchise Application envelope, Part 2. Both application parts shall be placed in an envelope.

FAILURE TO FURNISH ONE (1) "INKED" SIGNED ORIGINAL APPLICATION PACKET WILL RESULT IN DISQUALIFICATION.

It is the responsibility of the Applicant to identify information in their application responses that they consider to be confidential under the California Public Records Act. To the extent that the City agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

All costs associated with the preparation of this application packet shall be borne by the Applicant.

2.3 REJECTION OF IRREGULAR APPLICATIONS:

Application packets shall be rejected if they show alterations of form, additions not called for, conditional applications, incomplete application packets, erasures or irregularities of any kind.
All required documents as stated in this Request for Application must be submitted at the time of application. Failure to submit all required documents will result in the rejection of your application packet and your application packet will be eliminated from the application/award process.

Any of the following may be considered cause to disqualify an applicant without further consideration:

A. Any attempt to improperly influence any staff person reviewing the applications;

B. Any applicant having a governmental agency-generated towing services agreement cancelled or terminated within the past 5 years.

2.4 NON-DISCRIMINATION:

a. During the performance of this non- exclusive franchise, Franchisee shall not unlawfully discriminate against any employee or applicant for employment because of race, color, ancestry, religion, sex, national origin, marital status, age, medical condition (cancer related), physical handicap (including AIDS), or sexual orientation. Equal employment opportunity extends, but is not limited to recruitment, compensation, benefits, layoff, termination, and all other conditions of employment. Franchisee shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractor/Franchisee and

subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated hereunder (California Administrative Code, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12900, set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code are incorporated into this Request for Application and non-exclusive non- consensual towing services franchise agreement by reference and made a part thereof as if set forth in full.

b. Franchisee shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

c. Franchisee shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the franchise.

d. Franchisee shall permit access by representatives of the Department of Fair Employment and Housing and the City upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours notice, to such of its books, records, accounts, other sources of information and its facilities as said Department or City shall require to ascertain compliance with this clause.

NON-DISCRIMINATION OF THE HANDICAPPED:

Policy Statement

In compliance with Section 51.55, Office of Revenue Sharing, Department of the Treasury, it is the policy of the City of Modesto that it will not aid or perpetuate discrimination against a qualified handicapped individual by funding an agency, organization, or person that discriminates on the basis of handicap in providing an aid, benefit, or service to beneficiaries of the program or activity.

CERTIFICATION OF BIDDER REGARDING NON-DISCRIMINATION OF THE HANDICAPPED

By executing a non-exclusive non-consensual towing services franchise agreement, the applicant hereby certifies that he/she is in compliance with the Americans with Disabilities Act of 1990, the applicable administrative requirements promulgated in response thereto, and any other applicable Federal laws and regulations relating to handicap discrimination and participation, and will continue to do so for at least the duration of the agreement and any extensions thereof.

2.5 DRUG FREE WORKPLACE:

Applicant certifies that he/she is in compliance with Sections 8350 - 8355 of Chapter 5.5 of the Government Code, Drug Free Workplace Act. Every person or organization awarded a contract/purchase order or grant for the procurement of any property or service from any state agency (city) shall certify to the contracting or granting agency that it will provide a drug free workplace.

2.6 CONSEQUENCE OF SUBMISSION OF APPLICATION

The City shall not be obligated to respond to any application packet submitted nor be legally bound in any manner by the submission of an application packet.

Acceptance by the City of an application packet obligates the applicant to enter into a non-exclusive non-consensual towing services franchise agreement with the City.

Statistical information contained in these documents is for informational purpose only. The City shall not be responsible for the accuracy of said data. City reserves the right to increase or decrease the project scope.

2.7 AWARD

The CITY intends to award a non-exclusive non-consensual towing services franchise to all applicants who meet all CITY requirements outlined below.

A. Business, and Insurance requirements as defined in Section 3 of this Request for Application as determined by the City of Modesto Finance and Risk Management Departments.

B. Complete Franchise application with all required documentation and application deposit as determined by the Modesto Police Department.

C. Verification of applicant's statements and documentation, including but not limited to; Public restrooms in compliance with all applicable federal, state and local laws and ordinances, public phone, storage and fleet as determined by the Modesto Police Department.

D. In the event a material change is made to the agreement, applicant will be given written notice of the material change, and the ability to withdraw from the application process, without penalty, within ten (10) calendar days of the noticed material change.

SECTION 3

3.1 BUSINESS / INSURANCE REQUIREMENTS

All information, documentation, deposits and attachments required in this section must be provided by the applicant and submitted as part of the Business/Insurance requirements, Part 1 envelope. Failure to include all Business/Insurance information, documentation, deposits and attachments will be cause for rejection of your application packet and your application packet will be eliminated from the application/award process.

3.1.1 Business Experience Requirement

Applicants shall have a minimum of three (3) verifiable years for hire towing experience, as an owner or principal in the State of California immediately preceding the date of application packet submission. Applicant shall provide and submit as part of the Financial/Business/Insurance requirements part 1 envelope, a copy of the business license/s that was/were filed during the three (3) years with the jurisdiction in which they were/are licensed to operate if they were/are a partnership or sole proprietorship form of ownership, or for a corporate entity, a copy of the applicant's annual filing with the secretary of state that shows the listing of officers must be provided in addition to a copy of the business license/s that was/were filed during the two (3) years with the jurisdiction in which they were/are licensed to operate.

3.1.2 Insurance Requirements

The applicant shall provide and submit as part of the Financial/Business/Insurance requirements part 1 envelope, evidence (Acord Certificate) of valid insurance to the CITY in the coverage limits listed below. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the Risk Manager of the CITY by registered mail, return receipt requested, for all of the following stated insurance policies.

A. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000,000.

B. General Liability - insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury, property damage and personal injury. This insurance shall indicate on the certificate of insurance the following coverage's and indicate the policy aggregate limit applying to: premises and operations; broad form contractual; independent consultants and subcontractors; products and completed operations; and professional liability.

C. Commercial Business Automobile Liability- Bodily injury and property damage with a combined single limit of not less than One Million Dollars ($1,000,000) shall be maintained. These minimum standards are to include scheduled, non-owned, and hired auto coverage.

D. Uninsured Motorist- Legal minimum combined single limit.

E. On-Hook Coverage- Insuring the vehicle in tow with limits based on the size of the tow truck.

1. Class-A tow truck- One Hundred Thousand Dollars ($100,000)
2. Class B tow truck- One Hundred Fifty Thousand Dollars ($150,000)
3. Class C tow truck- Two Hundred Thousand Dollars ($200,000)

F. Garage Liability- Includes premises and operations. Coverage for bodily injury and property damage with a combined single limit of not less than One Million Dollars ($1,000,000).

G. Garage Keepers Liability - Shall be the same minimum as on hook coverage for vehicles in the care, custody, and control of the FRANCHISEE in the storage yard.

If at any time any of said policies shall be unsatisfactory to the CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to the CITY, the FRANCHISEE shall promptly obtain a new policy, submit the same to Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the FRANCHISEE to furnish, deliver or maintain such insurance and certificates as above provided, this FRANCHISE, at the election of the CITY, may be forthwith declared suspended or terminated. Failure of the FRANCHISEE to obtain and/or maintain any required insurance shall not relieve the FRANCHISEE from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the FRANCHISEE concerning indemnification. The CITY, it agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed by FRANCHISEE for the CITY. The FRANCHISEE'S insurance policy(ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the Risk Manager.

For any claims related to this project, the FRANCHISEE'S insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the Franchisee's insurance and shall not contribute with it.

FRANCHISEE shall either require any subcontractor to procure and to maintain during the term of the subcontract all insurance in the amounts specified above, or shall insure the activities of subcontractors in the policy specified above. The limits of liability required may vary, depending on the type of permit or contract.

Proof of insurance shall be in the form of a certificate of insurance and separate endorsements naming the City as an additional insured for all insurances except Workers' Compensation. Policy expiration or cancellation will immediately nullify the agreement. FRANCHISEE'S insurance policy should provide for a thirty (30) day advance notice to City in the event the insurance policy will expire of be cancelled. FRANCHISEE shall also immediately notify the Tow Administrator in the event the insurance policy has expired or is canceled. Failure to maintain insurance or to notify the City and Tow Administrator of insurance lapses shall constitute a material breach of contract and City shall have the right to suspend and/or terminate the contract or agreement as determined by the Chief of Police or his designee.

The ultimate responsibility of any damage to a vehicle or property or the loss of a vehicle or any property contained in the vehicle while the vehicle and/or property are in the FRANCHISEE'S care and custody rests with the FRANCHISEE. The FRANCHISEE shall reimburse the vehicle or property owner for any

loss or damage which has been identified in a Modesto Police Department Motor Vehicle Report or other official document and is not covered by FRANCHISEE'S insurance.

Deductibles and Self-Insured Retention

Any deductibles or self-insured retention must be declared to and approved by the City of Modesto Risk Manager.

3.2 SAMPLE AGREEMENT

In the event a material change is made to the agreement, applicant will be given written notice of the material change, and the ability to withdraw from the application process, without penalty, within ten (10) calendar days of the noticed material change.

Section 4

NON-EXCLUSIVE, NON-CONSENSUAL FRANCHISE TOW SERVICES VERIFIED APPLICATION

All information, documentation and attachments in this section must be provided by the applicant and submitted in the Franchise Application, Part 2 envelope. Statements must be complete and accurate in the form requested and included in the envelope identified as Franchise Application, Part 2. Omission, inaccuracy, or misstatement will be cause for rejection and the application will not be considered any further in the application/award process.

A. APPLICANT (Business Name): (as it is to appear on the contract if awarded)

_____

B. BUSINESS LOCATION/ADDRESS: (Location where applicant will conduct business)

_____

MAILING ADDRESS (if different from above)

_____

C. BUSINESS PHONE NUMBER: _____ Fax: _____

Email: (if none, write 'none'): _____

D. BUSINESS OWNERSHIP/PRINCIPALS:

Name: _____ Phone: _____

Address: _____

Name: _____ Phone: _____

Address: _____

Name: _____ Phone: _____

Address: _____

E. ALL APPLICANTS MUST HAVE THE FOLLOWING PERMITS AND LICENSING:

(1) Motor Carrier Permit: You must attach a copy of your company's current/valid Department of Motor Vehicles Motor Carrier Permit to this application. Failure to do so will result in the rejection of your application and your application will be eliminated from the application/award process.

(2) Pull Notice Program Enrollment: You must attach a copy of your current/valid Pull Notice Contract with the Department of Motor Vehicles. Failure to do so will result in the rejection of your application and your application will be eliminated from the application/award process.

(3) City of Modesto Business License: You must attach a copy of your company's current/valid City of Modesto Business License to this application. Failure to do so will result in the rejection of your application and your application will be eliminated from the application/award process.

(4) Other Business Licenses: If your primary business or any storage facility for your business is located outside the City of Modesto, you must attach a copy of the current/valid business license for that jurisdiction to this application. Failure to do so will result in the rejection of your application and your application will be eliminated from the application/award process.

F. FLEET:

At a minimum, applicant must own or lease and possess at the time of application, and at all times thereafter, two (2) fully operational Tow Trucks with a Gross Vehicle Weight Rating (GVWR) of at least 14,000 pounds, a minimum of one (1) truck shall be capable of towing all vehicles with a (GVWR) up to and including 10,000 pounds. All trucks must be currently registered with the California Department of Motor Vehicles. Failure to meet these requirements will result in the rejection of your application and your application will be eliminated from the application/award process.

1. How many tow trucks do you own or lease: _____

2. You must attach and submit with this application a copy of all current valid vehicle registrations and a photograph of all tow-trucks that will be used for the purposes of towing under the Non-Exclusive Non-Consensual Tow Service Franchise Agreement. Failure to do so will result in the rejection of your application and your application will be eliminated from the application/award process.

3. Modesto Police Department will physically verify possession, registration and operational status of all tow trucks listed in your application. Failure to possess a minimum of two (2) currently registered, fully operational tow trucks with a GVWR of at least 14,000 pounds, including one (1) truck capable of towing all vehicles with a GVWR up to and including 10,000 pounds will result in the rejection of your application and your application will be eliminated from the application /award process.

G. FACILITIES

The Applicant must maintain an office facility with a primary storage yard and interior storage facility within two (2) miles of the city limits of Modesto. Secondary storage locations may be used; secondary storage lots must be within two (2) miles of the City limits of Modesto. Failure to meet these requirements at time of application will result in the rejection of your application and your application will be eliminated from the application/award process.

Outdoor storage lots shall be fenced with a solid wall or chain link fence at least six (6) feet in height for maximum security and lighted during hours of darkness. Fencing shall be in accordance with all applicable building and zoning codes. The lot must have an improved surface (e.g., gravel, concrete, paved). The storage facility shall have interior storage used exclusively for the storage of impounded/stored vehicles.

Failure to meet these requirements at time of application will result in the rejection or your application and your application will be eliminated from the application/award process.

Applicant's facilities must be neat and clean in appearance. You must attach and submit two (2) photographs of the interior lobby/public access area of your facility and two (2) photographs of your storage area to this application. Failure to do so will result in the rejection of your application and your application will be eliminated from the application/award process.

Applicants' facility must have a working public restroom in compliance with all applicable federal, state and local laws and regulations and a working telephone accessible to customers. You must attach two (2) photographs of the public restroom and telephone to this application. Failure to do so will result in the rejection of your application and your application will be eliminated from the application/award process.

(1) What is the approximate total square footage of your exterior vehicle storage area (including secondary storage facility if applicable): _____ _____square feet.

(a) Do you have more than one vehicle storage facility? _____

(b) If yes, what is the address/location of your secondary storage facility:

_____

(2) Do you have an accessible public restroom in compliance with all federal, state and local laws and regulations, and a telephone accessible to the public? _____

Modesto Police Department will physically inspect the applicant's facilities for compliance with the requirements for storage, restrooms and a working telephone. Failure to meet any of the requirements as defined in this application will result in the rejection of your application and your application will be eliminated from the application /award process.

H. FRANCHISE APPLICATION DEPOSIT-(MMC11-20.3)

This application for a franchise shall be accompanied by a cash deposit of five hundred dollars ($500.00) or by a certified check for said amount, payable to the City, as a fund out of which to pay all expenses connected with the application.

The deposit of the applicant shall be retained until the acceptance of the franchise and the filing of any bond or other security required, or until the Council determines not to grant the franchise. Whereupon the remainder, if any, of the amount deposited shall be returned after the payment there from of all expenses incurred by the City in connection with the advertising, engineering, clerical work and awarding of such franchise.

In the event that the amount of the deposit is insufficient to pay the expenses incurred by the City in connection with the advertising, engineering, clerical work and processing of such franchise, the applicant shall be held liable for such costs as are in excess of the amount deposited.

I. APPLICANT BACKGROUND

Applicant understands and agrees that a background investigation shall be conducted on all applicants. A release and waiver is included with this application and shall be signed by the applicant and returned as part of this application. Failure to sign and return the Release and Waiver will result in the rejection of your application packet and your application packet will be eliminated from the application/award process.

In addition, any of the following will result in the rejection of your application packet and your application packet will be eliminated from the application/award process.

Any applicant under the age of eighteen (18) years;

Any applicant who is currently required to register pursuant to Section 290 of the California Penal Code;

Any applicant who has been convicted of a crime involving any misdemeanor or felony driving offense, any crime involving stolen or embezzled vehicles, fraud, stolen or embezzled property, crimes of violence, possession and/or sales of drugs or crimes of moral turpitude, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whatever is later;

Any applicant who has been convicted of driving a vehicle recklessly within the two (2) years immediately preceding application;

Any applicant who has been convicted of driving a vehicle while under the influence of intoxicating liquors or drugs within the five (5) years immediately preceding application.

Any applicant not possessing a valid driver's license, issued by the State of California;

Do you have a valid drivers license issued by the California Department of Motor Vehicles?_____. CDL #_____

J. APPLICANT'S REPRESENTATION

Applicant understands, agrees, and warrants the following:

(1) Applicant has carefully read and fully understands the information that was provided by the City to serve as a basis for submission of this application to provide City-generated non-exclusive non-consensual franchise towing services on behalf of the City of Modesto.

(2) All statements, answers, and representations made in this questionnaire and in the Application are true and accurate, including all supplementary statements attached hereto.

(3) Applicant did not receive unauthorized information from the City during the application period except as provided for in the Request for Application document package and addenda thereto.

(4) By submission of this Application, Applicant acknowledges that City has the right to make any inquiry it deems appropriate to substantiate the information supplied by Applicant, and Applicant hereby grants the City

permission to make such inquiries and further agrees to provide any and all documentation requested in furtherance of such inquiry in a timely manner.

(5) Applicant understands and acknowledges any required information not attached to the application packet, including omissions of information will result in the rejection of the application packet and the application packet will be eliminated from the application/award process.

(6) Applicant acknowledges receipt of the non-exclusive non-consensual towing services franchise agreement included with this application and agrees to the terms of the contract in the event that a non-exclusive non-consensual towing services franchise is awarded to the applicant. In the event a material change is made to the agreement, applicant will be given written notice of the material change, and the ability to withdraw from the application process, without penalty, within ten (10) calendar days of the noticed material change.

(7) Application must be signed by owner or officer having authority to negotiate on behalf of the Applicant.

Questions regarding the application requirements should be directed to:
Purchasing Division, Cindy Medley, Buyer, (209)-571-1564

K. PURPOSE

The purpose of a non-exclusive non-consensual towing services franchise agreement is to provide for City generated non-exclusive non-consensual towing services on behalf of the Modesto Police Department. Non-consensual towing services include, but are not limited to:

1) Vehicles impounded by The City of Modesto for investigation, as evidence in a criminal case, asset forfeiture or vehicle forfeiture;

2) Vehicles involved in collisions, stalled vehicles, illegally parked vehicles, vehicles whose driver is incapacitated or physically unable to drive or has been arrested or detained;

3) Vehicles towed under any authority section of the California Vehicle Code or Modesto Municipal Code including 30 day impounds, abandoned vehicles, inoperative vehicles or abated vehicles from any street, alley, highway, or any other private or public property in the City of Modesto;

4) Any other tow of a vehicle or vessel as may be ordered by any police officer, police employee, or any other employee or agent of the City of Modesto who is properly authorized to order such removal.

L. TERM

The initial term of the non-exclusive non-consensual towing services franchise agreement shall be three (3) years. The City reserves the right to extend the non-exclusive non-consensual towing services franchise agreement for two (2) additional, one-year extensions at the sole discretion of the City. Either party may terminate the franchise agreement by giving the other party thirty (30) days written notice.

M. FRANCHISE FEE

In the event the applicant is awarded a non-exclusive franchise, commencing with the start date and for the first year of the non-exclusive non-consensual towing services franchise agreement, the FRANCHISEE shall pay to the CITY a fee in the sum of $60.00 for each and every non-consensual tow. Commencing on the third year (i.e. the 731st day from the start date) the franchise fee will increase to $70.00 for each and every non-consensual tow.

FIRM	ADDRESS
PRINT NAME	SIGNATURE

CITY OF MODESTO NON-EXCLUSIVE NON-CONSENSUAL TOW FRANCHISE APPLICANT AUTHORIZATION TO RELEASE INFORMATION/HOLD HARMLESS

TO WHOM IT MAY CONCERN:

I_____, the owner and operator of _____, am an applicant for a Non-Exclusive Non-Consensual Tow Franchise with the City of Modesto. As part of the Non-Exclusive Non-Consensual Tow Franchise application process the Modesto Police Department is required to conduct a background investigation. I fully understand that personnel of the Modesto Police Department will conduct a reasonable investigation into my personal, driving, arrest and criminal investigation records.

I hereby direct you, your organization, its Custodian of Records, and/or persons in your employ to release any and all information which you may have concerning me, including information which may be of a confidential, privilege, and/or derogatory nature, including, but not limited to: driving, arrest, or criminal investigation records, administrative and/or local criminal history information (pursuant to Penal Code Section 13300[b][10]), and/or any other information that you possess.

I hereby exonerate, release and discharge you, your organization, the City of Modesto, the Modesto Police Department, its officers, agents, and assigns, from any and all liability, claims or damages, of every nature or kind, whether in law or in equity, now or in the future arising out of or for the furnishing of any information or documents, and/or records whatsoever requested by the bearer of this authorization form. This release shall be binding on my legal representatives, heirs and assigns.

I hereby waive my right, now and in the future, to examine, review, or otherwise discover the contents of this investigation and all documents and responses related thereto. I further exonerate, release, and discharge the City of Modesto, the Modesto Police Department and their officers, agents, or assigns for their refusal to make available any and all information and/or documentation contained in this background investigation, including but not limited to, the identity of any person or organization who may have supplied information in the course of this investigation, as well as the substance of such information supplied, even where such information has been the basis for my disqualification for a tow driver permit.

I have specifically and permanently waived any rights I may have to review and inspect any and all information developed in this investigation so your response will be completely confidential. You may retain this form for your files.

I further hereby knowingly, voluntarily, specifically and permanently waive all my legal rights and causes of action to the extent that this background investigation violates or infringes upon my legal rights and causes of action. I agree to hold harmless and release from any and all liability under any and all possible causes of legal action against the City of Modesto, the Modesto Police Department, and their officers, agents, employees and assigns for any statement, question, interview, act, or omission in the course of the investigation into my background, personal habits and reputation.

CERTIFICATION:

I CERTIFY THAT I HAVE HAD ADEQUATE TIME TO REVIEW THIS FORM, I UNDERSTAND IT'S MEANING AND PURPOSE AND HAVE BEEN FURNISHED A COPY OF IT. I MAY REVOKE THIS AUTHORIZATION AT ANY TIME BY DELIVERING, IN WRITING, SUCH REVOCATION TO YOU/YOUR ORGANIZATION.

NOTARIZATION OF APPLICANTS SIGNATURE REQUIRED.

A photocopy of this release is to be considered as valid as an original. This release is valid for 180 days from the date of signature.

Dated this _____day of _____, 20_____

In the County of _____
Within the State of California.

_____ _____

Applicant Signature Notary Public Signature

EXHIBIT A

NON-EXCLUSIVE NON-CONSENSUAL TOWING SERVICE FRANCHISE AGREEMENT

1. SCOPE OF WORK

FRANCHISEE shall furnish all labor, materials, and equipment necessary to provide non-exclusive non-consensual towing services as specified in the Notice for Application, Request for Application **#1617-37** Non-Exclusive Non-Consensual Franchise Towing Services Verified Application, and all documents requested in response thereto, all of which are incorporated herein by this reference, and this Agreement (which collectively shall constitute the Non-Exclusive Non-Consensual Towing Service Franchise Agreement and which is referred to herein as "this Agreement"). All non-consensual towing services shall be furnished and performed in strict compliance with the terms and conditions of this Agreement. Non-Consensual towing services include, but are not limited to;

A. Towing of all vehicles impounded by the City of Modesto (CITY) for investigation, as evidence in a criminal case, asset forfeiture, and vehicles towed pursuant to the California Vehicle Code ("CVC") including, but not limited to, CVC Section 14607.6.

B. Towing of vehicles involved in collisions, and/or stalled vehicles obstructing traffic, and/or vehicles illegally parked, and/or vehicles whose driver is incapacitated or physically unable to drive the vehicle, and/or vehicles whose driver has been arrested and/or detained and cannot drive the vehicle, and/or vehicles under the 30-day impound authority including, but not limited to, CVC Section 14602.6, and/or vehicles with five (5) or more outstanding parking citations;

C. Towing of all vehicles necessitating special procedures to ascertain vehicle identification numbers, VIN tows, in compliance with the requirements of the CVC;

D. Towing of any abandoned vehicle, inoperative vehicle, or abated vehicle, from any street, alley, highway, or any other private or public property in the CITY pursuant to the Modesto Municipal Code ("MMC") and CVC including, but not limited to, MMC Section 3-2.1006 and CVC Section 22669 respectively;

E. Towing any other vehicle or vessel as may be ordered by any police officer, police employee, or any other employee or agent of the CITY who is properly authorized to order such tow. This shall include, but is not limited to, any vehicle that is submerged, either wholly or in part. This shall also include, but is not limited to, the removal and storage of any abandoned vessel from city streets/property, whether or not said vessel is attached to a trailer;

F. Towing trailers, boats, motor homes, etc.

2. TERM OF AGREEMENT

The initial term of this Agreement shall be for three (3) years, commencing _____, 2017. The CITY reserves the right to extend this Agreement for two (2) additional, one-year terms, at the sole discretion of CITY. This Agreement is an "at will" agreement; either party may terminate this Agreement by giving the other party thirty (30) days written notice.

3. PAYMENT/FRANCHISE FEES PAYABLE TO CITY

A. FRANCHISEE agrees to pay to CITY a franchise fee in accordance with the terms of this Agreement.

B. Commencing with the start date and for the first two (2) years this Agreement, the FRANCHISEE shall pay CITY a franchise fee of $60.00 for each and every non-consensual tow, as defined in this Agreement, performed by FRANCHISEE on behalf of or at the request of CITY. **The $60.00 franchise fee will not apply to abandoned and stolen vehicles towed by the Modesto Police Department**

C. Commencing with the third year of this Agreement (i.e. the 731st day from the start date) the FRANCHISEE shall pay CITY a franchise fee of $ 70.00 for each and every non-consensual tow, as defined in this Agreement, performed by FRANCHISEE on behalf of or at the request of CITY.

D. All franchise fees owed to CITY for each and every non-consensual tow performed by the FRANCHISEE shall be due and payable on a monthly basis as set forth in the invoice detailing the franchise fees owed. CITY shall receive payment no later than thirty (30) days proceeding each month as illustrated in Paragraph 3(E). Payment shall be made in the form of a preprinted company bank check or cashier's check payable to the City of Modesto.

E. CITY/TFA shall mail an itemized bill/invoice of the franchise fees owed by FRANCHISEE to CITY on or before the 10th of each month, for the preceding month's non-consensual tows. Payment on the invoice is due to the CITY by the 1st day of the following month. (E.g. FRANCHISE fees for the month of January will be invoiced and mailed by February10th. Payment of the total amount invoiced shall be post marked or received by CITY no later than March 1st, everyday thereafter the invoice is delinquent.)

F. Payments shall not be made contingent on any payments due or payable to the FRANCHISEE by either CITY or the registered owner.

G. If any itemized bill/invoice is more than five (5) calendar days delinquent, the Chief of Police or his designee shall have the authority to immediately suspend the FRANCHISEE until payment of any and all billed/invoiced amounts are paid in full to CITY. Furthermore, if any itemized bill/invoice is more than sixty (60) calendar days delinquent, the Chief of Police or his designee shall have the authority to immediately terminate this Agreement.

4. INSURANCE

FRANCHISEE shall provide, at its own expense, and maintain at all times, the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to CITY as may be required by the City Clerk of CITY. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be sent by registered mail to the Risk Manager of CITY, 1010 10th St. Modesto, Ca. 95354, return receipt requested, for all of the following stated insurance policies.

A. Workers' Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of $1,000.000.

B. General Liability - insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury, property damage, and bodily injury. This insurance shall indicate on the certificate of insurance the following coverage's and indicate the policy aggregate limit applying to: premises and

operations; broad form contractual; independent consultants and subcontractors; products and completed operations; and/or professional liability.

C. Automobile Liability insurance with a minimum limit of liability per occurrence of $1,000,000 for bodily injury, property damage, and personal injury. This insurance shall cover any automobile for bodily injury and property damage.

D. Commercial Business Automobile Liability - Bodily injury and property damage with a combined single limit of not less than One Million Dollars ($1,000,000) shall be maintained. These minimum standards are to include scheduled, non-owned, and hired auto coverage.

E. Uninsured Motorist - Legal minimum combined single limit.

F. On-Hook Coverage - Insuring the vehicle in tow with limits based on the size of the tow truck.

Class A tow truck - One Hundred Thousand Dollars ($100,000)

Class B tow truck - One Hundred Fifty Thousand Dollars (150,000)

Class C tow truck - Two Hundred Thousand Dollars ($200,000)

G. Garage Liability - Includes premises and operations. Coverage for bodily injury and property damage with a combined single limit of not less than One Million Dollars ($1,000,000).

H. Garage Keepers Liability - Shall be the same minimum as on-hook coverage for vehicles in the care, custody and control of the FRANCHISEE in the storage yard.

i. If at any time any of said policies shall be unsatisfactory to the CITY, as to form or substance or if a company issuing such policy shall be unsatisfactory to the CITY, the FRANCHISEE shall promptly obtain a new policy, submit the same to the Risk Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the FRANCHISEE to furnish, deliver or maintain such insurance and certificates as above provided, this FRANCHISE, at the election of the CITY, may be forthwith declared suspended or terminated. Failure of the FRANCHISEE to obtain and/or maintain any required insurance shall not relieve the FRANCHISEE from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the FRANCHISEE concerning indemnification. The CITY, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the CITY, its agents, officers, employees, and volunteers for losses arising from work performed by FRANCHISEE for the CITY. The FRANCHISEE'S insurance policy (ies) shall include a provision that the coverage is primary as respects the CITY; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A: VII or with approval of the Risk Manager.

ii. For any claims related to the work performed pursuant to this Agreement the FRANCHISEE'S insurance coverage shall be primary insurance as respects the CITY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, or volunteers shall be in excess of the FRANCHISEE'S insurance and shall not contribute with it.

iii. FRANCHISEE shall either require any subcontractor to procure and to maintain during the term of the subcontract all insurance in the amounts specified above, or shall insure the activities of subcontractors in the policy specified above. The limits of liability required may vary, depending on the type of permit or contract.

iv. Proof of insurance shall be in the form of a certificate of insurance and separate endorsements naming the CITY as an additional insured for all insurances except Workers' Compensation. Policy expiration or cancellation will immediately nullify this Agreement. FRANCHISEE'S insurance policy shall provide for a thirty (30) day advance notice to CITY in the event the insurance policy will expire or be cancelled. FRANCHISEE shall also immediately notify the Tow Administrator in the event the insurance policy has expired or is cancelled. Failure to maintain insurance or to notify the CITY and Franchise Tow Administrator of insurance lapses shall constitute a material breach of this Agreement and CITY shall have the right to immediately suspend and/or terminate this Agreement as determined by the Chief of Police or his designee.

v. The ultimate responsibility for any damage to any vehicle or property or the loss of any vehicle or any property contained in the vehicle while the vehicle and/or property is in the FRANCHISEE'S care and/or custody rests with the FRANCHISEE. The FRANCHISEE shall reimburse the vehicle or property owner for any loss or damage which has been identified in a Modesto Police Department Motor Vehicle Report or other official document and is not covered by FRANCHISEE'S insurance.

vi. Any deductibles or self-insured retention must be declared to and approved by the City of Modesto Risk Manager.

5. HOLD HARMLESS AGREEMENT

FRANCHISEE shall hold CITY, its agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities and damages from every cause, including but not limited to, injury to person or property or wrongful death, with the indemnity to include reasonable attorney's fees, and all costs and expenses, arising directly or indirectly out of any act or omission of FRANCHISEE, whether or not the act or omission arises from the sole negligence or other liability of CITY, or its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

6. PROHIBITION OF GIFTS

A. FRANCHISEE shall be subject to CITY's prohibition against acceptance of any gift by a CITY officer or employee.

B. FRANCHISEE agrees not to offer any CITY officer or employee any gift. In addition to any other remedy(ies) CITY may have at law or equity, CITY may immediately terminate this Agreement for a violation of this Paragraph notwithstanding any provision of this Agreement to the contrary.

7. DRIVERS

A. FRANCHISEE shall, at a minimum, maintain the following information for each employee/driver providing services to CITY pursuant to this Agreement.

i. Full name

ii. Date of birth.

iii. Valid California Driver's License number and photocopy of said driver's license.

iv. Copy of Social Security Card

v. Job title-description.
vi. Current home address

vii. Current phone number.

viii. Copy of employment application.

ix. Medical certificate (if applicable)

B. It is the responsibility of FRANCHISEE to maintain a sufficient number of employees and/or properly licensed and permitted drivers to meet all the terms and conditions set forth in this Agreement. Any violation of CVC Section 12500 or 14601 through 14601.5, by a FRANCHISEE or FRANCHISEE'S employee/driver which is committed while in the process of providing towing service for the CITY under the terms of this Agreement, may be grounds for immediate suspension of this Agreement, notwithstanding any provisions of this Agreement to the contrary.

C. At the start of this Agreement, FRANCHISEE shall provide to the Tow Franchise Administrator a current list of its employees who will be providing services under the terms of this Agreement. Any drivers hired thereafter that will provide services to CITY pursuant to the terms of this Agreement and/or any change in the employment status of any driver including, but not limited to, suspension or dismissal from employment, shall be reported to the Franchise Tow Administrator within twenty-four (24) hours.

D. FRANCHISEE and all tow truck drivers providing services to CITY pursuant to the terms of this Agreement shall be enrolled in the Pull Notice Program with the Department of Motor Vehicles. FRANCHISEE shall enroll all newly hired tow truck drivers in the Pull Notice Program within fifteen (15) calendar days of hire.

E. All drivers providing services for the CITY under this Agreement shall be covered under the Workers Compensation Insurance Policy required under section 3(A) of this agreement.

8. TOW DRIVERS PERMIT / IDENTIFICATION BADGES

A. FRANCHISEE tow driver(s) who provide services under this Agreement shall apply for and obtain a Tow Driver Permit / Identification Badge annually from the Modesto Police Department.
A Tow Driver Permit fee will be charged for each permit applied for and shall be paid by the FRANCHISEE at the time of permit application. The fee, which may be amended from time to time, will be established by resolution of the Modesto City Council.

B. FRANCHISEE'S tow driver(s) shall wear a valid Modesto Police Department issued Tow Driver Identification Badge in plain view, at all times when responding to a CITY generated tow. If a tow truck driver responds to a scene without his authorized name badge, the tow truck driver will be

dismissed from the scene and the next Tow Operator in rotation will be called. Failure to obtain a Tow Driver Permit / Identification Badge shall, at a minimum, be deemed a failure to provide adequate

service. The purpose of these badges will be to identify those employees of the FRANCHISEE who have been fingerprinted by the City and have passed the record check by the Department of Justice.

C. A Tow Driver Permit application can be obtained from the Tow Franchise Administrator at the Modesto Police Department, 600 10th St., Modesto Ca. 95354. The Tow Driver Permit will be valid for one year from the date of issuance. It is the responsibility of the FRANCHISEE to ensure that all drivers maintain a valid Tow Driver Permit.

D. If a Tow Driver's Permit / Identification Badge is lost or stolen, the tow driver must contact the Tow Franchise Administrator for a replacement. The cost of the replacement will be $10.00 per card.

E. A Tow Driver Permit shall NOT be issued to any of the following persons:

i. Any person under the age of eighteen (18) years.

ii. Any person who is currently required to register pursuant to Section 290 of the California Penal Code;

iii. Any person who has been convicted of a crime involving any misdemeanor or felony driving offense, any crime involving stolen or embezzled vehicles, fraud related to the towing business, stolen or embezzled property, crimes of violence, possession and/or sales of drugs or crimes of moral turpitude, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;

iv. Any person not possessing a valid class specific driver's license issued by the State of California

v. Any person on current probation or parole.

F. The requirement to currently possess a Tow Driver Permit shall be waived for a period of sixty (60) calendar days following the start date of this Agreement, to provide the CITY sufficient time to process all Tow Driver Permit applications. FRANCHISEE shall ensure that all tow drivers who are to provide services under this agreement, and who do not possess a Tow Driver Permit at the start of this agreement apply for a Tow Driver Permit within ten (10) calendar days following the start date of this Agreement Failure to do so shall, at a minimum, be deemed a failure to provide adequate service.

G. All identification badges are the property of the City and will be returned by the FRANCHISEE to the City within forty-eight (48) hours of an employee's separation. FRANCHISEE will provide a current list of all drivers. Anytime there are any changes to this list, the City is to be notified by the next business day and provided with an updated and current list of drivers.

H. Any employee of the FRANCHISEE that has left employment with said FRANCHISEE and returned and been rehired must complete an additional background check before performing services pursuant to this Agreement.

I. Nothing herein shall prohibit the Chief of Police, or his designee from denying the issuance of, or imposing an immediate suspension and/or termination of, any Tow Driver Permit when the applicant's/permit holder's conduct, in the opinion of the Chief of Police, or his designee, is considered

to be a danger to the motoring public or who has engaged in conduct constituting a violation of this Agreement.

9. DEMEANOR AND CONDUCT

While providing towing services pursuant to this Agreement, the FRANCHISEE, its employee(s) and/or agents shall refrain from any of the following acts of misconduct:

A. Rude or discourteous treatment of the public or CITY employees.

B. Lack of service or refusal to provide service to the public or CITY employees.

C. Any act of sexual harassment or sexual impropriety.

D. Unsafe driving practices.

E. Exhibiting any objective symptoms of alcohol and/or drug intoxication. FRANCHISEE/tow truck driver shall submit to a Preliminary Alcohol Screening Test upon demand of a peace officer.

F. Appearing at the scene of a CITY-generated tow with the odor of an alcoholic beverage emitting from his/her breath or person. FRANCHISEE /tow truck driver shall submit to a Preliminary Alcohol Screening Test upon demand of a peace officer.

G. Appearing at the scene of a CITY-generated tow without being attired in the FRANCHISEE'S established uniform and Identification Badge. A description of which shall be provided to the Tow Franchise administrator in writing prior to the commencement of this Agreement. At a minimum, the name of the tow business and the name of the employee shall be displayed on the uniform shirt.

H. **However, nothing herein shall prohibit the Chief of Police, or his designee, from imposing an immediate suspension and/or termination on any FRANCHISEE and/or employee(s) whose conduct, in the opinion of the Chief of Police, or his designee, is considered to be a danger to the motoring public or who has engaged in conduct constituting a gross violation of this Agreement**.

I. All complaints received by the Modesto Police Department against the FRANCHISEE or its agent(s) or employee(s) will be accepted and investigated in a fair and impartial manner. At a minimum, any substantiated complaint will be deemed a failure to provide adequate service. Furthermore, as a result of the investigation, the Chief of Police or his designee may initiate such disciplinary action as he or she deems appropriate.

J. FRANCHISEE must notify CITY of all contracts with other cities or governmental agencies to provide tow services within California. Any FRANCHISEE that is under contract with any other city or agency and who is either suspended or terminated by that city or agency shall notify in writing the CITY/ Tow Franchise Administrator within twenty-four (24) hours of such suspension or termination; Failure to do so shall, at a minimum, be deemed a failure to provide adequate service.

10. FACILITIES

A. FRANCHISEE shall maintain an office facility with a primary storage yard and interior storage within two (2) miles of the Modesto City limit.

B. Hours of Operation:

i. The business office shall be open to the public, staffed and available for vehicle releases, storage, inquiries, telephone calls and all other business purposes during business hours. Business hours are defined as Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except the following observed holidays: New Year's Day, Martin Luther King Jr. Day, Presidents Day, Cesar Chavez Day, Memorial Day (observed), Independence Day, Labor Day, Veterans' Day (observed), Thanksgiving Day, Day after Thanksgiving and Christmas Day.

ii. In order to ensure that the vehicle owner or his/her agent may claim vehicles towed on behalf of the CITY at any time, on any day and to promptly release CITY towed vehicles, the FRANCHISEE must have an employee available after business hours, who can arrive at the primary office facility within thirty (30) minutes of a request by the CITY or a citizen. Vehicle owners or their agents who request entry to the storage facilities after business hours may be assessed an after-hour gate fee. CITY shall not be assessed an after-hour gate fee.

11. BUSINESS OFFICE

A. FRANCHISEE shall have an accessible public restroom that complies with all federal, state and local laws and regulations and FRANCHISEE shall have a telephone available for customers to use.

B. FRANCHISEE shall display the FRANCHISEE'S business name, address and telephone number at the primary business and secondary storage lot/facility location with a sign clearly visible day and night from the street.

C. Shall be neat and clean in appearance.

D. The following documents, printed in a minimum of 12-point type (unless otherwise stated or required by the California Vehicle Code) shall be posted by FRANCHISEE in the Primary business office in a conspicuous location clearly visible to the public

i. Name and address of FRANCHISEE'S insurance broker carrying the insurance required pursuant to this Agreement;

ii. A notice explaining the procedure by which unclaimed vehicles are sold at public auction stating that all in attendance at such auction shall have an equal opportunity to bid. Notice shall include the locations of such auctions and publications in which such auctions are advertised.

iii. "Vehicle Impound Rights and Obligations" informing the public of their rights pursuant to CVC Section 22852.

iv. A notice advising that complaints against FRANCHISEE related to CITY generated non-consensual tows can be made by contacting the Modesto Police Department, Tow Franchise Administrator, 600 10th St., Modesto Ca. 95354, (209) 572-9500. This notice shall be displayed in a conspicuous place clearly visible to the public in lettering not less than 1" in size.

v. Maximum Fee/Rate Schedule for CITY generated non-consensual tows. This notice shall be displayed in a conspicuous place clearly visible to the public in lettering not less than 1" in size.

E. The facility shall have a telephone, on site fax machine and the necessary computer equipment to properly run DTS software and to send and receive email.

F. If an operator's place of business is staffed with only one employee, the business office may be closed for one hour at lunch.

i. A sign shall be posted which reflects a lunch closure and phone number where a request by a vehicle's owner/agent shall result in an immediate response to release property and/or vehicle.

ii. Response to the office shall be within thirty (30) minutes.

12. STORAGE LOT

A. FRANCHISEE'S lot(s) must have an improved surface (e.g., gravel, concrete, paved) and the storage lot(s) shall be free of litter, debris and weeds.

B. The storage lot(s)/facilities must be adequately lit during hours of darkness.

C. The storage lot(s) must comply with all applicable local, state and federal rules, regulations and laws.

D. Stored vehicles shall be parked with a minimum of two (2) feet of clearance on each side and one (1) foot of clearance in the front and one foot of clearance in the rear.

E. The storage lot(s)/facility(ies) shall have interior storage used exclusively for the storage of impounded/stored vehicles.

F. Secondary storage locations may be utilized, however, neither customers nor CITY shall be charged any additional fees for vehicles stored at a secondary facilities. Secondary storage lots/facilities must be within two (2) miles of the Modesto City limit. In addition, all vehicles must be released to the registered owner or their agent at the primary business location. Both primary and secondary storage lots shall be enclosed by a solid wall or chain link fence at least six (6) feet in height for maximum security. Said wall or fence shall comply with all local, state and federal rules, ordinances, codes and regulations.

G. All towed vehicles shall be stored on private property only. At no time shall a towed vehicle be deposited, placed, left standing or stored on a public roadway or right of way.

H. A request for outside or inside storage on a CITY generated non-consensual tow by a customer shall be honored. If no request is made, the vehicle shall be stored in the least costly manner to the customer.

I. It is the responsibility of the FRANCHISEE to determine and maintain a sufficient amount of storage to meet all the terms and conditions of this Agreement.

13. TRUCKS

A. FRANCHISEE shall own or lease, and have in their possession a minimum of two (2) fully operational Tow Trucks, as defined in Section 615(a) of the California Vehicle Code, with a minimum GVWR of 14,000 pounds, a minimum of one (1) tow truck shall be capable of towing all vehicles with a (GVWR) up to and including 10,000 pounds. All tow trucks must be currently registered with the California Department of Motor Vehicles and must display a current Modesto Police Department inspection sticker.

B. Tow Truck Classifications and Equipment Specifications:

i. To properly and safely tow and service the wide variety of vehicles being operated on the highway, a towing procedure may require the use of auxiliary equipment specifically designed for the purpose. This auxiliary equipment shall be used when appropriate.

ii. Tow truck equipment and specifications listed are the minimum acceptable. Auxiliary equipment will be required in each class.

iii. Equipment Limitations: All towing equipment, recovery equipment, and carrier ratings are based on structural factors only. Actual towing, carrying, and recovery capacity may be limited by the capacity of the chassis and the optional equipment selected.

iv. Towing Limitations:

The criteria to use in determining the safe towing limits for a tow truck are:

a. The total weight of the tow truck, including the lifted load, must fall within the manufacturer's GVWR and not exceed either the Front or Rear Axle Weight Ratings (FAWR/RAWR).
b. The tow truck must meet all applicable local, state and federal standards, regulations and laws.
c. For proper steering and braking, the front axle load must be at least 50% of its normal or unladen weight after the load is lifted.

v. Identification Label

Each piece of towing equipment shall have a label or identification tag permanently affixed to the equipment in a prominent location to identify the manufacturer, serial number, model and rated capacity when applicable.

vi. Recovery Equipment Rating

The basic performance rating of the recovery equipment is the weight the equipment can lift in a winching mode when the boom is static at a 30-degree elevation with the load lines vertical and the lifting cables sharing the load equally, measured with a live load (weight or load cell).

a. The structural design of the recovery equipment must have a higher load capacity than the performance rating(s).
b. Winches shall conform to or exceed the specifications set forth by the Society of Automotive Engineers (SAE) Handbook, SAE J706.
c. All ratings for cable and chain assemblies are for the undamaged assembly condition. All cable and chain assemblies shall be the same type, construction, and rating as specified by the Original Equipment Manufacturer (OEM) for the equipment.

vii. Safety Chains:

Safety chains shall be rated at no less than the rating specified by the OEM.

viii. Control/Safety Labels:

All controls shall be clearly marked to indicate proper operation as well as any special warnings or cautions.

ix. Wire Rope (Cable):
Wire rope shall be maintained in good condition. Only wire rope with swaged ends with metal sleeves in the loops shall be approved for use on CITY generated tows. Wire rope is not in good condition when it is stranded, knotted, crushed, excessively rusty, kinked, badly worn, when there are two or more wires broken in lay length, or when there is other visible evidence of loss of strength.

x. Class A – Light Duty: For the purposes of this Agreement, a Class A tow truck is defined as a tow truck that has a manufacturer's GVWR of at least 14,000 pounds.

xi. Class B – Medium Duty: For the purposes of this Agreement, a Class B tow truck is defined as a tow truck with a GVWR of at least 26,001 pounds. The tow truck shall be equipped with air brakes and a tractor protection valve or device, and be capable of providing and maintaining continuous air to the towed vehicle.

xii. Class C- Heavy Duty: For the purposes of this Agreement, a Class C tow truck is defined as a tow truck with a GVWR of at least 48,000 pounds. The tow truck shall be equipped with air brake and a tractor protection valve or device, and be capable of providing and maintaining continuous air to the towed vehicle.

C. All tow trucks utilized by FRANCHISEE to provide CITY generated non-consensual tow services shall pass a California Highway Patrol (CHP) Level One inspection annually. FRANCHISEE shall notify the Tow Administrator of the date and time of their scheduled CHP inspection as soon as practicable, and no later than two (2) weeks prior to the scheduled inspection date.

D. An inspection sticker will be issued by the Modesto Police Department Franchise Tow Administrator for each tow truck once the tow truck has passed CHP inspection. FRANCHISEE shall place the Modesto Police Department inspection sticker on the exterior windshield, upper left hand corner. Failure to display a valid inspection sticker shall, at a minimum, be deemed a failure to provide adequate service and may at the discretion of the officer or agent on scene result in the tow being cancelled. Storage lots/facilities will also receive a bi-annual inspection by the Modesto Police Department at no additional cost to the FRANCHISEE.

E All tow trucks shall maintain a broom, shovel, reflective triangles, fire extinguisher and a covered container with a minimum of 5 gallons of absorbent at all times.

F. FRANCHISEE hereby allows the Modesto Police Department to inspect any and all storage lots/facilities, used to store CITY generated tows, business office(s), and all equipment owned by FRANCHISEE at any time and for any reason, with or without notice. FRANCHISEE shall not utilize a tow truck on a CITY generated tow that has not been inspected and issued a valid inspection sticker by the Modesto Police Department.

G. All tow trucks shall be clearly marked with the FRANCHISEE'S business name, address and telephone number on both sides of the vehicle FRANCHISEE shall not display any sign or engage in any advertisement indicating an official connection with the CITY or the Modesto Police Department; (e.g., "Official Modesto Police Tow," "Approved by MPD," etc.). This will not preclude the Chief of Police, or his designee, from implementing a system of marking and/or identifying particular tow trucks as having passed a Modesto Police Department inspection or as being certified as a FRANCHISEE for CITY generated tows.

H. Towed vehicles shall be loaded, secured and transported in compliance with this Agreement and all applicable local, state and federal rules, regulations and laws. Any violation of local, state or federal rules, regulations or laws, including, but not limited to a violation of the GVWR, safe loading requirements or a violation of the equipment requirements shall, at a minimum, be deemed a failure to provide adequate service.

I It is the responsibility of the FRANCHISEE to provide a sufficient number of tow trucks to meet all the terms and conditions of this Agreement. The number of tow trucks listed in this Agreement is a minimum. It is the FRANCHISEES responsibility to determine the number and type of tow trucks required to fulfill all the requirements of this Agreement.

14. DTS REQUIREMENTS

A. FRANCHISEE shall utilize the most recent, updated and upgraded DTS software program, to dispatch and track, via a web-based Internet connection. FRANCHISEE will be required to enter the towed vehicle information as instructed by the City. At no time will a vehicle be released, subject to lien, or junked from impound without all required data fields being entered into the DTS system by the FRANCHISEE. The FRANCHISEE shall clearly identify and enter into DTS the name of the person to whom the vehicle was actually released. All City tow requests shall be made utilizing this program.

B. Failure at any time to have the DTS program in full operation shall cause the immediate removal of the FRANCHISEE from the tow rotation and be grounds for immediate termination by the City. This does not include technical issues that occur from DTS software and/or internet provider.

C. FRANCHISEE must enter into a separate agreement, or license for the DTS software program with the owner of the proprietary software. The City shall not provide the DTS software program, any licensing or sub-licensing thereof or any intermediary services for the procurement by the FRANCHISEE of the DTS software program. This Agreement shall not be executed by the City until the FRANCHISEE has demonstrated to the City's satisfaction compliance with the requirements set forth herein. FRANCHISEE shall be liable for all fees, charges, prices, rates and service charges required from DTS.

D. DTS shall be utilized in "real time" and all entries should reflect as such. Invoices shall be used from DTS when releasing vehicles and be pursuant to section 22651.07 of the CVC. The only FRANCHISEE personnel authorized to utilize and access DTS are those that have fully complied with the provisions set forth in Section 8, "Tow Driver's Permit / Identification Badges" of this Agreement. If the FRANCHISEE is not in FULL compliance with the above stated requirement, the FRANCHISEE will be removed from the City towing rotation. Third party dispatch call center personnel shall be exempt from the completion of the background process to utilize the DTS program.

E. In the event that DTS fails to provide software services, or the City elects to utilize a new software provider, the FRANCHISEE will be required to use the replacement towing software system. If that occurs, all references to DTS in this Agreement shall instead be interpreted as references to the new software program.

15. TOWING AND STORAGE CHARGES

A. The following schedule reflects the maximum rates established for services or materials in connection with any vehicle towed pursuant to a CITY generated non-consensual tow which includes but is not limited to the following.

i. Towing of all vehicles impounded by the CITY for investigation, as evidence in a criminal case, asset forfeiture or vehicles towed under the CVC including, but not limited to, CVC Section 14607.6 (vehicle forfeiture);

ii. Towing of vehicles involved in accidents, and/or stalled vehicles obstructing traffic, and/or vehicles illegally parked, and/or vehicles whose driver is incapacitated or physically unable to drive the vehicle, and/or vehicles whose driver has been arrested and/or detained and cannot drive the vehicle, and/or vehicles under the 30-day impound authority including, but not limited to, CVC Section 14602.6, and/or vehicles with five (5) or more outstanding parking citations;

iii. Towing of all vehicles necessitating special procedures to ascertain vehicle identification numbers, VIN tows, in compliance with requirements of the CVC;

iv. Towing of any abandoned vehicle, inoperative vehicle, or abated vehicle, from any street, alley, highway, or any other private or public property in the CITY pursuant to the MMC and CVC including, but not limited, to MMC 3-2.1006 or CVC 22669 respectively;

v. Towing any other vehicle or vessel as may be ordered by any police officer, police employee, or any other employee or agent of the CITY who is properly authorized to order such tow. This shall include, but is not limited to, any vehicle that is submerged, either wholly or in part. This shall also include, but is to, the removal and storage of any abandoned vessel from city streets/property, whether or not said vessel is attached to a trailer.

vi. Towing trailers, boats, motor homes, etc.

B. **MAXIMUM CHARGES**

Time expended on a CITY generated tow shall be charged at a rate not to exceed the rates set forth hereinafter. There shall be no additional charge(s) for towing after 5 p.m., weekend tows, holiday tows, use of a dolly or any other equipment, mileage and labor, which includes, but is not limited to, crane charges, winching and recovery from areas not accessible to the tow truck. FRANCHISEE shall collect all towing and storage charges from the vehicle owner unless otherwise stated in this Agreement.

Tow Fees

Year 1

Class A tow (GVWR – 14,000 pounds)	$220.00
Class B tow (GVWR – 26,001 pounds)	$345.00
Class C tow (GVWR – 48,000 pounds)	$390.00
Recovered Stolen Vehicles tow	$160.00
Evidence Vehicle tow	$100.00 (any vehicle towed to MPD)

Year 2

Class A tow (GVWR – 14,000 pounds)	$225.00
Class B tow (GVWR – 26,001 pounds)	$350.00
Class C tow (GVWR – 48,000 pounds)	$400.00
Recovered Stolen Vehicles tow	$160.00
Evidence Vehicle tow	$105.00

Year 3

Class A tow (GVWR – 14,000 pounds)	$230.00
Class B tow (GVWR - 26,001 pounds)	$355.00
Class C tow (GVWR – 48,000 pounds)	$410.00
Recovered Stolen Vehicles tow	$160.00
Evidence Vehicle tow	$110.00

In the event that CITY exercises its right to extend the term of this Agreement pursuant to Paragraph 2, Term of Agreement, the maximum amount allowed for towing shall be:

Year 4

Class A tow (GVWR – 14,000 pounds)	$235.00
Class B tow (GVWR – 26,001 pounds)	$360.00
Class C tow (GVWR – 48,000 pounds)	$420.00
Recovered Stolen Vehicles tow	$165.00
Evidence Vehicle tow	$115.00

Year 5

Class A tow (GVWR – 14,000 pounds)	$240.00
Class B tow (GVWR – 26,001 pounds)	$365.00
Class C tow (GVWR – 48,000 pounds)	$430.00
Recovered Stolen Vehicles tow	$170.00
Evidence Vehicle tow	$120.00

Additional Charge for 2nd tow truck required for removal of a vehicle. $75.00 (Must have direct approval by MPD officer on scene and must be itemized on the invoice.)

Storage Fees:

Year 1

Outside Daily Storage Fee	$55.00
Inside Daily Storage Fee.....	$60.00
Class B/C Storage Fee.....	$65.00

Year 2

Outside Daily Storage Fee	$57.00
Inside Daily Storage Fee.....	$62.00
Class B/C Storage Fee.....	$67.00

Year 3

Outside Daily Storage Fee.....	$59.00
Inside Daily Storage Fee.....	$64.00
Class B/C Storage Fee.....	$69.00
After business hours gate fee.....	$100.00

In the event that the CITY exercises its right to extend the term of this Agreement pursuant to Paragraph 2, Term of Agreement, the maximum amount allowed for storage fees shall be:

Year 4

Outside Daily Storage Fee.....	$60.00
Inside Daily Storage Fee.....	$65.00
Class B/C Storage Fee.....	$70.00

Year 5

Outside Daily Storage Fee.....	$62.00
Inside Daily Storage Fee.....	$67.00
Class B/C Storage Fee.....	$72.00
After business hours gate fee.....	$100.00

City of Modesto Vehicle Release Fee:

Illegal Parker / Abandoned Vehicle	$120.00
Unlicensed Driver / Expired Registration	$160.00
Suspended / Revoked Driver / Arrested Driver	$250.00
DUI Driver	$450.00

The above rates represent the maximum a FRANCHISEE may charge on a CITY generated non-consensual tow. A FRANCHISEE is not precluded from charging less when deemed appropriate. No FRANCHISEE, or their employee or agent, shall refer to any rate as the minimum required or set by CITY.

C. Time expended in excess of sixty (60) minutes on-scene may be charged in one-minute increments at a rate of $90.00 per hour and shall be properly documented on the FRANCHISEE'S invoice. These additional-service fees may be charged only under the following conditions or circumstances:

i. When directed to "stand-by" by an authorized CITY employee or agent. "Stand-by" fees shall be billed to the Modesto Police Department on a separate invoice and shall include the name of the CITY employee or agent who authorized the charge and the Modesto Police Department case number.
ii. Necessary accident and/or recovery operations and when directed and approved by an authorized CITY employee or agent. This fee is the responsibility of the registered owner and shall be listed on the invoice with the name of the CITY employee or agent authorizing this charge

D. Lock out fees: When directed by an authorized CITY employee or agent to unlock a vehicle. Lock out fees may be charged at a rate of $55.00 per vehicle. Lock out fees shall be billed to the Modesto Police Department on a separate invoice and shall include the name of the CITY employee or agent who authorized the charge and the Modesto Police Department case number. (Ex. FRANCHISEE is called out to only unlock a vehicle so a search warrant can be executed.) Lock out fees cannot be charged in addition with towing fees. This type of call will count as the FRANCHISEE's rotation call.

E. The schedule of rates charged by FRANCHISEE shall be available in the tow truck, and shall be presented upon demand to the person(s) for whom the non-consensual tow services were provided or his/her agent at the scene.

F. Vehicles stored twenty-four (24) hours or less shall be charged for no more than one-day storage. Each day of storage thereafter shall be calculated by calendar day (Civil Code Section 3068.1).

G. If a request for a non-consensual tow is cancelled by the CITY or vehicle's owner/agent prior to the FRANCHISEE taking possession of the vehicle, there shall be no charge to the CITY or to the vehicle owner by the FRANCHISEE

H. FRANCHISEE may charge a fee for lien sale preparations in compliance with California Vehicle Code Section 22851.12. All lien preparations and/or sales performed by FRANCHISEE shall be done in strict compliance with all applicable laws. All forms shall be accurate and complete.

I. Notwithstanding any other provision of this Agreement to the contrary, any violations of sections 15(A) through 15(G) shall, at a minimum, be deemed a failure to provide adequate service and a material breach of this Agreement, and shall constitute grounds for up to immediate termination of this Agreement.

J. FRANCHISEE shall furnish a fully itemized billing to the vehicle owner or agent at the time of payment and/or upon request of the vehicle owner or agent. Failure to do so shall, at a minimum, be deemed a failure to provide adequate service.

K. FRANCHISEE shall accept a valid bank credit card or cash tendered by the registered owner, legal owner or the owner's agent claiming the vehicle for payment of towing and/or storage (CVC Section 22651.1). Appropriate credit card equipment shall be located at the primary business location and available for immediate processing from each tow truck. Failure to do so shall, at a minimum, be deemed a failure to provide adequate service

L. A record of all vehicles towed by FRANCHISEE under this Agreement shall be retained by the FRANCHISEE and shall be readily available for inspection and/or transcription or copying at the primary business location of the FRANCHISEE for a minimum of three (3) years. Failure to retain and provide complete and accurate records upon request of the CITY shall, at a minimum, be deemed a failure to provide adequate service. All records shall contain the following information

i. Date and time vehicle towed

ii. Modesto Police Department Case Number

iii. License Plate/Vehicle Identification Number

iv. Date and time of vehicle release

v. Year, Make and Model of Vehicle

vi. Copy of Modesto Police Dept. Vehicle Release (if applicable)

vii. Date Lien Filed (if applicable)

viii. Date Lien Sale (if applicable)

ix. All Lien Documents (if applicable)

x. All DMV paperwork (if applicable)

M. FRANCHISEE shall post the Modesto Police Department case number on the windshield of any and all vehicles towed and stored by CITY. Failure to do so shall at a minimum be deemed a failure to provide adequate service.

N. A trailer with a vessel as a load (e.g. boat, motorcycle, jet ski,) shall be considered one vehicle for the purposes of the maximum rate allowed for tow and storage.

16. **RELEASE OF VEHICLES**

An authorized Modesto Police Department employee will authorize the release of a vehicle through the DTS System. Once the DTS System authorizes the release of a stored or impounded vehicle, it is the FRANCHISEE's responsibility for the vehicle's release. The FRANCHISEE is hereby granted authority to release to the registered owner, legal owner, or authorized representative, pursuant to section 22850.3 of the CVC.

17. **RELEASE OF MULTI-DAY IMPOUNDS**

A vehicle impounded with a multiple day hold (ex: 30 day hold) may only be released prior to the impound period with written authorization by the City in the DTS System. The DTS System will automatically schedule the release date of an impounded vehicle.

18. **UNAUTHORIZED RELEASE**

Unauthorized release of an impounded vehicle, accidental or otherwise, not officially released by the City, and determined to be the fault of the FRANCHISEE, will result in the issuance of a violation as set forth in this Agreement.

19. **RESPONSE / RESPONSE TIMES**

A. FRANCHISEE shall respond to a dispatch order for a CITY generated tow and be on-scene within thirty (30) minutes of the time of dispatch by a Stanislaus Regional 911 dispatcher, a police officer, a community service officer, employee, agent, or other officer of the CITY who has been duly authorized to request tow services. The dispatcher shall record the time of dispatch into the incident history. The dispatcher's computer entry record shall be the official time piece for the time of dispatch. If the tow truck arrives on scene after the thirty (30) minute requirement, the dispatcher or the officer on scene shall log the time of arrival into the incident history. The officer's or dispatcher's computer entry record shall be the official time piece for the time of arrival of the tow truck.

Failure of the FRANCHISEE to respond to a call with necessary towing equipment (i.e. flat bed, conventional rig etc.) at the designated point of the tow within thirty (30) minutes may, at the discretion of the officer on scene result in the FRANCHISEE being cancelled. Three (3) failures by the FRANCHISEE to respond to a call at the designated point of tow within thirty (30) minutes in a calendar year, commencing April 13, 2014, shall result in a failure to provide adequate service

Exception: Tows requested off the Over Weight Vehicle List shall respond to a dispatch order and be on scene within forty-five (45) minutes of the time of dispatch by a Stanislaus Regional 911 dispatcher, a police officer, community service officer, employee, agent, or other officer of the CITY who has been duly authorized to request such tow services. Three (3) failures by the FRANCHISEE to respond to a tow request from the Over Weight Vehicle List and furnish a tow truck capable of towing the vehicle at the designated point of tow within forty five (45) minutes shall be deemed a **failure to provide adequate service.**

B. Any officer or CITY employee may at his/her discretion cancel a tow that in his/her opinion is unable to provide the necessary equipment to safely tow the vehicle.

C. FRANCHISEE shall maintain a phone line dedicated to Stanislaus Regional 911. Said phone line will be staffed twenty-four (24) hours a day, seven (7) days a week, including weekends and holidays. If the FRANCHISEE fails to answer the dedicated phone, they will be passed and fall to the bottom of the list. Three (3) failures by the FRANCHISEE to answer their designated phone line in a calendar year, commencing _____, 2017, shall result in a failure to provide adequate service.

20. **NON-RESPONSE**

The FRANCHISEE shall update the DTS System at the time of dispatch to a tow rotation request. If the FRANCHISEE is either unable to respond or unable to meet the maximum response time, the tow operator shall immediately update the DTS System accordingly. If, after accepting the call, the FRANCHISEE is unable to respond or will be delayed in responding, the FRANCHISEE shall immediately update the DTS system accordingly.

To decline or refuse to respond will be considered a non-response. Each non-response will be immediately documented in the DTS system. Each non-response will be logged by the DTS System and reviewed by the City. Three (3) failures to respond to a City generated tow in a calendar year, commencing _____, 2017, shall result in a failure to provide adequate service.

21. ROTATION TOW LIST

A. The CITY will make a good faith effort to provide an even distribution of work among the FRANCHISEES. A list shall be established for non-consensual towing of all vehicles with a GVWR of 10,000 pounds or less. FRANCHISEE agrees to the rotation system established by CITY.

B. A separate list (Over Weight Vehicle List) will be established for non-consensual towing of vehicles with a GVWR of 10,001 pounds or more. FRANCHISEES who own or lease a tow truck with a minimum GVWR of 26,001 pounds may be placed on the Over Weight Vehicle List on a voluntary basis. However, once placed on the Over Weight Vehicle List FRANCHISEE shall give thirty (30) calendar days written notice to the Franchise Tow Administrator in order to be removed from the Over Weight Vehicle List.

C. This Agreement applies to non-consensual towing as defined in this Agreement. Nothing contained herein shall be construed to regulate consensual tows.

D. CITY reserves the right to request any tow company, regardless of its position on the rotation tow list.

22. AUDITING OF CHARGES AND SERVICES

A. The CITY reserves the right to audit all records, charges, and/or services provided by FRANCHISEE pursuant to this Agreement. CITY's duly authorized representative shall have access to and the right to examine, transcribe, and/or copy, during business hours, as defined in Section 10 (B) (i), any and all reports, records, documents, and/or files necessary in order to audit and verify charges and services provided by FRANCHISEE under this Agreement. A complete record of all vehicles towed by FRANCHISEE pursuant to this Agreement, including, but not limited to; date and time of tow, Modesto Police Department case number, license plate number, vehicle identification number, date and time of release, year, make and model of vehicle, copy of Modesto Police Department vehicle release (if applicable), all lien and sale documents (if applicable) and vehicle disposition, shall be readily available for inspection at the primary business location of the FRANCHISEE and provided to CITY promptly upon request, and shall be retained for a minimum of three (3) years.

23. RESPONSIBILITY

A. FRANCHISEE shall be responsible for the protection of all CITY generated towed and/or stored vehicles in its possession until the vehicle has been released to its owner, or disposed of through the legal process, and shall be responsible for safeguarding all articles or property left in the towed and/or stored vehicle.

B. FRANCHISEE shall release personal property from a towed/stored vehicle at the request of the vehicle owner or his/her agent, subject to the below listed exceptions. (Personal property is considered to be items, which are not affixed to the vehicle; i.e. papers, cell phones, pull out stereos, clothes, luggage, tools, cargo, etc.) EXCEPTION: No personal property shall be released from vehicles impounded by CITY for evidence, investigation, asset forfeiture or vehicle forfeiture without prior authorization from the towing officer or the Tow Franchise Administrator.

C. Any vehicle towed by the Modesto Police Department for evidence, investigation, asset forfeiture and vehicle forfeiture (CVC Section 14607.6) and stored by the FRANCHISEE shall be stored at the primary storage facility and shall not be moved until authorized by the Chief of Police, the Tow Franchise Administrator or their designee. The need for inside storage shall be indicated on the tow sheet. Vehicles towed by the Modesto Police Department for evidence, investigation, asset forfeiture and vehicle forfeiture (CVC Section 14607.6) shall not be lien sold until such time as the Modesto Police Department Tow Franchise Administrator provides the FRANCHISEE with a written release of the vehicle.

D. FRANCHISEE shall not release any vehicle that is marked as an "Agency Hold" on the Vehicle Report without a the release in the DTS program and/or signed Modesto Police Department Vehicle Release form.

E. FRANCHISEE shall ensure that all debris and fluids are cleared from the scene of a CITY generated tow prior to leaving the scene.

24. COMPLIANCE WITH THE LAW

A. FRANCHISEE and its tow truck driver(s) and employees must be in compliance with all terms and conditions of this Agreement and all applicable federal, state, and local laws, rules, and regulations which are in force or become effective during the franchise period which, in any manner, affect towing and storage of vehicles, including, without limitation, the requirement that any person who drives a tow truck for FRANCHISEE is properly licensed and permitted and that all tow trucks meet any and all applicable Vehicle Code requirements.

B. In the event that FRANCHISEE is cited, arrested, charged, or convicted for any misdemeanor or felony driving offense, any crime involving stolen or embezzled vehicles, fraud related to the towing business, stolen or embezzled property, crimes of violence, driving while under the influence of alcohol and/or drugs, possession and/or sales of drugs or crimes of moral turpitude, FRANCHISEE may be immediately suspended or terminated at the discretion of the Chief of Police. FRANCHISEE shall notify the Tow Administrator within seventy-two 72 hours of any citation, arrest or conviction of the FRANCHISEE.

C. In the event that FRANCHISEE's employee is cited, arrested and/or charged and/or convicted for any misdemeanor or felony driving offense, any crime involving stolen or embezzled vehicles, fraud related to the towing business, stolen or embezzled property, crimes of violence, driving while under the

influence of alcohol and/or drugs, possession and/or sales of drugs or crimes of moral turpitude, notwithstanding any provision of this Agreement to the contrary, the employees Tow Driver Permit may be immediately suspended or revoked. FRANCHISEE shall notify the Tow Administrator within seventy-two (72) hours of FRANCHISEE becoming aware of any such citation, arrest, charging or conviction.

D. In the event that any FRANCHISEE employee is cited for any two (2) infractions while operating a tow truck within a rolling 12 month period, the employee's tow driver's permit may, at the discretion of the Chief of Police, be suspended or terminated. The FRANCHISEE shall notify the Tow Administrator within seventy-two (72) hours of becoming aware of any such citation having been issued to an employee.

E. Nothing in Paragraph 19 of this Agreement shall in any way affect the "at will" nature of this Agreement, or the right of any party to this Agreement to terminate it without cause on thirty (30) day written notice, as provided in Paragraph 2, above.

25. FAILURE TO PROVIDE ADEQUATE SERVICE/DISCIPLINARY ACTION

A. Except as otherwise provided in this Agreement, FRANCHISEE'S failure to meet **any** of the terms and conditions of this Agreement shall be deemed a failure to provide adequate service. Any failure to provide adequate service is a **violation** of the terms of this Agreement and shall result in the following disciplinary action unless otherwise stated in this Agreement:

i. First violation within a calendar year commencing with the start date of the agreement, _____, 2017, Written Notice via certified mail

ii. Second violation within any calendar year commencing _____, 2017 Written Warning via certified mail.

iii. Third violation within any calendar year commencing _____, 2017, thirty (30) Day Suspension.

a. Upon serving a suspension of any length the FRANCHISEE must pay a reinstatement fee of five hundred dollars ($500.00). The suspension will not be lifted until the reinstatement fee is received by the Chief of Police or his/her designee through the Franchise Tow Coordinator.

B. **Nothing herein shall be deemed to prohibit the Chief of Police, or his designee, from imposing an immediate suspension and/or termination on any FRANCHISEE and/or employee(s) whose conduct, in the opinion of the Chief of Police, or his designee, is considered to be a danger to the motoring public or who has engaged in conduct constituting a gross violation of this Agreement.**

C. Nothing in Paragraph 20 of this Agreement shall in any way affect the "at will" nature of this Agreement, or the right of any party to this Agreement to terminate it without cause on thirty (30) day written notice, as provided in Paragraph 2, above.

26. FRANCHISEE'S REVIEW/APPEAL

A. FRANCHISEE may request a review of a **violation** within ten (10) calendar days of receipt of the notice of violation by submitting a request in writing to the Administrative Services Supervisor. If a review is

requested by FRANCHISEE, it shall be done as soon as practicable by the Administrative Services Supervisor or his/her designee. FRANCHISEE shall be notified in writing of the Administrative

Services Supervisor's decision(s) within ten (10) calendar days of the date of completion of the review. The Administrative Services Supervisor's decision on review of the violation shall be final.

B. Following receipt of a notice of suspension, FRANCHISEE may appeal the suspension by submitting a request in writing to the Chief of Police within ten calendar days of receipt of the decision. If an appeal is requested, it shall be done as soon as practicable. On appeal, the FRANCHISEE may raise the alleged invalidity of any violation upon which the CITY relies in imposing the suspension for which review has previously been sought. The appeal shall be decided in a hearing conducted in accordance with the provisions of section 1-6.504 through 1-6.507 of the Modesto Municipal Code by an Administrative Hearing Officer appointed by the City Manager or his/her designee.

C. A suspension resulting from a violation shall not be imposed until the review and/or appeal process for that violation or suspension, if it has been timely requested, has been exhausted, except where this Agreement permits an immediate suspension or termination or where a FRANCHISEE'S conduct is deemed to be a danger to the motoring public or who has engaged in conduct constituting a gross violation of this Agreement. Failure to request a review or appeal in writing within the time specified or failure of FRANCHISEE to appear at a scheduled review or appeal hearing shall constitute a waiver of his or her right to a review or appeal and adjudication of the violation and/or disciplinary action and the violation and/or disciplinary action shall become final.

27. MOTOR CARRIER PERMIT/OTHER PERMITS AND LICENSES

A. FRANCHISEE must possess a current/valid Department of Motor Vehicles Motor Carrier Permit.

B. FRANCHISEE and his/her officers, officials, employees and agents shall obtain and maintain during the term of this Agreement all necessary licenses, permits and certificates required by law for the conduct of FRANCHISEE'S activities and for the provision of services hereunder, including a business license issued by the City of Modesto.

C. Failure to comply with any provision of Paragraph 23 shall be grounds for immediate suspension and/or termination of this Agreement.

28. EXPERIENCE/SALE OR TRANSFER OF BUSINESS

A. FRANCHISEE must have owned a towing business in the State of California for a minimum of two (2) years immediately preceding the date of its application for a non-exclusive non-consensual towing service franchise.

B. FRANCHISEE agrees that sale or transfer of the controlling interest in FRANCHISEES Tow Company shall immediately terminate this Agreement.

29. ENTIRE AGREEMENT

This Agreement constitutes the entire understanding among the parties with regard to the matters herein. The terms of this Agreement are contractual and not a mere recital. There have been no representations, promises, or inducements of any kind made by any party other than those that appear as signatories hereto. Each covenant and condition mentioned in this Agreement is material consideration for each party to enter into this Agreement.

30. **PARTIES TO AGREEMENT.**

This Agreement is intended to confer rights and benefits only on the signatories hereto and is not intended to confer any right or benefit upon any other person or entity. No person or entity other than the signatories hereto shall have any legally enforceable right under this Agreement. All rights of action of any breach of this Agreement are hereby reserved to the signatories hereto.

31. **VOLUNTARY AND KNOWING AGREEMENT.**

Each of the parties hereto states that this Agreement voluntarily and with knowledge of its significance and legal effect.

32. **AUTHORITY AND COMPETENCY.**

Each party hereto expressly warrants and represents that the person executing this Agreement on its behalf is legally competent to and is authorized to enter into this Agreement and to bind said party to their representations, terms, conditions, and covenants as set forth herein.

33. **BINDING EFFECT.**

This Agreement shall be binding upon and shall insure to the benefit of the signatories and their respective heirs, executors, administrators, trustors, trustees, beneficiaries, predecessors, successors, affiliated and related entities, officers, directors, principals, agents, employees, assigns, representatives, and all persons, firms, associations, and/or corporations connected with them including, with limitation, their insurers, insureties, and/or attorneys.

34. **SEVERABILITY.**

If any provision or any part of any provision of this Agreement is for any reason held to be invalid, unenforceable, or contrary to any public policy, law, stature and/or ordinance, the remainder of this Agreement shall not be affected thereby and shall remain valid and fully enforceable.

35. **ASSIGNMENTS.**

The TOWING CARRIER shall not assign, subcontract or transfer by operation of law any obligation hereunder without prior written consent of the CITY.

36. **INDEPENDENT CONTRACTOR.**

The TOWING CARRIER is and shall at all times remain as to the CITY a wholly independent contractor. Neither the CITY nor any of its officers, employees nor agents shall have control over the conduct of the TOWING CARRIER nor any of the TOWING CARRIER'S officers, employees nor agents, except as herein set forth. The TOWING CARRIER shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers or agents of the CITY.

37. **NOTICE** This Agreement may be terminated by either party, without prejudice, upon thirty (30) days written notice to the other party. Any notice to be given pursuant to this Agreement by either party to the other shall be deposited with the United States Postal Service, postage prepaid.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-320

RESOLUTION ACCEPTING THE INTERIM CITY MANAGER'S RECOMMENDATION FOR AWARD OF THE NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICES CONTRACT TO ELEVEN (11) APPLICANTS; DECLARING CITY COUNCIL'S INTENTION TO CONSIDER THE APPLICATIONS AT THE SEPTEMBER 5, 2017, CITY COUNCIL MEETING; AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF THE HEARING IN ACCORDANCE WITH MODESTO MUNICIPAL CODE SECTION 11-2.01 ET SEQ

WHEREAS, on April 4, 2017, City Council approved extending the current Non-Exclusive Non-Consensual Franchise Towing Services agreement for a six month period, which was set to expire on April 13, 2017, to allow staff time to complete the Request for Application (RFA) process, and

WHEREAS, on May 23, 2017, the Purchasing Division solicited Request for Applications (RFA) No, 1617-37, for City Generated Non-Exclusive Non-Consensual Franchise Towing Services, and

WHEREAS, on June 22, 2017, applications were opened in City Clerk's Office, and

WHEREAS, eleven (11) applications were received and opened, all of which were local vendors; and

WHEREAS, the applicants have passed all financial, business and insurance requirements, site equipment verification and background checks, with the exception of those still pending background and/or DOJ fingerprint processing, as noted on the Applicant List with an asterisk on the list **attached** hereto, and

WHEREAS, the list of eleven (11) applicants were forwarded to the Interim City Manager on July 14, 2017, for review and recommendation to City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Interim City Manager's recommendation to consider the award of Non-Exclusive Non-Consensual Franchise Towing Services contracts to the applicants in the list **attached** hereto.

BE IT FURTHER RESOLVED, the City Council declares its intent to consider the applications at the public hearing which shall be held at 5:30 p.m. on September 5, 2017, in City Council Chambers located in City Hall, at 1010 10th Street, Modesto, CA 95354 and the City Clerk is directed to publish the notice of said hearing in accordance with Modesto Municpal Code Section 11-2.01 *et seq*.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Non-Exclusive Non-Consensual Franchise Towing Services Applicants (RFA 1617-37)

1. Anderson's Tow, Ceres, California
2. Central Valley Tow, Ceres, California
3. Ceres Pro Tow, Ceres, California
4. Dizney & Wise, Modesto, California *
5. E-Tow, Modesto, California
6. Four Star Recovery, Modesto, California
7. Myers Towing, Modesto, California *
8. Ramont's Tow, Modesto, California
9. Scenic Tow, Modesto, California
10. Stanislaus Tow, Modesto, California *
11. Tow One, Modesto, California

*Pending background and/or DOJ fingerprint processing

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-321

RESOLUTION APPROVING A FOUR MONTH RENTAL AGREEMENT WITH PACIFIC GAS & ELECTRIC COMPANY (PG&E), FOR THE RENTAL OF REAL PROPERTY AT SUTTON COMMUNITY PARK CONSISTING OF 2.07 ACRES FOR AN AREA TO STORE AND STAGE CONSTRUCTION MATERIALS, LOCATED AT CLAUS ROAD AND YOSEMITE MEADOWS DRIVE (APN: 009-001-025), IN THE AMOUNT OF $3,400 FOR A PG&E GAS LINE RELOCATION PROJECT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owns Sutton Community Park on Claus Road and Yosemite Meadows Drive (APN 009-001-025), and

WHEREAS, Pacific Gas and Electric Company (PG&E) requires temporary use of an area at this park for a construction project, and

WHEREAS, PGE's construction project requires a secure area to store its materials and construction equipment for a four-month period, and

WHEREAS, PG&E's project will relocate an existing buried natural gas pipeline and perform maintenance and safety checks on its facilities, and

WHEREAS, PG&E will use the City's property to store materials and construction equipment for its project, and

WHEREAS, staff determined the rental rate to be reasonable given the temporary nature of the access and it is consistent with past rental agreements with PG&E.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the rental agreement for a 2.07-acre portion (90,000 square feet) of Sutton Community Park, located at Claus Road and Yosemite Meadows Drive (APN 009-001-025).

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Rental Agreement for a temporary rental of City property in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-322

Print

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $300,000 IN FTA SECTION 5339 FUNDS FOR BUS STOP SHELTERS AND RELATED BUS STOP IMPROVEMENTS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT AGREEMENT DOCUMENTS

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C. Section 5339, and

WHEREAS, the FTA has made available funding under 49 U.S.C. Section 5339 for transit agencies to purchase bus stop facilities, and

WHEREAS, Section 5339 funds will be used to purchase new bus stop shelters and related improvements for the Modesto Area Express bus system, and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, known as Toll Credits, in lieu of a local match.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application to the FTA for $300,000 in Section 5339 funds for bus stop shelters and related bus stop improvements.

BE IT FURTHER RESOLVED, the Interim City Manager, or his designee, is hereby authorized to execute all grant related application documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-323

RESOLUTION ACCEPTING THE GRANT FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR $255,849 IN FY 2016-17 LOCAL AND REGIONAL FUNDING UNDER THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) FOR IMPROVEMENTS AND UPGRADES TO THE DOWNTOWN TRANSIT CENTER, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT AGREEMENT DOCUMENTS

WHEREAS, the City was awarded a grant from the California Department of Transportation (Caltrans) in the amount of $255,849 in local and regional funding under the Low Carbon Transit Operations Program (LCTOP) for improvements and upgrades to the downtown Transit Center, and

WHEREAS, these funds will be used to make improvements and upgrades to the Transportation Center located in downtown Modesto, and

WHEREAS, the plans for this project are to reconfigure and enlarge the existing customer service and operational administrative space to provide for a better customer service experience and a better work environment for the contractor operating the MAX system, and

WHEREAS, the additional space may allow for future StaRT and the Altamont Commuter Express (ACE) customer service and administrative space.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant award from the Low Carbon Transit Operations Program.

BE IT FURTHER RESOLVED that the Interim City Manager is authorized to execute all necessary grant documents with the California Governor's Office of Emergency Services on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the Interim City Manager may designate the Transit Manager to execute all grant application and grant agreement documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-324

RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $307,019 TO FUND THE IMPROVEMENTS AND UPGRADES TO THE DOWNTOWN TRANSIT CENTER

WHEREAS, certain budgetary transactions are necessary in the amount of $307,019, in order to fund the improvements and upgrades to the downtown transit center, and

WHEREAS, the City was awarded a grant from the California Department of Transportation (Caltrans) in the amount of $255,849 in local and regional funding under the Low Carbon Transit Operations Program (LCTOP) for improvements and upgrades to the downtown Transit Center, and

WHEREAS, Local Transportation Funds (LTF) in the amount of $52,000 will be used as match for this project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, **attached** hereto and incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Operating Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Amend the FY 17/18 Capital Improvement Program Budget to fund the improvements and upgrades to the Downtown Transit Center:

1. Increase appropriations in Capital Improvement Program CIP# 101045 – Downtown Transit Center Improvements as follows:

Engineering/Design/Administration	$46,053
Construction	$214,913
Construction Contingency	$15,351
Construction Administration	$30,702
	$307,019

2. To fund this purchase, recognize revenue in the amounts of:
   - $255,849- Low Carbon Transit Operations Program (LCTOP) – Capital Related
   - $51,170 – Local Transportation Fund (LTF) – Capital Related

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-325

RESOLUTION APPROVING AN INCREASE OF $547,823 OVER A FIVE YEAR PERIOD TO THE PURCHASING AGREEMENT WITH DC FROST ASSOCIATES, WALNUT CREEK, CA., TO INCLUDE PARTS FOR THE PHASE 2 TERTIARY TREATMENT PLANT, FOR A TOTAL AGREEMENT AMOUNT OF $1,069,205

WHEREAS, the City uses a tertiary treatment process for its wastewater, which utilizes several different types of equipment requiring specific parts that are only available from one vendor, and

WHEREAS, these specific parts are purchased through DC Frost Associates, and

WHEREAS, on December 6, 2016, by Resolution No. 2016-483, Council authorized the purchase of UV Lamps as a sole source from DC Frost for five years at a total cost of $521,382, and

WHEREAS, DC Frost and Associates is the local exclusive distributor for Sanitaire, Parson and Trojan parts that are used by staff to maintain our tertiary treatment equipment, and

WHEREAS, **Attachments A1, A2 and A3** are the quotations for repair parts that are required to maintain the tertiary treatment equipment, and

WHEREAS, staff has added the column in red to indicate the anticipated annual costs for the quantity required by staff for each piece of equipment, and

WHEREAS, the City has negotiated with DC Frost Associates to hold the cost of these parts for three years; the following two years there will be an increase of 5% each year, and

WHEREAS, staff recommends an increase of the purchasing agreement with DC Frost and Associates since they are the sole provider of these parts and should be exempt

from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b), and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirements where the Purchasing Agency's requirements can be met solely by a single article or process; this purchase qualifies for exemption from formal bidding for that reason.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase of $547,823 over five years to the purchasing agreement with DC Frost Associates, Walnut Creek, CA, for a total agreement amount of $1,069,205.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A1 shows the recommended replacement parts for the Sanitaire Aeration System. The Aeration System is used to distribute air into the aeration basins for Tertiary Phase 2.

The attached quotation shows the basic costs from DC Frost. The red Annual Usage on the right indicates the anticipated Annual Costs for the Sanitaire Parts.

Total Annual Costs for Sanitaire Parts is anticipated to be $645.

ATTACHMENT A1

QUOTATION

IC FROST ASSOCIATES, INC. a wholly owned subsidiary of Coombs-Hopkins
2855 Mitchell Drive, Suite 215 • Walnut Creek, CA 94598
(800) 964-9733 Fax (925) 939-4457

TO: City of Modesto
Cindy Fosi
Phone #: 209-577-6291
Cell #:
Fax #:
Email: cfosi@modestogov.com

NUMBER: WC- 27518 -Q

DATE: June 2, 2017

PAGE: 1 of 1

EQUIPMENT: Sanitaire MODEL: 9-inch Membrane Diffuser REF #: 12-7830S

We are pleased to offer our quotation on the equipment listed herein for the above project.

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE	Annual Usage
A	1	Membrane Disc, 9-inch, part #2261-WE9	$6.00	$6.00	40 $240.00
B	1	Retaining Ring, 9-inch, part #2300-2P9	$4.00	$4.00	40 $160.00
C	1	Lubricant, Silicone, 8lb Pail (for 2000 diffusers), part #HVS350-8	$245.00	$245.00	1 $245.00
		1) Prices for Items A-C will remain unchanged for FY18 thru FY20. 2) Prices will increase by 5% for FY21 & FY22. 3) Freight is not included & will be prepaid & added to invoice. 4) Lead times will be advised when ordering.			
			Sub Total	$255.00	
		Sales Tax: Stanislaus, County of 7.8750%		$20.08	
		Freight Terms: F.O.B. Factory, Prepay and Add			
			Grand Total	$275.08	

Submittals/Drawings: na weeks after receipt of order with complete information.
Shipment: TBA weeks after receipt of purchase order or approved drawings.

Total Annual Estimated Costs: $645

Prices quoted herein are firm for your acceptance for a period of five (5) years w/price adjustments as noted.
If prices quoted herein do not include sales or use tax, such taxes, if required, are to be paid by the purchaser.
This quotation and any resulting order will be subject to our standard terms of sale.
PAYMENT TERMS: Net 30 days

BY: Catherine M. Frost

Attachment A2 shows the recommended replacement parts for the Parkson Fine Screens. The Fine Screens are used to screen primary influent in Tertiary Phase 1 and 2.

The attached quotation shows the basic costs from DC Frost. The red Annual Usage on the right indicates the anticipated Annual Costs for the Parkson Parts.

Total Annual Costs for Parkson Parts is anticipated to be $27,891.

ATTACHMENT A2

Page 2 of 2

QUOTATION

RC FROST ASSOCIATES, INC. a wholly owned subsidary of Coombs-Hopkins
2855 Mitchell Drive, Suite 215 • Walnut Creek, CA 94598
(800) 964-9733 Fax (925) 939-4457

TO: City of Modesto
Cindy Fosi
Phone #: 209-577-5291
Cell #:
Fax #:
Email: cfosi@modestogov.com

NUMBER: WC- 27517 -Q

DATE: June 2, 2017

PAGE: 1 of 1

EQUIPMENT: Parkson MODEL: Rotomesh & Helixpress REF #: 610202 & 410336

We are pleased to offer our quotation on the equipment listed herein for the above project.

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE	Annual Usage Qty	Cost
		Rotomesh RDS6096DVT - Ref. #610202				
A	1	Chain 6000, 20' strand, part #3039-042/CS-ST	$989.00	$989.00	3	$2967
B	1	Drive Sprocket, part #3038-111-001/CS	$962.00	$962.00	1	$ 962
C	1	Driven Sprocket 6096, part #4013-043/CS	$3,913.00	$3,913.00	1	$3913
D	2	Pad, Stabilizer 6000, part #1415-011/P	$136.00	$272.00	3	$ 408
E	16	Spray Nozzle, part #3035-001/6	$49.00	$784.00	32	$1568
F	4	Wheel Subassy w/2 Bearings, part #4025-014/A6	$708.00	$2,832.00	12	$8496
G	4	Trunnion, Wheel Shaft, 316SS, part #1227-025/6	$508.00	$2,032.00	12	$6096
		Helixpress SPR260 - Ref. #410336				
H	1	Brush Attachment, part #3815-006	$438.00	$438.00	3	$1314
I	1	Seal Packing Material, part #3577-004	$162.00	$162.00	3	$ 486
J	1	Hinge, Spring Loaded, part #3528-024	$603.00	$603.00	1	$ 603
K	1	Trough Liner, 60", UHMWPE, part #1651-023-060	$871.00	$871.00	1	$ 871
L	1	Bagger Magazine, part #3591-001	$207.00	$207.00	1	$ 207
		Notes: 1) Prices will remain unchanged for FY18 thru FY20. 2) Prices will increase by 10% for FY21 & FY22. 3) Freight is not included & will be prepaid & added to invoice. 4) Lead times will be advised when ordering.				
				Sub Total	$14,065.00	
			Sales Tax: Stanislaus, County of 7.8750%		$1,107.62	
			Freight Terms: F.O.B. Factory, Prepay and Add			
				Grand Total	$15,172.62	

Submittals/Drawings: na weeks after receipt of order with complete information.
Shipment: TBA weeks after receipt of purchase order or approved drawings.

Total Annual Estimated Costs: $27,891

Prices quoted herein are firm for your acceptance for a period of five (5) years w/price adjustments as noted.
If prices quoted herein do not include sales or use tax, such taxes, if required, are to be paid by the purchaser.
This quotation and any resulting order will be subject to our standard terms of sale.
PAYMENT TERMS: Net 30 days

BY: Catherine M. Frost

Attachment A3 shows the recommended replacement parts for the Trojan UV System. The Ultra Violet System is used for disinfection for Tertiary Phase 2.

The attached quotation shows the basic costs from DC Frost. The red Annual Usage on the right indicates the anticipated Annual Costs for the Trojan Parts.

Total Annual Costs for Trojan Parts is anticipated to be $77,786.

ATTACHMENT A3

QUOTATION

IC FROST ASSOCIATES, INC. a wholly owned subsidiary of Coombs-Hopkins
2855 Mitchell Drive, Suite 215 • Walnut Creek, CA 94598
(800) 964-9733 Fax (925) 939-4457

TO: City of Modesto
Cindy Fosi
Phone #: 209-577-6291
Cell #:
Fax #:
Email: cfosi@modestogov.com

NUMBER: WC- 27599 -Q

DATE: June 7, 2017

PAGE: 1 of 1

EQUIPMENT: Trojan MODEL: UV3000Plus 2007 REF #: 511558

We are pleased to offer our quotation on the equipment listed herein for the above project.

ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE	Annual Usage
A	1	Sleeve, Quartz 4-pack, part #316136-004	$400.00	$400.00	10 $ 4,000
B	1	Ballast Kit, part #917341-100 (old part #915378)	$740.00	$740.00	15 $11,100
C	1	Hydraulic Wiper Cylinder, part #326411	$5,146.00	$5,146.00	4 $20,584
D	1	Sensor Assembly, part #015393-S-158NB	$1,944.00	$1,944.00	3 $ 5,832
E	1	Communication Control Board (CCB) Kit, part #931096	$1,449.00	$1,449.00	2 $ 2,898
F	1	Acticlean Gel, 4x1 gallon containers, part #901507	$162.00	$162.00	12 $ 1,944
G	1	Seal Kit, part #327122	$23.00	$23.00	970 $22,310
H	1	Wiper Seal, part #327021	$7.60	$7.60	200 $ 1,520
I	1	Vent Kit, part #327795 (replaces part #445044)	$5.00	$5.00	200 $ 1,000
J	1	Sleeve Cup Nut (Ryton), 10-pack, part #316148P	$15.00	$15.00	250 $ 3,750
K	1	Sensor Sleeve, part #015239	$120.00	$120.00	10 $ 1,200
L	1	Canister Assembly UV3, part #327125-180PLGTOP	$60.00	$60.00	4 $ 240
M	1	Canister Assembly UV3, part #327125-180STDMID	$60.00	$60.00	4 $ 240
N	1	Canister Assembly UV3, part #327125-020STDMID	$60.00	$60.00	4 $ 240
O	1	Canister Assembly UV3, part #327125-020STDCYL	$60.00	$60.00	4 $ 240
P	1	Canister Assembly UV3, part #327125-180PLGBOT	$60.00	$60.00	4 $ 240
Q	1	Canister Assembly UV3, part #327125-180SNRCYL	$56.00	$56.00	4 $ 224
R	1	Canister Assembly UV3, part #327125-180SNRMID	$56.00	$56.00	4 $ 224

Notes:
1) Prices will remain unchanged for FY18 thru FY20.
2) Prices to increase by 5% for FY21 & FY22.
3) Freight is not included & would be prepaid & added to invoice.

	Sub Total	$10,423.60
Sales Tax:	Stanislaus, County of 7.8750%	$820.86
Freight Terms:	F.O.B. Factory, Prepay and Add	
	Grand Total	$11,244.46

Total Annual Estimated Costs: $77,786

Submittals/Drawings: na weeks after receipt of order with complete information.
Shipment: 1-2 weeks after receipt of purchase order or approved drawings.
Prices quoted herein are firm for your acceptance for a period of as noted above.
If prices quoted herein do not include sales or use tax, such taxes, if required, are to be paid by the purchaser.
This quotation and any resulting order will be subject to our standard terms of sale.
PAYMENT TERMS: Net 30 days

BY: Catherine M. Frost

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-326

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF FERRIC CHLORIDE FROM KEMIRA WATER SOLUTIONS, LAWRENCE, KS, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, AT AN ANNUAL COST OF $32,276 AND OVER FIVE YEARS OF $161,381, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASING AGREEMENT

WHEREAS, the City Manager's Office authorized the Purchasing Division to issue a Request for Bids (RFB) for Ferric Chloride and RFB No. 1617-31 was issued on April 25, 2017, and

WHEREAS, the bids were publicly opened on May 23, 2017, and four companies; California Water Tech, Santa Fe Springs, CA, Kemira Water Solutions, Lawrence, KS, Sierra Chemical Co, Sparks, NV and Thatcher Company of California, Inc., Sacramento, CA, all provided bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, staff and the Interim City Manager recommend the award of bid for the purchase of Ferric Chloride to Kemira Water Solutions, Lawrence, KS, at an annual cost of $32,276 and over five years of $161,381, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services, to be formally bid and the award of bid for digester cleaning services conforms to Modesto Municipal Code Section 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid for the purchase of Ferric Chloride from Kemira Water Solutions, Lawrence, KS, for a two-year agreement with three one-year

extension options at the sole discretion of the City Manager for annual cost of $32,276 and over five years of $161,381.

BE IT FURTHER RESOLVED, that the Interim City Manager or his designee is authorized to execute the purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-327

RESOLUTION APPROVING A LICENSE AGREEMENT AND A COMMON USE AGREEMENT BETWEEN THE MODESTO IRRIGATION DISTRICT AND THE CITY FOR THE CODONI TRANSMISSION MAINS PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS, IN A FORM APPROVED BY THE CITY ATTORNEY

WHEREAS, the City and the Modesto Irrigation District (MID) continue to make improvements for the delivery of drinking water for it users, and

WHEREAS, the City will construct two 24-inch diameter transmission pipelines for this purpose, and

WHEREAS, MID requires a License Agreement and a Common Use Agreement to install, maintain and operate the two transmission pipelines, and

WHEREAS, the License Agreement is needed to construct a pipeline through a portion of MID's Lateral No. 1 property, and

WHEREAS, the Common Use Agreement is needed to construct a pipeline through a portion of MID's Highline Lateral, and

WHEREAS, the Agreements will allow for the completion of the Codoni Transmission Mains Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a License Agreement and a Common Use Agreement with the MID for the purpose of installing, maintaining and operating the two transmission pipelines located on MID property.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the License Agreement and the Common Use Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-328

RESOLUTION RESCINDING DIRECTION TO STAFF, REGARDING BOUNDARIES FOR A GENERAL PLAN AMENDMENT, BY PRIOR CITY COUNCIL ACTIONS OF JANUARY 28 AND MARCH 25, 2014, AND AUTHORIZING A RETURN TO THE 1995 ADOPTED GENERAL PLAN AND SPHERE OF INFLUENCE BOUNDARIES FOR FINALIZATION OF THE GENERAL PLAN AMENDMENT ANALYSIS, PROVIDED THAT THE RESIDENTIAL LAND USE DESIGNATION AT THE NORTHEAST CORNER OF OAKDALE ROAD AND FLOYD AVENUE BE MAINTAINED

WHEREAS, on January 28, 2014, the City Council of the City of Modesto provided certain direction to planning staff regarding land use designations and boundaries associated with a general plan amendment project, and

WHEREAS, on March 25, 2014, the City Council of the City of Modesto provided additional direction and clarification to planning staff regarding land use designations and boundaries associated with a general plan amendment project, and

WHEREAS, on June 8, 2016, the Healthy Economy Committee of the City Council of the City of Modesto voted to recommend that the City Council of the City of Modesto rescind the prior direction of 2014 described above and return the general plan amendment boundaries to those of the 1995 adopted general plan, and

WHEREAS, the "Residential" land use designation shown on the adopted 1995 general plan land use diagram at the northeast corner of Oakdale Road and Floyd Avenue should not be changed to "Commercial" as was included in the prior City Council direction from 2014.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rescinds direction to staff, regarding boundaries for a General Plan Amendment, by prior City Council actions of January 28 and March 25, 2014, and

authorizing a return to the 1995 adopted General Plan and Sphere of Influence boundaries for finalization of the General Plan Amendment analysis, provided that the residential land use designation at the northeast corner of Oakdale Road and Floyd Avenue be maintained.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Ah You
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-329

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(602)

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by Harless Properties Inc. on January 20, 2017, to reclassify from Planned Development Zone, P-D(237) to Planned Development Zone, P-D(602) to allow for a senior assisted and independent living housing development comprised of two single-story residential buildings and a 16-unit storage building, in addition to an existing radio broadcasting tower with cellular equipment and cellular equipment lease area, property located on 1.1 acres at 1192 Norwegian Avenue, described as follows:

Planned Development Zone P-D(237) to Planned Development Zone P-D(602):

All that portion of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, Stanislaus County, California, described as follows:

All of Parcel "A" as shown on the map filed in Volume 21 of Parcel Maps at Page 81, Stanislaus County Records.

Including also the southerly 30-feet of Norwegian Avenue, all being immediately adjacent to the above-described property.

APN: 120-048-013

WHEREAS, after a public hearing held on June 19, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2017-17, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare, and

WHEREAS, because the rezone would provide for the development of senior assisted and independent living housing, the requested zone change will result in an orderly planned use of land because the senior housing development would be compatible with the surrounding low and medium-high density residential uses surrounding the site, and

WHEREAS, the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the allowable uses of the Planned Development Zone P-D(602) is consistent with the General Plan Land Use Designation of Mixed Use (MU) which allows for senior housing and commercial uses such as cellular and radio broadcast facilities, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 8, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Harless Properties Inc. for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2017-17 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3677-C.S. on the 8th day of August, 2017, reclassifying the above-described property from Planned Development Zone, P-D(237)to Planned Development Zone, P-D(602).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(602), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan titled "Site Plan, 120-048-013, Harless Properties Inc., 1192 Norwegian Avenue", as amended in red and stamped approved by the City Council on August 8, 2017

2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.

3. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.

4. The improvement plans shall include all landscaping, parking and common areas, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.

5. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required. A 10-foot PUE is required along the Norwegian Avenue frontage.

6. Prior to the issuance of a building permit, building elevations shall be submitted for review and approval by the Community and Economic

Development Director or designee for conformance to the City's Neighborhood Design Guidelines. Building elevations shall demonstrate wall materials, roof types, exterior colors and all appropriate dimensions.

7. No individual residential unit within the development shall be offered for sale until a Final Map for airspace condominium purposes is recorded.

8. The proposed storage buildings shall be for the use of the development's residents and management staff only, and shall not be made available for use by the general public.

9. Prior to the issuance of a building permit, plans for the residential units shall incorporate construction techniques to achieve an interior noise limit of 45 decibels or less, to the satisfaction of the Chief Building Official.

10. Prior to occupancy of any structure, fences and/or walls shall be constructed as follows, to the satisfaction to the Director of Community and Economic Development:

    a. An eight foot high decorative masonry wall with cap treatment along the west and south property lines.

    b. A seven-foot high decorative wrought-iron fence along the property's Norwegian Avenue frontage, fifteen feet back from the northern property line.

    c. The decorative masonry wall shall be treated with an anti-graffiti coating along the west and south exterior facades.

11. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.

12. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting fixtures for review and approval by the Director of Community and Economic Development. Said plans shall include specifications of the proposed lighting fixtures and demonstrate the adequate shielding of lighting fixtures to minimize glare or light spillage upon neighboring residents west of the project site. The height of the lighting should not exceed 15 feet above grade.

13. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures

to the satisfaction of the Director of Community and Economic Development.

14. All signs shall comply with the sign requirements of the R-3 Zone.

15. Prior to issuance of a building permit, the applicant shall submit a cross-section drawing, showing how all rooftop equipment is to be screened from view (including dimensions, materials, colors, etc.) to the satisfaction of the Director of Community and Economic Development. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes should be set back from the roof edge and placed behind a parapet wall or in an enclosure, so they are not visible to motorists or pedestrians. Screening for equipment should be integrated into the building and roof design by the use of compatible materials, colors and forms. Wood lattice and fence-like coverings are not allowed for screening.

16. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened though the use of landscaping or masonry walls.

17. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

18. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development.

19. Construction drawings shall demonstrate that new ladders for roof access are mounted on the inside of the building to the satisfaction of the Director of Community and Economic Development.

20. This property is served by an existing service from an 8-in water main in Norwegian Avenue. The project shall utilize existing water service laterals for the new buildings.

21. This property conveys its wastewater to the City's existing 8-in main located in Norwegian Avenue. The project shall utilize existing sewer service laterals to service the new buildings.

22. This area of the City does not have a positive storm drainage system. The project shall manage storm water impacts on site per current City Standards and its amendments.

23. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

24. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

25. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

26. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

27. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

28. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.

29. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement. Prior to issuance of

a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.

30. All aspects of this project to comply with current City of Modesto Standards and also current California Building, Electrical, Mechanical, Plumbing, Energy codes adopted by the City of Modesto.

31. Developer shall provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as required by the Green Building Standards Code.

32. Developer shall provide bicycle parking as required by the California Green Building Standards Code.

33. Fire hydrant spacing and distribution for this project is 500-feet O.C. Improvement plans shall demonstrate the provision of onsite fire hydrants as required.

34. Buildings shall be equipped with automatic fire sprinkler systems installed in accordance with NFPA 13 or 13R. Electronic monitoring of automatic fire sprinkler may be required if a separate sprinkler water supply or a separate shutoff valve from the domestic supply is provided.

35. Improvement plans shall demonstrate the provision of required fire hydrants within 90-feet of the Fire Department Connection (FDC) to fire sprinklers.

36. Plans for any electronically controlled vehicle access gates shall be submitted to an approved by the Fire Marshall prior to installation.

37. Where roadways are less than 28-feet in width, no parking shall be allowed within the aisle-way. When parking is prohibited or restricted, approved signs or curb markings complying with Modesto Standard Specifications for fire lanes shall be provided and maintained.

38. Prior to issuance of a building permit, applicant shall submit Landscape and Irrigation plans for review and approval by the City's Park Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.

39. Landscape and Irrigation Plans shall demonstrate a minimum of 15' landscaped setback from Norwegian Avenue planted with street trees that shall be equally spaced at a maximum of 35' on center. Provide 3ft. high screen landscaping between the parking lot and Norwegian Avenue to

screen vehicle headlights in parking lot. The landscaping shall conform to the clear vision triangle regulation.

40. Applicant shall install parking lot shade trees per Modesto Municipal Code requirements; one (1) shade tree for every eight (8) parking spaces. There shall be a four-foot by five foot planting area for each tree planted. Parking lot shade trees shall be located no closer than fifteen (15') feet from parking lot light fixtures. Planter areas shall have permanent borders around the perimeter to prevent cars and pedestrians from damaging plant materials.

41. Applicant shall install a separate landscape water meter.

42. Climbing vines shall be included in the landscape surrounding the trash enclosures and CMU block walls to prevent tagging.

43. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

44. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

45. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

46. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

47. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.

48. Prior to Certificate of Occupancy for any structure, cable television service shall be stubbed into all units.

49. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this

development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the City of Modesto General Plan Master EIR to be applied to the project:

50. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. [GPMEIR Policy AQ-42]

51. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. [GPMEIR Policy AQ-43]

52. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. [GPMEIR Policy AQ-44]

53. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition. [GPMEIR Policy AQ-45]

54. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. [GPMEIR Policy AQ-46]

55. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) [GPMEIR Policy AQ-47]

56. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. [GPMEIR Policy AQ-48]

57. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. [GPMEIR Policy AQ-49]

58. Any site with 150 or more vehicle trips per day shall prevent carryout and track out. [GPMEIR Policy AQ-50]

59. The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine." [GPMEIR Policy N-1]

60. Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

    A hammer, or any other device or implement used to pound or strike an object.

    a. An impact wrench, or other tool or equipment powered by compressed air.

    b. A hand-powered saw.

    c. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

    d. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

    e. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

f. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested. [GPMEIR Policy N-2]

61. The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected. [GPMEIR Policy N-3]

62. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. [GPMEIR Policy SD-9 and FWQ-13]

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(602):

The entire construction program be accomplished in one phase, construction to begin on or before two (2) years from the adoption of the rezone, and completion to be not later than three (3) years from the date of adoption.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(602), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on August 8, 2017, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By _____
Community & Economic Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-330

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT OF SECTION 16-3-9 OF THE CITY OF MODESTO ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE P-D(237) TO PLANNED DEVELOPMENT ZONE P-D(602) TO ALLOW FOR SENIOR ASSISTED AND INDEPENDENT LIVING HOUSING, PROPERTY LOCATED AT 1192 NORWEGIAN AVENUE (HARLESS PROPERTIES INC.)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Harless Properties Inc. has proposed the rezone of property located at 1195 Norwegian Avenue from Planned Development Zone P-D(237) to Planned Development Zone P-D(602) to allow for a senior assisted and independent living housing project, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-09 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning July, 18, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 8, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of August, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-09

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2017-09

For the proposed:

PDZ-17-001: Planned Development Zone to Allow for Senior Independent and Assisted Living Condominiums

TSM-17-001: Tentative Subdivision Map for Airspace Condominium Purposes; 16 units plus seven common-area lots

1192 Norwegian Avenue

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

March 7, 2017

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed Planned Development Zone and concurrent tentative maps to facilitate senior assisted and independent living housing ("Project") are "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: Planned Development Zone to facilitate senior assisted and independent living condominiums

B. Address or Location: 1192 Norwegian Avenue (APN 120-048-013)

C. Applicant: Harless Properties, c/o Gerald Hughes
945 Coffee Road, Suite 1; Modesto, CA 95355

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

F. Current Zoning Classification(s): Planned Development Zone P-D(237), Radio Broadcasting Studio

G. Surrounding Land Uses:

North: Low Density Residential (R-1) Zone, single family residential; Planned Development Zone P-D(86), Residential Condominiums

South and East: Planned Development Zone P-D(208), The House Church (formerly Calvary Temple), open space, soccer playing fields

West: Low Density Residential (R-1) Zone, single family residential; Planned Development Zone P-D(208), The House Church (formerly Calvary Temple), driveway to church facility parking lots.

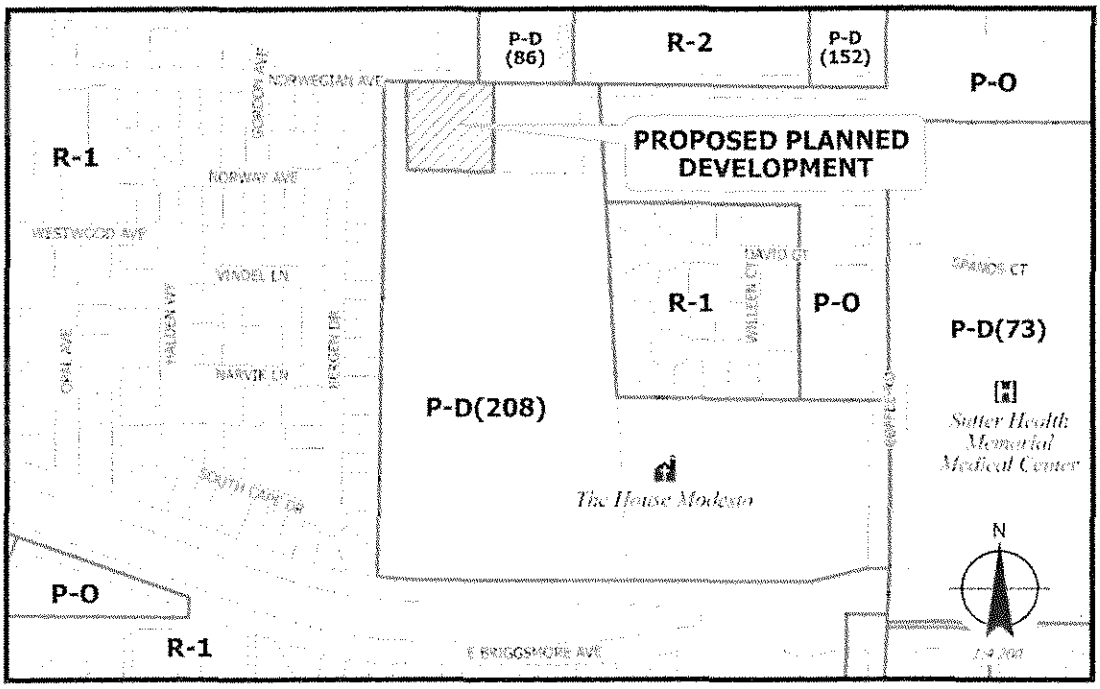
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

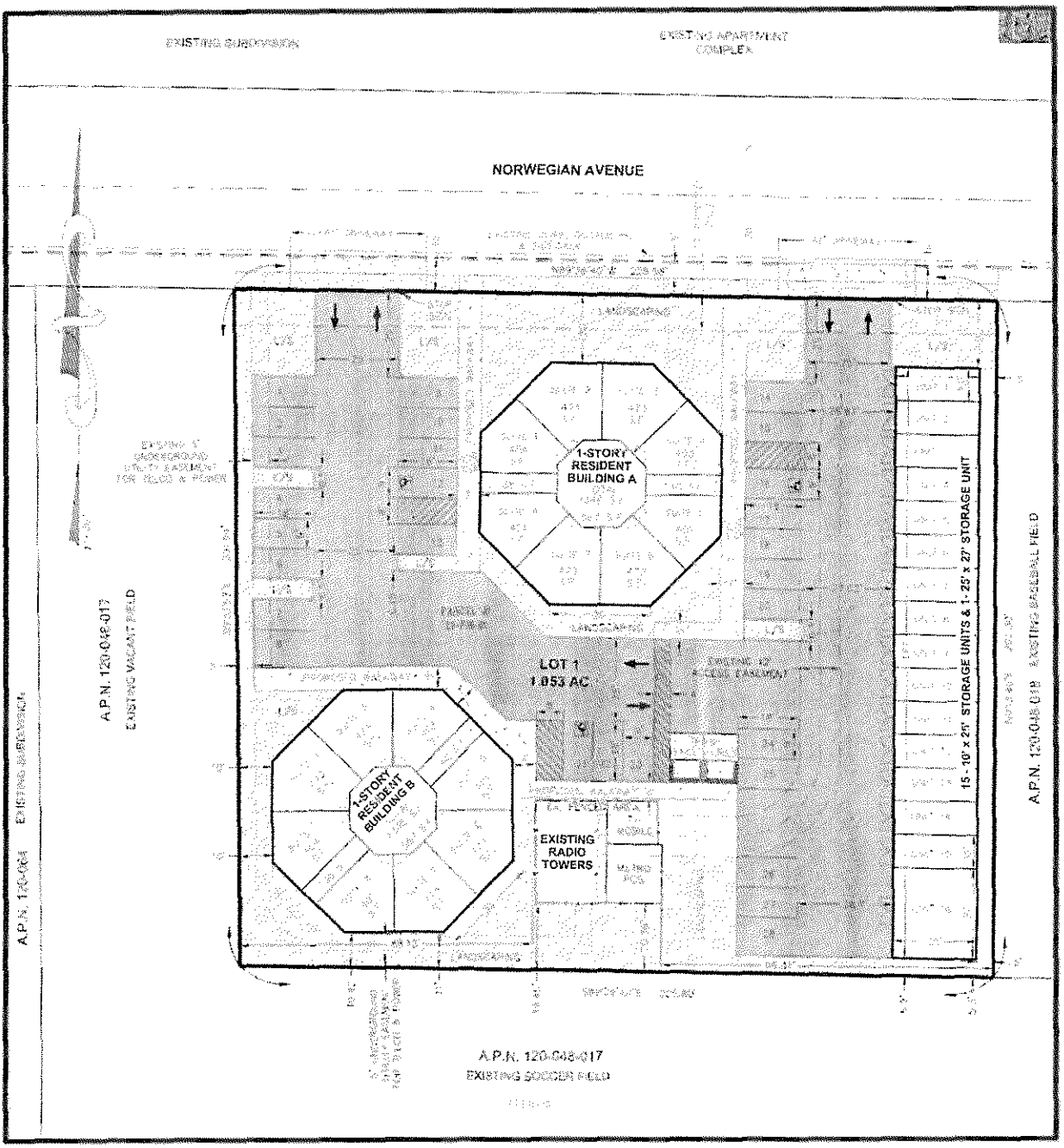
Proposal to redevelop a site formerly used as a radio broadcasting station facility (station building since demolished, radio broadcasting tower with cellular equipment in a 30-ft by 37-ft lease area to remain) into a new senior independent and assisted living housing complex comprised of two residential buildings on a 1.1-acre parcel. The site plan provides for 28 parking spaces and 16 storage units for the use of the residents.

Project involves:

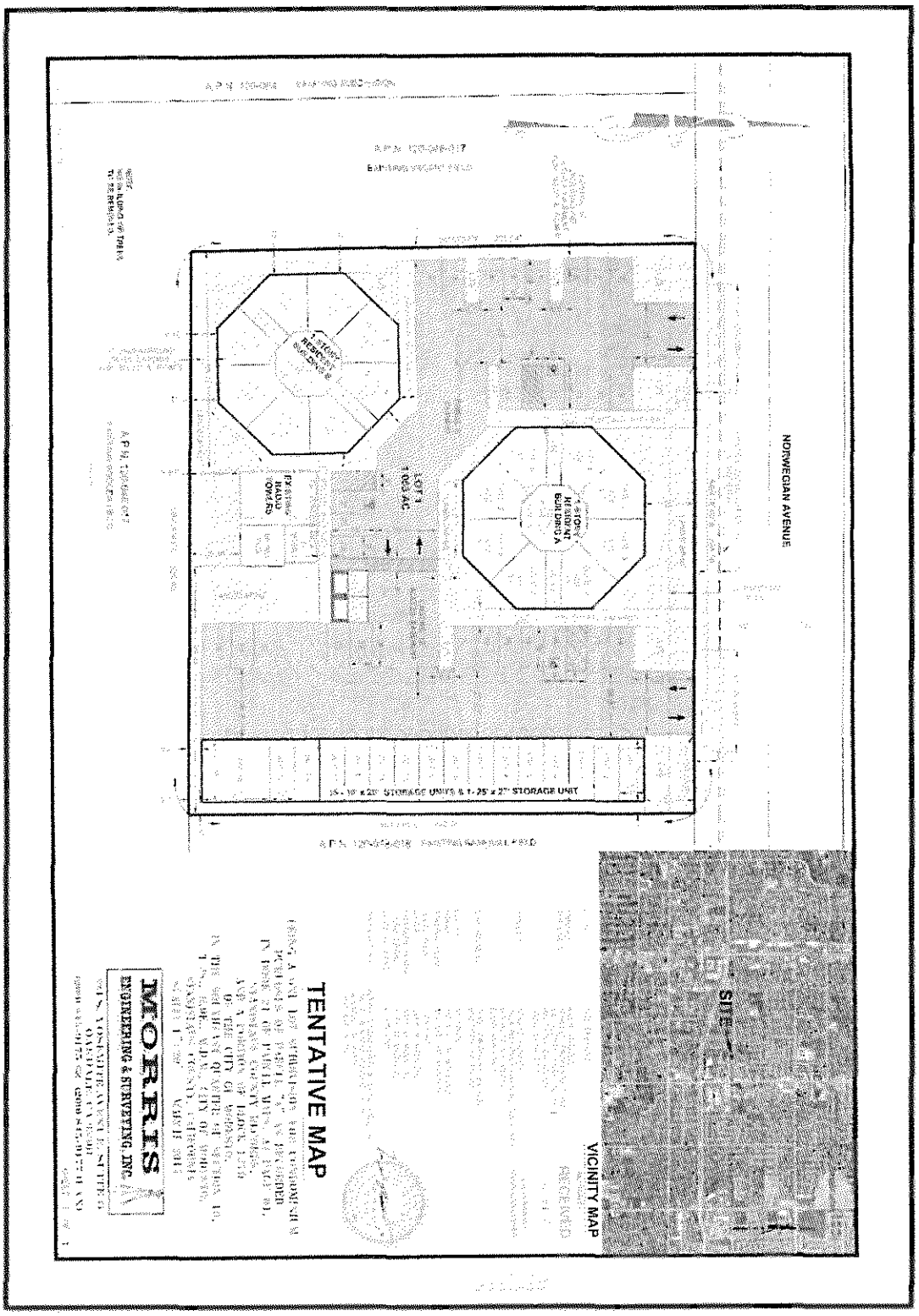
- Planned Development Zone to allow for senior independent and assisted living housing within two single-story buildings on the 1.1-acre site. Each building to consist of eight residential condominium units and three interior common areas, with exterior common area consisting of parking areas, landscaping, and a 16-unit storage building for use by the site's residents. Planned Development Zone would also allow for existing radio broadcasting tower and cellular equipment.

- Tentative Subdivision Map of 1.1-acre site for airspace condominium units and seven common areas, including interior common areas, and exterior common area comprised of parking area, landscaping and 16-unit storage building.





SITE PLAN FOR PLANNED DEVELOPMENT
SENIOR INDEPENDENT AND ASSISTED LIVING HOUSING
PDZ-17-001



TENTATIVE SUBDIVISION MAP FOR AIRSPACE CONDOMINIUMS
TSM-17-001

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

B. No new or additional mitigation measures or alternatives are required.

C. The subsequent project is within the scope of the project covered by the Master EIR.

D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3.____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

Project Manager — Title: Associate Planner — Date: 4-14-17

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1) The project consists of the development of approximately 1.1 acres within the Baseline Urbanized Area for senior independent and assisted living housing. The site was formerly the location of a radio broadcasting studio, of which the studio building has been since demolished but the radio tower with cellular equipment is to remain within a 30x37-ft lease area. The development would allow for a total of sixteen residential units. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with traffic volumes exceeding 100 trips.

(2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

(4) Police and Fire Staff have reviewed this proposal and have not indicated that there is an emergency access problem.

(5) The proposed single-family dwellings will provide parking in accordance with the Municipal Code.

(6) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. A bus stop is located on Norwegian Avenue at the northeast corner of the site.

(7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1) The project consists of the development of approximately 1.1 acres for senior independent and assisted living housing with a total of sixteen residential units. The subsequent development would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3-5) The project would comply with the air quality policies in the General Plan, and would not expose sensitive receptors to pollutants or odors in excess of assumptions for residential uses.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☒	☐

Discussion:

(1) The project consists of the development of approximately 1.1 acres for senior independent and assisted living housing with a total of sixteen residential units. The subsequent development would be required to adhere to the City's noise ordinance.

(2-4) The development would not be inconsistent the noise policies of the General Plan, nor result in ambient noise levels above those assumed by the General Plan for a residential use. Any increase in ambient noise levels would be construction-related and temporary in the process of developing the residential units.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project is a vacant infill area within the Baseline Developed Area not in agricultural production, and is completely surrounded by urbanized area consisting of residential uses and the House Church of Modesto. The project would therefore not be inconsistent with the General Plan's policies related to agricultural land.

(2-4) The project site is not zoned for agricultural use, and no Williamson Act contract is in place on the property. The site is surrounded by urban area and would not cause the conversion of farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project consists of the development of approximately 1.1 acres for senior independent and assisted living housing with a total of sixteen residential units. The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards.

(2-3) The project would not generate sewage flows greater than estimates for a project of similar residential uses. The project was referred to Land Development Engineering, who indicated no concerns with the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
habitat contained in the Urban Area General Plan.				
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project consists of the development of approximately 1.1 acres for senior independent and assisted living housing with a total of sixteen residential units. The project would not be inconsistent with General Plan policies pertaining to wildlife and plant habitat.

(2-4) The project site is located within the Baseline Developed Area of the City and is completely surrounded by developed urban area consisting of residential uses and the House Church of Modesto. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined consistent with Public Resources Code section 5024.1(c).	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-4) The project site is vacant infill land surrounded by urban uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

(5) The project does not conflict with local policies affecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water

flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes SD-9 from the MEIR. City Engineering staff has reviewed the project and required conditions of approval to implement General Plan Policies for development including compliance with the Strom Drain Management Plan and the utilization of low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) Construction activities will comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity (MIER Policy SD-9). In addition, the City will ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures (MIER Policy SD-11). These policies will be implemented as conditions of project approval.

(2) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

(3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0340E dated September 26, 2008.

(4) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space. The project is on a vacant site that was previously developed with a radio broadcasting station, since demolished.

(3) The project would not cause an increase in use of existing local and regional parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools who indicated no concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
development to result in cumulative impacts on the County's disposal capacity.				

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) This project was referred to the Solid Waste Division for review, who indicated no concerns over service to the project area.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) No hazardous materials will be involved with this project.

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2) The project would not impact views from riverside areas and parks.

(3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is designated as Mixed Use (MU) in the General Plan, which allows for residential uses. The project is consistent with the current General Plan Land Use Designation, and therefore is consistent with land use and planning policies in the General Plan.

(2) The project would not divide an established community. The surrounding area is developed with residential uses including the House Church of Modesto to the south and east. The proposed subdivision is consistent with the surrounding uses and would not divide existing neighborhood.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☒	☐
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☒	☐

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project is required to develop in accordance with climate change policies included in the UAGP and the MIER.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO_2 emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO_2 emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the Air Resources Board. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

1. A hammer, or any other device or implement used to pound or strike an object.
2. An impact wrench, or other tool or equipment powered by compressed air.
3. A hand-powered saw.
4. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
5. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
6. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
7. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

Flooding and Water Quality:

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-331

RESOLUTION APPOINTING MARK FREITAS AND JANE MANLEY TO THE CITY OF MODESTO MEASURE L CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, in November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L which went into effect on April 1, 2017, and

WHEREAS, on October 4, 2016, Council approved Ordinance No. 3656-C.S. adding Chapter 10 to Title 8 of the Modesto Municipal Code to establish a Citizens' Transportation Sales Tax Commission, and

WHEREAS, the Commission will consist of eleven (11) members appointed by Council to represent the City's citizens, and

WHEREAS, the purpose of the City's Citizens' Transportation Sales Tax Commission will be to:

- Ensure all transportation revenue collected by the City from Measure L is spent in accordance with the Measure L Ordinance and Expenditure Plan;
- Hold public meetings as necessary regarding the expenditure and status of funds generated by Measure L;
- Review independent audits of the expenditure of tax funds and implementation of the programs and projects in the Expenditure Plan; and
- Issue an annual report on its findings regarding compliance with the requirements of the Expenditure Plan and the Ordinance to Council, and

WHEREAS, on August 2, 2017 by Resolution No. 2017-291, Council appointed 9 members to the City's Citizens' Transpiration Sales Tax Commission, and

WHEREAS, at that time, 2 positions remained vacant as the City had not received applications meeting the requirements of those seats, and

WHEREAS, the City received 2 applications that were presented to the Appointments Committee for consideration on August 8, 2017 and the Committee recommends appointing the following to the City's Citizens' Transportation Sales Tax Commission:

Representing	Appointee
Member from labor union with members residing in the City of Modesto	Mark Freitas
1 member from any local nonpartisan political organization with tax-exempt status	Jane Manley

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Mark Freitas and Jane Manley are hereby appointed to the City of Modesto Measure L Citizens' Transportation Sales Tax Commission effective July 1, 2017, and
2. The City Clerk is hereby directed to transmit a copy of this resolution to the Secretary of the Commission, thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-332

RESOLUTION APPOINTING JOSEPH SANCHEZ TO THE CITY OF MODESTO CULTURE COMMISSION AS A CITY OF MODESTO RESIDENT AND REBECCA HARRINGTON AS A STANISLUAS COUNTY RESIDENT WHO DOES NOT LIVE IN THE CITY OF MODESTO, WITH A TERM EXPIRATION OF JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on August 8, 2017 and recommended appointment of Joseph Sanchez and Rebecca Harrington to the Modesto Culture Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Joseph Sanchez is hereby appointed to the Modesto Culture Commission as a City of Modesto resident with a term expiration of January 1, 2021.

2. Rebecca Harrington is hereby appointed to the Modesto Culture Commission as a Stanislaus County Resident who does not reside in the City of Modesto with a term expiration of January 1, 2021.

3. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-333

RESOLUTION APPOINTING DAVID RODDICK TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT WITH A TERM EXPIRATION OF JANUARY 1, 2022

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on August 8, 2017 and recommended appointment of David Roddick to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. David Roddick is hereby appointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-334

RESOLUTION APPOINTING JOANNA ESPARZA TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND HUMAN RELATIONS COMMISSION TO COMPLETE A TERM SET TO EXPIRE ON JANUARY 1, 2021

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Appointments Committee met on August 8, 2017, and recommended appointment of JOANNA ESPARZA to serve jointly on the Equal Opportunity/ Disability Commission and Human Relations Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

I. JOANNA ESPARZA is hereby appointed to serve jointly on the Equal Opportunity/Disability Commission and Human Relations Commission with a term expiration of January 1, 2021.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Commissions and the Secretary thereof.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-335

RESOLUTION APPROVING A SIXTH AMENDMENT TO THE MASTER AGREEMENT FOR AUDITING SERVICES BETWEEN THE CITY OF MODESTO AND MOSS-ADAMS, LLP IN AN AMOUNT NOT TO EXCEED $100,000; AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT TO THE AGREEMENT

WHEREAS, Section 900 of the Modesto City Charter provides that the City Auditor shall be appointed by and serve at the pleasure of the City Council of the City of Modesto, and

WHEREAS, the City Council desires to amend the Master Agreement for auditing services with the firm of Moss-Adams, LLP extending the term of the Agreement from July 1, 2017 to June 30, 2018, and

WHEREAS, the compensation amount needs to be amended to include an additional amount not to exceed $100,000, and

WHEREAS, The Audit Committee at its June 20, 2017 meeting established priorities for Moss Adams's work in FY2017-18 as: (i) Accounts Receivable Internal Controls Testing; (ii) Financial Policy Development; and (iii) Ongoing Internal Auditor Services. If funds are available the next priorities would be: (i) Permitting Efficiency Study and (ii) Fleet Utilization Study.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Master Agreement for auditing services with Moss-Adams, LLP.

BE IT FURTHER RESOLVED that the Mayor, or his designee, is hereby authorized to execute the Amendment to the Master Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-336

RESOLUTION APPROVING ANNEXATION MAP RELATED TO ANNEXATION NO. 1 TO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2), AUTHORIZING AND DIRECTING RECORDING THEREOF AND LEVYING SPECIAL TAX

WHEREAS, reference is made to (a) the Resolution of Formation, Resolution No. 2016-20 (the "Resolution of Formation"), adopted by this City Council (this "City Council") on January 26, 2016 approving the formation of the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East #2) ("CFD No. 2016-1") pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter in this resolution, the "Mello-Roos Act"), and (b) the Amended Boundary Map for CFD No. 2016-1 (the "Boundary Map"), recorded on August 11, 2017, in Book 5 of Maps of Assessment and Community Facilities Districts, at Page 65, official records of the County Recorder of the County of Stanislaus (the "County Recorder"), for the identification of (1) the boundary of CFD No. 2016-1, and (2) the area designated as future annexation area (the "Future Annexation Area") as provided by the Mello-Roos Act, and

WHEREAS, the properties identified as Assessor's Parcel No. 078-015-007 ("Parcel #1") and Assessor's Parcel No. 078-015-025 ("Parcel #2") are situated within the Future Annexation Area (collectively, the "Subject Property"); and

WHEREAS, in accordance with the provisions of Sections 53339 through 53339.9, inclusive, of the Mello-Roos Act (the "Annexation Provisions"), pertaining to annexation of property to a community facilities district, Plaza Road Development Group, LLC, owner of Parcel #1 and Dale Road Development Group, LLC, owner of

Parcel #2, have submitted to the City Manager of the City (the "City Manager") executed forms entitled "Request and Unanimous Approval for Annexation and Landowner-Voter Ballot" (together, the "Unanimous Approval Forms"), each requesting the annexation of the parcel owned by said landowner to CFD No. 2016-01 and voting in favor of authorizing the levy of the special tax on the Subject Property, and

WHEREAS, a map entitled "Boundary of Proposed Annexation #1 to the City of Modesto Community Facilities District No. 2016-1, City of Modesto, County of Stanislaus, State of California" ("Annexation Map No. 1"), showing the boundary of the Subject Property, has been filed with the City Clerk of the City (the "City Clerk") and a copy thereof presented to Council at the September 5, 2017 meeting, and

WHEREAS, pursuant to Section 53339.8 of the Mello-Roos Act ("Section 53339.8"), the Unanimous Approval Forms request that the City execute and record a notice of special tax lien pertaining to the Subject Property (the "Notice") in the official records of the County Recorder, and

WHEREAS, this City Council wishes by this resolution to approve and direct the recordation of Annexation Map No.1; and to direct, as soon as practicable following the recordation of Annexation Map No. 1, the preparation, execution and recordation of the Notice, with provisions to cross-reference the recorded Annexation Map No. 1.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Modesto hereby finds, determines and resolves as follows:

1. The foregoing recitals are true and correct, and this City Council hereby expressly so finds and determines.

2. This City Council hereby approves Annexation Map No. 1 and authorizes

and directs the City Clerk to cause the execution and recordation thereof in the official records of the County Recorder in accordance with the provisions of Section 3113 of the California Streets and Highways Code.

3. This City Council hereby levies the Special Tax on the property located within Annexation Map No. 1 and directs the City Clerk, following the recordation of Annexation Map No. 1, to cause the preparation, execution and recordation of the Notice in the official records of the County Recorder in accordance with the provisions of Section 53339.8 and Streets and Highways Code section 3114.5(b). Upon recordation of the Notice, the Subject Property shall be subject to the levy of the special tax of CFD No. 2016-1 in accordance with the rate and method of apportionment of special tax for said CFD No. 2016-1, as approved by the Resolution of Formation and **attached** thereto as **Exhibit B** thereof.

4. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki,

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal, Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

LEGEND

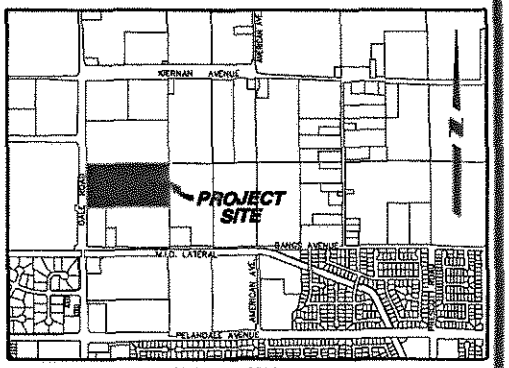
BOUNDARY OF PROPOSED ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 2016-1

APN: 000-000-000 ASSESSORS PARCEL NUMBER

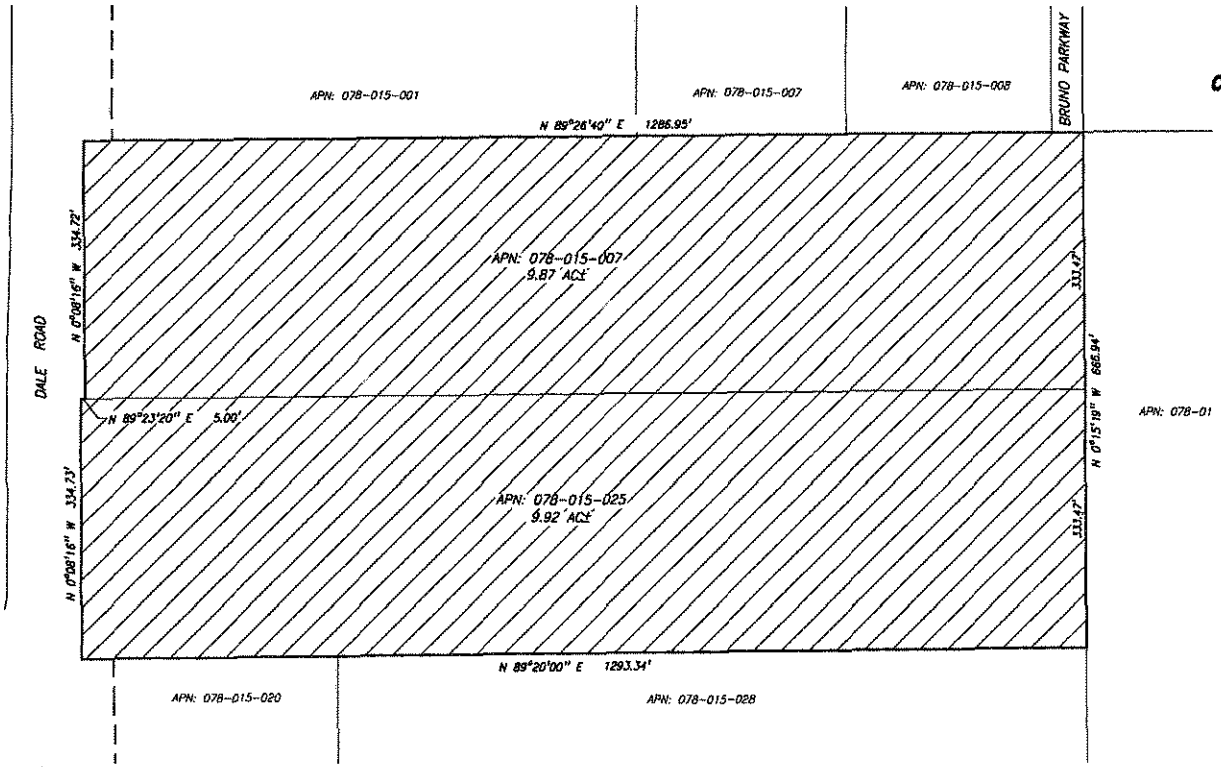
N

100 50 0 100 200

SCALE: 1" = 100'



VICINITY MAP



NOTE:
ORIGINAL DISTRICT BOUNDARY MAP RECORDED ON AUGUST 11, 2017, LOCATED IN BOOK 5 OF ASSESSMENT MAPS, AT PAGE 65, TITLED CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2)

BOUNDARY OF PROPOSED ANNEXATION #1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST # 2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
1121 OAKDALE ROAD - SUITE 1 - MODESTO, CALIFORNIA - 95355
(209) 548-8880 FAX:(209) 548-8305

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO IN RECORDABLE FORM

THIS _____ DAY OF _____, 2017
STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING THE PROPOSED BOUNDARIES OF ANNEXATION #1 TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2016-1 (KIERNAN BUSINESS PARK EAST #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF.

HELD ON THE _____ DAY OF _____, 2017

BY ITS RESOLUTION NO. _____
STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

FILED THIS _____ DAY OF _____, 2017, AT THE HOUR OF _____ O'CLOCK ____ .M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.
LEE LUNDRIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____

_____
PRINT NAME

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(KIERNAN BUSINESS PARK EAST)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2016-1, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to the CFD, unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or **"Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means any or all of the following: expenses incurred by the City in carrying out its duties with respect to CFD No. 2016-1, including, but not limited to, levying and collecting the Special Taxes; the fees and expenses of legal counsel; charges levied by the County Auditor's Office, Tax Collector's Office, and/or Treasurer's Office; costs related to annexing property into the CFD; costs related to property owner inquiries regarding the Special Taxes; and all other costs and expenses of the City in any way related to the establishment or administration of the CFD.

"Administrator" means the person or firm designated by the City to administer the Special Taxes according to this RMA.

"Annual Maintenance Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Maintenance Special Tax Requirement, as defined below.

"Annual Maintenance Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Annual Maintenance Special Taxes which have occurred in prior Fiscal Years.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

"Assessor's Parcel Map" means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

"Assessor's Parcel Number" or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

"Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.

"CFD" or **"CFD No. 2016-1"** means the City of Modesto Community Facilities District No. 2016-1 (Kiernan Business Park East).

"CFD Formation" means the date on which the Resolution of Formation to form CFD No. 2016-1 was adopted by the City Council.

"City" means the City of Modesto.

"City Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 2016-1.

"County" means the County of Stanislaus.

"Escalation Factor" means, in any Fiscal Year, the greater of (i) the percentage increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%).

"Final Map" means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Maximum Annual Maintenance Special Tax" means the Maximum Annual Maintenance Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.

"Maximum One-Time Facilities Special Tax" means the greatest amount of One-Time Facilities Special Tax that can be levied on an Assessor's Parcel in any Fiscal Year determined in accordance with Section C below.

"Maximum Special Taxes" means, collectively, the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax.

"One-Time Facilities Special Tax" means a special tax levied and collected in full by the City prior to a structural building permit being issued for new construction on a Parcel of Taxable Property.

"Proportionately" means the ratio of the actual Annual Maintenance Special Tax levied in any Fiscal Year to the Maximum Annual Maintenance Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Taxable Property.

"Public Property" means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

"RMA" means this Rate and Method of Apportionment of Special Tax.

"Special Taxes" means, collectively, the One-Time Facilities Special Tax and the Annual Maintenance Special Tax.

"Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Taxes pursuant to law or Section F below.

"Taxable Public Property" means, in any Fiscal Year, all Parcels of Public Property within the CFD that, (i) based on a tentative map or other development plan, were expected to be Taxable Property and, (ii) based on this expectation, Maximum Annual Maintenance Special Taxes were assigned to the Parcels in prior Fiscal Years.

"Tax Zone" means a mutually exclusive geographic area within which the Special Taxes may be levied pursuant to this RMA. ***All of the property within CFD No. 2016-1 at the time of CFD Formation is within Tax Zone 1.*** Additional Tax Zones may be created when property is annexed to the CFD, and separate Maximum Special Taxes shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of Special Taxes against his/her Parcel or Parcels pursuant to this RMA.

B. DATA FOR ANNUAL TAX LEVY

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) in which Tax Zone each Parcel of Taxable Property is located, (ii) the Acreage for each Parcel of Taxable Property, and (iii) the Annual Maintenance Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Taxable Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Taxes that apply separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

1. Tax Zone 1

Table 1 below identifies the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax assigned to all Parcels of Taxable Property in Tax Zone 1 at CFD Formation and all Parcels that annex into Tax Zone 1 after CFD Formation.

TABLE 1
MAXIMUM SPECIAL TAXES FOR TAX ZONE 1
FISCAL YEAR 2015-16

Fiscal Year 2015-16 Assessor's Parcel Number (s)	*Fiscal Year 2015-16 Maximum One-Time Facilities Special Tax**	*Fiscal Year 2015-16 Maximum Annual Maintenance Special Tax**
078-015-029 078-015-030	$0	$2,872 per Acre

** On January 1, 2016 and each January thereafter, the Maximum One-Time Facilities Special Tax and Maximum Annual Maintenance Special Tax rates shall be adjusted by the Escalation Factor. Each annual adjustment of the Maximum One-Time Facilities Special Tax and the Maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.*

2. Additional Tax Zones

If property is annexed into the CFD and a separate Tax Zone is established for such property, a Maximum One-Time Facilities Special Tax and a Maximum Annual Maintenance Special Tax will be identified for Taxable Property in the new Tax Zone in the Unanimous Approval Form signed by the annexing property owner.

D. METHOD OF LEVY OF SPECIAL TAXES

1. One-Time Facilities Special Tax

The Maximum One-Time Facilities Special Tax determined pursuant to Section C above shall be levied on all Taxable Property in CFD No. 2016-1 and shall be collected as set forth in Section E below.

2. Annual Maintenance Special Tax

Each Fiscal Year, the Administrator shall determine the Annual Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall be levied on all Parcels of Taxable Property as follows:

Step 1: The Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Property that is not Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year;

Step 2: If additional revenue is needed after Step 1, the Annual Maintenance Special Tax shall be levied Proportionately on each Parcel of Taxable Public Property up to 100% of the Maximum Annual Maintenance Special Tax for each Parcel for such Fiscal Year.

E. COLLECTION OF SPECIAL TAXES

The Maximum One-Time Facilities Special Tax shall be collected prior to a building permit being issued for new construction of a structure on a Parcel of Taxable Property within CFD No. 2016-1, and shall be immediately delinquent if not so paid.

The Annual Maintenance Special Tax for CFD No. 2016-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Annual Maintenance Special Taxes through foreclosure or other available methods. The Annual Maintenance Special Tax shall be levied and collected in perpetuity unless and until the City determines that the Annual Maintenance Special Tax no longer needs to be levied to pay for Authorized Services and Administrative Expenses.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Public Property except Taxable Public Property, as defined herein.

G. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

H. ENFORCEMENT

All delinquent One-Time Facilities Special Taxes, and delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1.5 % as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursing the delinquency by an action on a contract of guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-337

RESOLUTION ACCEPTING THE 2016 GENERAL PLAN ANNUAL REPORT FOR SUBMISSION TO THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH AND TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, California Government Code Section 65400(a)(2) requires that local governments prepare an annual progress report regarding General Plan implementation, including matters related to meeting the applicable share of regional housing needs (California Government Code Section 65584), and

WHEREAS, on July 17, 2017, the City of Modesto Planning Commission voted to recommend that the Council of the City of Modesto accept the 2016 General Plan Annual Report for submission to the Governor's Office of Planning and Research and to the California Department of Housing and Community Development.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2016 General Plan Annual Report

BE IT FURTHER RESOLVED that the Clerk is hereby directed to submit the 2016 General Plan Annual Report to the Governor's Office of Planning and Research and to the California Department of Housing and Community Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-338

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 AND FISCAL YEAR 2017-2018 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2016-17 and Fiscal Year 2017-18,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2016-17 and Fiscal Year 2017-18 Annual Operating and Capital Improvement budgets as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2016-17

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to recognize $963,723 of unbudgeted Special Assessment revenue in various Capital Facilities District Funds; North Beyer #2 CFD Fund-Capital, Coffee Claratina CFD Fund and Village One #2 CFD Fund.

A budget adjustment is necessary to recognize $512,000 of unbudgeted revenue from the State Department of Transportation in the Air Quality Facility Fees Fund, Fund 3430; and reduce the Construction account in the Capital Improvement Project #100882, Connect Modesto Junior College Bike Path to Virginia Corridor, in the amount of $100,000 based on an updated E-76 report.

HUMAN RESOURCES

A budget adjustment is necessary to appropriate $504,933 from the Worker's Compensation Fund, 5320, fund balance, to their discretionary expense budget for costs associated with claim payments in the amount of $489,807, and increase the Salary and Benefits budget for cost associated with payment of annual physical examinations in the amount of $15,126.

POLICE DEPARTMENT

On December 8, 2015 the Council of the City of Modesto adopted by Resolution #2015-461 a transfer in the amount of $1,455,316 from General Fund Reserves to the Special Fund-Capital Outlay Fund, Fund 3120, to establish Capital Improvement Project #100919, Radio Purchase for Modesto Police Department. A budget adjustment is necessary to close the radio project for the Police Department, and establish a transfer from the General Fund to the Special Fund for Capital Outlay, in the amount of $148,520, as this fund does not have reserves and all expenses surrounding this project have been incurred/encumbered.

PUBLIC WORKS

A budget adjustment is necessary to increase the FY 2016-17 10th Street JPA Allocation from various City funds for the assessment that was approved by the 10th Street JPA Board on June 6, 2016. At that time, the assessment included a $125,000 credit related to the board chambers upgrade and security enhancements. However, work on the board chambers project did not begin during the fiscal year and the credit will not be included. Once the chambers project begins, the total costs will be reviewed and a credit to the FY 17-18 assessment will be applied. Additionally, the City confirmed they will not be charged for secured roll tax this fiscal year which was previously included in the budget for $2,797. The increase of $122,201 has been split amongst a number of funds of which the breakdown can be seen below:

Fund Name	Fund	Increase
General Fund	0100	$ 68,283
Grants - CDBG Direct Program	1130	$ 2,573
Capital Improvement Support	1300	$ 10,811
Surface Transportation Fund	1700	$ 3,838
Infrastructure Financing Program Administration	3220	$ 3,602
Water Fund	4100	$ 15,118
Sewer Operations Fund	4210	$ 2,035

Bus Fixed Route Max Operations Fund	4540	$ 3,673
Solid Waste Fund	4891	$ 3,181
Mail Services ISF	5120	$ 313
Information Technology Fund	5230	$ 7,704
Insurance - Administration Fund	5310	$ 609
Employee Benefits Management Fund	5510	$ 461
	Total	**$ 122,201**

This adjustment will also increase/(decrease) the revenue and expenses in the 10th Street JPA Fund by the amounts below in the following accounts:

Account	Amount
5810-52310-42405 (City of Modesto Contribution)	$122,201
5810-52310-53505 (Intergovernmental Services – Other)	$ 24,998
5810-52310-54300 (Taxes and Assessments)	($ 2,797)

A budget adjustment is necessary to transfer $92,000 from Building Services Reserves to Cost Center 52120, Building Maintenance, for unanticipated legal expenses, a significant upsurge in electrical repairs and to balance the budget for Fiscal Year 2016-17.

A budget adjustment is necessary to establish a transfer in the amount of $16,110 from CDBG Direct Program Fleet Replacement Fund 1139 to Fleet Replacement Fund 5409 for purchases made in FY16/17: (1) Mid-size Sedan.

A budget adjustment is necessary to establish a transfer in the amount of $18,298 from Surface Transportation Fleet Replacement Fund 1709 to Fleet Replacement Fund 5409 for purchases made in FY16/17: (2) Concrete Grinder, (2) Concrete Push Truck Grinder.

A budget adjustment is necessary to establish a transfer in the amount of $42,172 from Water Fleet Replacement Fund 4109 to Fleet Replacement Fund 5409 for purchases made in FY16/17: (1) Trailer for Chlorine, (1) 3/4 Ton Utility Truck.

A budget adjustment is necessary to establish a transfer in the amount of $6,648 from Wastewater Fleet Replacement Fund 4219 to Fleet Replacement Fund 5409 for purchases made in FY16/17: (1) Loader with Claw Attachment.

A budget adjustment is necessary to establish a transfer in the amount of $14,218 from Solid Waste Fleet Replacement Fund 4899 to Fleet Replacement Fund 5409 for purchases made in FY16/17: (1) Mid-size Sedan.

A budget adjustment is necessary to establish a transfer in the amount of $14,974 from Mail Services ISF Fleet Replacement Fund 5129 to Fleet Replacement Fund 5409 for purchases made in FY16/17: (1) Sedan Compact Wagon.

A budget adjustment is necessary to establish a transfer in the amount of $198,543 from Fleet Equipment Replacement Fund 5410 to Fleet Replacement Fund 5409 for purchases made in FY16/17: (10) Investigation Sedan Vehicles, (2) Investigation SUV.

UTILITIES

A budget adjustment is necessary to appropriate $218,732 from the Wastewater PCE Mitigation Fund, 4212, fund balance, to their discretionary expense budget for Professional Services costs associated with the mitigation of Capital Improvement Project #100668, Waste Water PCE Mitigation.

FISCAL YEAR 2017-18

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to recognize $254,000 of unbudgeted revenue from the State Department of Transportation in the Capital Grants – Streets CIP Fund, Fund 3160, and reallocate to Capital Improvement Project #100728, Right Turn Lane West Bound D Street, Construction, Contingency, Construction Administration and Engineering Design/Administration accounts.

A budget adjustment is necessary to recognize $260,000 of unbudgeted revenue from the State Department of Transportation in the Capital Grants – Streets CIP Fund, Fund 3160, and reallocate to Capital Improvement Project #100633, Right Turn Lane – Prescott & Plaza Parkway, Construction, Contingency, Construction Administration and Engineering Design/Administration accounts.

A budget adjustment is necessary to increase an existing transfer in the amount of $345,000 from the Bus Fixed Route Fund, Fund 4150, to the Capital Grants-CIP Fund, Fund 3160, due to an increase in construction costs associated with the South Bound Dale Road Bus Turnout Capital Improvement Project, #100727.

FIRE

A budget adjustment is necessary to clean-up the non-capital budget for Project 100960 (MFD-AMR Contract Revenue & Ot6her Misc EMS Revenue) to properly account for revenues that have been received since the establishment of this project. An increase in the revenue budget in the amount of $192,092 ($187,265 in account 43335 – American Medical Response Contract and $4,827 in account 47005 – Miscellaneous Revenue) is required to account for the additional revenue that has been received. In addition, expenditures in the amount of $192,092 need to be appropriated to give the department the ability to spend the funds received on future planned EMS-system radio communication systems, field equipment and training. The adjustment essentially accounts for the revenue received and then appropriates that revenue for expenditure in the amount of $192,092 in project 100960.

HUMAN RESOURCES

A budget adjustment is necessary to recognize savings achieved by paying the PERS Unfunded Accrued Liability (UAL) in a lump sum payment rather than monthly payments. As a result, the City of Modesto will save $491,262 across all funds. Below is a breakdown of how the savings will be recognized in each fund. Also, included in the figures is an increase to Building Services (Fund 5800) due to the TSP JPA (Fund 5810) budget which was adopted with half of the amount of PERS UAL since one of the two allocated positions was absorbed by the County.

Fund Name	Fund	Budget Increase/(Decrease)
General Fund	0100	$ (361,505)
Grants - CDGB Direct Program	1130	$ (1,647)
Capital Improvement Support	1300	$ (3,381)
Traffic Offender Fund	1610	$ (671)
Surface Transportation Fund	1700	$ (11,067)
Infrastructure Financing Program Administration	3220	$ (1,440)
Parking Fund	4000	$ (1,064)
Water Fund	4100	$ (30,092)
Sewer Operations Fund	4210	$ (35,630)
Airport Operating Fund	4310	$ (1,270)
Storm Drainage Fund	4480	$ (1,736)
Bus Fixed Route Max Operations Fund	4540	$ (5,045)
Community Center Operations Fund	4700	$ (1,279)
Compost Fund	4890	$ (1,918)
Solid Waste Fund	4891	$ (2,097)
Green Waste Fund	4892	$ (9,179)
Mail Services ISF Fund	5120	$ (240)
Information Technology Fund	5230	$ (9,085)
Insurance - Administration Fund	5310	$ (1,053)
Fleet Management Fund	5400	$ (5,390)
Employee Benefits Administration Fund	5520	$ (655)
P/R Building Services Fund	5800	$ 3,487
10th Street Place Building Services	5810	$ (4,971)
JPA Stanislaus Drug Enforcement Agency	6600	$ (4,334)
Grand Total		$ (491,262)

POLICE DEPARTMENT

A budget adjustment is necessary to recognize $231,173 in unbudgeted revenue in the Police Grants Fund, Fund 1342, and reallocate to discretionary accounts within Project #100901, 2016-17 Supplemental Law Enforcement Services Fund (SLESF).

PUBLIC WORKS

Effective July 1, 2017, the fleet maintenance operations within the Compost and Fleet Divisions merged into one division. Due to the merger, the Equipment Mechanic housed in Compost, Fund 4890, has moved to Fleet, Fund 5400. Moving this allocation from the Compost Division to the Fleet Division will result in cost savings to the Compost Division, and provide oversight and guidance to the Equipment Mechanic working on the Compost equipment. A budget adjustment is necessary to move the salary and benefits totaling $81,037 from the Compost Fund to the Fleet Fund.

A budget adjustment is necessary to appropriate $304,439 from Surface Transportation Reserves, Fund 1700, to Cost Center 53130, Streets Maintenance, and Cost Center 53142,

Curbs, Gutters and Sidewalks, discretionary accounts which were inadvertently not entered into the CGI budgeting software system.

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $517,500 for Capital Improvement Project #100884, Emergency Vehicle Pre-Emption, within Fund 3160, Capital Grants-Streets CIP Projects, as additional funding was recently awarded by the Department of Transportation (Caltrans), and reallocate to discretionary accounts within the project.

A budget adjustment is necessary to establish the revenue budget for aircraft taxes in the County Aircraft Tax Fund - 4330. The anticipated revenue for FY 2018 is $180,000 and will be budgeted in account #42301 – Intergov-County Contribution/Reimbursement.

A budget adjustment is necessary to increase the FY 2017-18 10th Street JPA Allocation from various City funds for the assessment that was approved by the 10th Street JPA Board on May 18, 2017, of which, the additional City's portion is $152,236. This assessment of $152,236 has been split amongst a number of funds of which the breakdown can be seen below:

Fund Name	**Fund**	**Increase**
General Fund	0100	$ 90,434
Grants - CDBG Direct Program	1130	$ 1,182
Capital Improvement Support	1300	$ 2,025
Surface Transportation Fund	1700	$ 4,781
Water Fund	4100	$ 21,575
Sewer Operations Fund	4210	$ 12,378
Bus Fixed Route Max Operations Fund	4540	$ 4,575
Solid Waste Fund	4891	$ 3,962
Mail Services ISF	5120	$ 390
Information Technology Fund	5230	$ 9,600
Insurance - Administration Fund	5310	$ 759
Employee Benefits Management Fund	5510	$ 575
	Total	**$ 152,236**

This adjustment will also increase the revenue and expenses in the 10th Street JPA Fund by the amounts below in the following accounts:

Account	Amount
5810-52310-42405 (City of Modesto Contribution)	$152,236
5810-52310-53505 (Intergovernmental Services – Other)	$152,236

A budget adjustment is necessary to recognize unbudgeted revenue in the amount of $159,000 for Capital Improvement Project #100720 – Traffic Signals 13 (Pres/Mt. Vrn) within Fund 3160, Capital Grants-Streets CIP Projects as additional funding was recently awarded by the Department of Transportation (Caltrans). And reallocate to discretionary accounts within the project.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-339

RESOLUTION ACCEPTING DONATION OF 1919 SEAGRAVE PUMPER FROM MR. AND MRS. BILL SPIDELL AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE DONATION AGREEMENT

WHEREAS, in August of 1919, the City purchased a 1919 Seagrave pumper and placed it into service in downtown Modesto, and

WHEREAS, in 2001, Bill Spidell and his wife Alma found and purchased the pumper from a private party in Northern California to restore, and

WHEREAS, Mr. and Mrs. Spidell recognize the historical relevance to the City of Modesto and wish to donate the pumper to the Modesto Fire Department, and

WHEREAS, by accepting the donation of the 1919 Seagrave Pumper (Truck), the City agrees to following; a) store or display the Truck within the City, b) maintain the Truck in similar condition to the condition it was received and c) to not sell, donate or convey the Truck to any other individual or entity, and

WHEREAS, the pumper will be on display for public viewing at Fire Station 1, and

WHEREAS, the donation of the 1919 Seagrave Pumper will be used solely for the purposes of historical education and preservation by the City of Modesto and the Modesto Fire Department, and

WHEREAS, the estimated fair market value of the pumper is $128,500, and

WHEREAS, annual maintenance and repair costs are estimated at less than $2,500 and will be absorbed within existing operation budgets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the donation of the 1919 Seagrave Pumper from Mr. and Mrs. Bill Spidell.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee is hereby authorized to execute the donation agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-340

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE PAYMENT TO PACIFIC GAS AND ELECTRIC (PG&E), SACRAMENTO, CA FOR EMERGENCY WORK PERFORMED ON THE STATE ROUTE 99 / PELANDALE AVENUE INTERCHANGE RECONSTRUCTION PROJECT, CONTRACT ID #1207145, FOR AN AMOUNT OF $56,179

WHEREAS, the State Route 99 / Pelandale Avenue Interchange Reconstruction Project is a project to increase safety, relieve congestion, and enhance traffic operations within the Interchange and along the adjacent streets, and

WHEREAS, State Route 99/Pelandale Avenue Intersection Reconstruction Project funds were programmed in accordance with California Department of Transportation's (Caltrans) Project Development Procedures Manual, and

WHEREAS, on March 4, 2016, the State Route 99/Pelandale Avenue Intersection Reconstruction Project encountered a break to the City's existing water main causing Pacific Gas & Electric (PG&E) to perform emergency work to repair an existing gas line, and

WHEREAS, on February 25, 2014, by Resolution No. 2014-72, City Council, authorized the City Engineer to issue changes in the construction contract with Teichert/MCM, a Joint Venture, Fowler, California via written change orders for the State Route 99 / Pelandale Avenue Interchange Reconstruction Project for an amount of all such change orders do not exceed 6% of the original contract, and

WHEREAS, on July 14, 2015, by Resolution No. 2015-249, City Council approved transferring authority from City Engineer to the Director of Public Works to issue changes in the construction contract via written change orders for the State Route

99/Pelandale Avenue Interchange Reconstruction Project, and

WHEREAS, on August 3, 2016, City Council, by Resolution 2016-322, increased the Public Works Director's authority to issue change orders to the construction contract with Teichert/MCM (a joint venture) only, and

WHEREAS, on April 25, 2017, City Council, by Resolution 2017-154, accepted the State Route 99 / Pelandale Avenue Interchange Reconstruction Project improvements as complete, and

WHEREAS, per Municipal Code 8-3.102 "Contracting Authority," the Public Works Director is unable to authorize payment to PG&E.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Interim City Manager, or his designee, to issue payment to PG&E, Sacramento, CA for emergency work performed on the State Route 99 / Pelandale Avenue Interchange Reconstruction Project, contract ID #1207145, for an amount of $56,179.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-341

RESOLUTION APPROVING A FOURTH AMENDMENT TO THE AGREEMENT WITH SCS ENGINEERS, INC. FOR MITIGATION SITE WORK, MONITORING, AND REPORTING FOR THE CARPENTER ROAD LANDFILL IN ACCORDANCE WITH THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CVRWQCB) COMPLIANCE ABATEMENT ORDER R5-2015-0700, IN AN AMOUNT NOT TO EXCEED $92,349 THROUGH DECEMBER 31, 2018, AND FOR A TOTAL AGREEMENT AMOUNT OF $924,349 FROM JUNE 2007 THROUGH DECEMBER 2018, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto owned and operated the Carpenter Road Landfill from 1956 to 1968, and the landfill includes fill sites on both the east and west sides of Carpenter Road, along the Tuolumne River, and

WHEREAS, the City is required by State law to perform post closure landfill maintenance, monitoring, and reporting for the landfill site, and

WHEREAS, in December 2005, it appeared that methane gas levels at the landfill's Northern boundary exceeded the maximum limits, and the California Integrated Waste Management Board (CIWMB) required the City to determine the cause and develop a Mitigation and Monitoring Plan, and

WHEREAS, the Central Valley Regional Water Quality Control Board (CVRWQCB) subsequently required the City to assess the potential for groundwater impacts, and

WHEREAS, in June 2007 by Resolution No. 2007-341, the Council authorized a Professional Services Agreement with SCS Engineers, Inc. in an amount not to exceed $299,500 to assess the landfill and recommend corrective action, and

WHEREAS, after the initial site assessment, Resolution No. 2007-728 authorized a no-cost Letter Amendment to shift the focus of the work to installation of gas probes, design and installation of groundwater monitoring wells, and ongoing monitoring and reporting of methane gas and groundwater, and

WHEREAS, the assessment determined that migration of methane gas past the boundaries of the landfill was not a problem, but that a groundwater monitoring event determined that the landfill had experienced a "release" that could potentially have affected groundwater, and

WHEREAS, an engineering feasibility study had to be completed and the CVRWQCB required the City to submit a Corrective Action Plan (CAP), and

WHEREAS, in May 2009 by Resolution 2009-199, the Council approved a Second Amendment to the Agreement with SCS Engineers, Inc. to further evaluate the site, develop the CAP, and provide ongoing monitoring and reporting services in an amount not to exceed $242,000, and

WHEREAS, in November 2010, after conducting 12 hydro punch borings to sample groundwater and analyzing them for Volatile Organic Compounds (VOC's), SCS submitted the CAP to the CVRWQCB proposing to use an injection of a hydrogen releasing compound to remediate any groundwater impacts, and

WHEREAS, subsequently , the VOC concentrations began to consistently decline, and City staff and SCS Engineers, Inc. determined that the proposed CAP needed to be re-evaluated, and

WHEREAS, in August 2013 by Resolution No. 2013-277, the Council approved a Third Amendment to the Agreement with SCS Engineers, Inc. for ongoing monitoring,

lab analysis, compliance reports, corrective action monitoring and maintenance, and re-evaluating and implementing the CAP in a cost not to exceed $290,500, and

WHEREAS, in October 2014, a revised CAP and post closure maintenance plan was submitted to the CVRWQCB and in March 2015, the CVRWQCB issued the City a Cleanup and Abatement Order (CAO R5-2015-0700) requiring the City to clean close the Eastern Fill, move all the waste to the Western Fill, install a final cover atop the Western Fill, and construct a storm water retention basin, and

WHEREAS, in April 2015, SCS Engineers, Inc. submitted the plans and drawings to address the CAO and it was conditionally approved by the CVRWQCB in July 2016, with mitigation to be completed by October 2017, and

WHEREAS, the Central Valley experienced a significant wet winter at the end of 2016 and into the beginning of 2017, with the Tuolumne River above flood stage and not expected to completely recede until September or mid-October 2017, and

WHEREAS, the City petitioned the CVRWQCB in June 2017 for an extension to the CAO due to the groundwater elevation being higher than that of the waste to be excavated, and

WHEREAS, in mid-July the CVRWQCB approved the City's request to postpone the execution of the Clean Closure Work Plan with the condition that the approved background soil assessment would be completed and submitted to the water board by October 20, 2017 and the Final Construction and Completion Report for the CAO would be submitted no later than October 31, 2018, and

WHEREAS, the requested Fourth Amendment will complete these tasks and carry the project through December 31, 2018, and

WHEREAS, funds are collected in the garbage rate for the mitigation project, estimated to cost $2.6 million, and to date the Carpenter Road Landfill Fund (Fund 4893-56016) has $1.7 million.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Fourth Amendment to the Agreement with SCS Engineers, Inc. for mitigation site work, monitoring, and reporting for the Carpenter Road Landfill in accordance with the Central Valley Regional Water Quality Control Board Compliance Abatement Order R5-2015-0700, in an amount not to exceed $92,349 through December 31, 2018, and for a total Agreement amount of $924,349 from June 2007 through December 2018.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Fourth Amendment to the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-342

RESOLUTION APPROVING THE AWARD OF BID FOR BIO-SOLIDS REMOVAL AND LAND APPLICATION SERVICES TO JIM BRISCO ENTERPRISES, INC., ATWATER, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST OF $145,600, OR A TOTAL OF UP TO $728,000 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT

WHEREAS, during the primary treatment process at the City's Sutter Wastewater Treatment Plant, solids are removed from the wastewater, and

WHEREAS, the solids are separated at the clarifier by removing Fats, Oil and Grease from the top and sludge from the bottom and sent to the digester where it is biologically broken down; the digested sludge is then pumped to the drying beds to be dried out, and

WHEREAS, the City uses an outside bidder to remove the dried sludge (bio-solids) from the drying beds which are then transported to the City's Jennings Wastewater Treatment Plant for land application to the City's ranch, and

WHEREAS, this process is regulated by the City's National Pollutant Discharge Elimination System Permit, and

WHEREAS, the City Manager's Office authorized the Purchasing Division to issue a Request for Bids (RFB) for Bio-Solids Removal and Land Application on May 11, 2017, and

WHEREAS, on July 25, 2017, the Purchasing Division issued RFB No. 1718-01 for the purchase of Bio-Solids Removal and Land Application on the City's website, and

WHEREAS, prospective bidders were notified online of the bid opportunity and eleven companies choose to download the RFB document, none of which was local companies, and

WHEREAS, five companies were present at the mandatory site visit, and

WHEREAS, on August 15, 2017, bids were formally opened in the City Clerk's Office with two companies choosing to respond and all provided responsive and responsible bids, and

WHEREAS, based on providing the overall lowest responsive and responsible bid, staff recommends the award of bid for Bio-Solids Removal and Land Application to Jim Brisco Enterprises, Inc., Atwater, CA, at an annual cost of $145,600, or a total of up to $728,000 over five years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid therefore the award of bid for the furnishing of Bio-Solids Removal and Land Application conforms to Modesto Municipal Code Section 8-3.203.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for the furnishing of Bio-Solids Removal and Land Application to Jim Brisco Enterprises, Inc., Atwater, CA, for a two-year agreement with three one-year extension options for an estimated annual cost of $145,600, or a total of up to $728,000 over five years.

BE IT FURTHER RESOLVED, that the Interim City Manager or his designee is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-343

RESOLUTION APPROVING THE AWARD OF BID FOR THE PURCHASE OF SODIUM HYPOCHLORITE – LIQUID CHLORINE TO OLIN ALKALI, TRACY, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN INITIAL ANNUAL COST OF $39,397, OR A TOTAL OF UP TO $225,000 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING AGREEMENT

WHEREAS, the Interim City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for the purchase of sodium hypochlorite – liquid chlorine, and

WHEREAS, on February 21, 2017, the Purchasing Division issued RFB No. 1617-38 for the purchase of Sodium Hypochlorite-Liquid Chlorine on the City's website under the commodity codes for chemicals and solvents commercial (in bulk), and water and wastewater treatment chemicals, and

WHEREAS, on May 9, 2017, bids were formally opened in the City Clerk's Office. Three (3) companies chose to respond, and only one was a local vendor. All companies provided responsive and responsible bids, and

WHEREAS, based on the bids received, City staff recommends the award of bid for sodium hypochlorite – liquid chlorine to Olin Alkali, Tracy, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid for the purchase of sodium hypochlorite – liquid chlorine to Olin Alkali, Tracy, CA, conforms to the Modesto Municipal Code, and

WHEREAS, the cost for these services will be covered by the Water funds through existing budget in the following cost center and project: 4100-45050-52190 Chemical and Lab Supplies

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bid for Sodium Hypochlorite – Liquid Chlorine to Olin Alkali, Tracy, CA.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to issue a purchasing agreement for an initial annual cost of $39,397, or a total of up to $225,000 over five years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-344

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AIRPORT HANGAR 1S ROOF REPLACMENET PROJECT, ACCEPTING THE BID, AND AWARDING A CONSTRUCTION CONTRACT TO BEST CONTRACTING SERVICES, INC. OF GARDENA, CA, IN THE AMOUNT OF $353,631, AND AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, Contract Documents have been prepared for the Airport Hangar 1-S Roof Replacement Project, and the Interim City Manager authorized City staff to solicit the Project for bids, and

WHEREAS, City staff solicited the Project in conformance of Section 1307 and MMC 8-3.403 of the City's Charter, and

WHEREAS, the bids received for the Airport Hangar 1-S Roof Replacement Project were publicly opened at 11:00 a.m. on August 15, 2017, and

WHEREAS, the Interim City Manager recommends the bid of $353,631.00 received from Best Contracting Services, Inc., of Gardena, CA, be accepted as the lowest responsible bidder and responsive bid and the contract be awarded to Best Contracting Services, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Plans and Specifications for the Airport Hangar 1-S Roof Replacement Project, accepts the bid and awards the construction contract to Best Contracting Services, Inc., of Gardena, Ca, in the amount of $353,631.00.

BE IT FURTHER RESOLVED that the Interim City Manager, or designee, is hereby authorized to execute the contract in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-345

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $454,955 OF WHICH $92,557 WILL BE FROM THE EXISTING ENCUMBRANCE AND THE REMAINING FROM COUNTY AIRCRAFT TAX FUND RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE AIRPORT HANGAR 1S ROOF REPLACEMENT PROJECT #100985

WHEREAS, certain budgetary transactions are necessary in the amount of **$454,955**, in order to fund construction, contingency, construction administration, design support during construction for the Airport Hangar 1-S Roof Replacement Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein and **attached** hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100985 "Airport Hangar 1S Roof Replacement", and the total project costs need to be increased by $431,430. This would be done by adjusting Construction by $353,631, Construction Administration by $35,363, Contingency by $35,363, and Eng/Design/Admin by $7,073.

To fund the above account, $454,955 will be transferred from County Aircraft Tax Fund Reserves into CIP Project 100985 for the Airport Hangar 1S Roof Replacement Project.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-346

Print

RESOLUTION AWARDING NON-EXCLUSIVE NON-CONSENSUAL FRANCHISE TOWING SERVICE CONTRACTS TO TEN (10) TOWING COMPANIES PURSUANT TO MODESTO MUNICIPAL CODE SECTIONS 11-2.01 ET SEQ, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACTS

WHEREAS, in April 2014, City Council awarded Non-Exclusive Non-Consensual Franchise Towing Services contracts to sixteen (16) applicants, and

WHEREAS, this contract was due to expire on April 13, 2017, and

WHEREAS, on April 4, 2017, City Council approved a 6-month extension of the Non-Exclusive Non-Consensual Franchise Towing Services contract to allow staff time to complete a new Request for Application process, and

WHEREAS, on May 23, 2017, the Purchasing Manager solicited Request for Applications (RFA) No. 1617-37, for City generated Non-Exclusive Non-Consensual Franchise Towing Services, and

WHEREAS, on June 22, 2017, applications were opened in the City Clerk's office, and

WHEREAS, a total of eleven (11) applications were received, and eight (8) met the requirements of the application process with three (3) pending completion of the required background and/or Department of Justice fingerprint process, and

WHEREAS, on August 8, 2017, City Council, by motion, unanimously approved staff's recommendation for award of City of Modesto Non-Exclusive Non-Consensual Franchise Towing Services to the eleven (11) applicants listed in **Attachment A**, pending completion of the required background and/or Department of Justice fingerprint process,

as noted on the Applicant List with an asterisk, and referring staff's recommendation for award of contracts to the City Manager for recommendation and report, and

WHEREAS, on August 8, 2017, City Council, by Resolution No. 2017-320, accepted the Interim City Manager's recommendation to award Non-Exclusive Non-Consensual Franchise Towing Services contracts and schedule a public hearing in accordance with Modesto Municipal Code Section 11-2.01 et seq., and

WHEREAS, prior to the public hearing, one applicant did not complete the background/DOJ fingerprinting process and were removed from the recommendation award list, leaving ten (10) applicants on the approved tow list who had passed all required background/DOJ fingerprint requirements, and

WHEREAS, the anticipated start date of the towing contracts is September 6, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby awards Non-Exclusive Non-Consensual Franchise Towing Services contracts to the ten (10) towing companies listed in **Attachment B** to this Resolution.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contracts, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Non-Exclusive Non-Consensual Franchise Towing Services Applicants (RFA 1617-37)

1. Anderson's Tow, Ceres, California
2. Central Valley Tow, Ceres, California
3. Ceres Pro Tow, Ceres, California
4. Dizney & Wise, Modesto, California *
5. E-Tow, Modesto, California
6. Four Star Recovery, Modesto, California
7. Myers Towing, Modesto, California *
8. Ramont's Tow, Modesto, California
9. Scenic Tow, Modesto, California
10. Stanislaus Tow, Modesto
11. Tow One, Modesto, California

*Pending background and/or DOJ fingerprint processing

Non-Exclusive Non-Consensual Franchise Towing Services Applicants (RFA 1617-37)

1. Anderson's Tow, Ceres, California
2. Central Valley Tow, Ceres, California
3. Ceres Pro Tow, Ceres, California
4. Dizney & Wise, Modesto, California
5. E-Tow, Modesto, California
6. Four Star Recovery, Modesto, California
7. Myers Towing, Modesto, California
8. Ramont's Tow, Modesto, California
9. Scenic Tow, Modesto, California
10. Tow One, Modesto, California

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-347

Print

RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE DEL RIO TANK AND WELLS PROJECT (SCH # 2015072055) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; ALONG WITH MAKING CERTAIN FINDINGS REGARDING SIGNIFICANT IMPACTS, FINDINGS SUPPORTING REJECTION OF ALTERNATIVES, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE DEL RIO TANK AND WELLS PROJECT

WHEREAS, the City's Utilities Department ("City") on July 21, 2015, published a Notice of Preparation for the Del Rio Tank and Wells Project, which identified potentially significant environmental impacts attributable to the improvements included in the proposed project, on which the City determined that an Environmental Impact Report ("EIR") was required, and

WHEREAS. the Del Rio Tank and Wells Project is fully described in the Project Description Chapter of the EIR and includes the construction and operation of a new storage tank, pump station, new well, a replacement well, and associated distribution facilities at two sites, Site A (southeast of the intersection of Ladd Road and St. John Road on APNs 004-077-018 and 004-077-019) and Site B (the northwest corner of McHenry Avenue and Stewart Road on the southeastern-most portion of APN 004-102-003). The Proposed Project would develop a total of approximately 4.4 acres (approximately 190,000 square feet). The City intends to decommission one of its Del Rio water system wells (Well 271) when the new replacement well is brought online. These activities are collectively referred to herein as the "Proposed Project" or "Project", and;

WHEREAS, the City published and distributed a Draft EIR dated November, 2016 for the Del Rio Tank and Wells Project (SCH#2015072055) for public comment on November 7, 2016, in accordance with Section 15087 of the California Environmental Quality Act ("CEQA Guidelines"), and

WHEREAS, the Draft EIR was available for public comment for a period of 45 days as required by Section 21091 of CEQA, the close of the public comment period being December 22, 2016, and

WHEREAS, during the 45-day public comment period the City received ten letters commenting on the Draft EIR, and

WHEREAS, the City prepared written responses to all written comments received on the Draft EIR, said responses being contained in a Final EIR for the Del Rio Tank and Wells Project (SCH#2015072055) ("Final EIR") prepared pursuant to Section 15088 of the CEQA Guidelines. The Draft and Final EIR are collectively referred to herein as the "EIR", and

WHEREAS, the Final EIR was published and distributed on July 12, 2017, and consists of the Draft EIR, a list of commenter's, copies of written comments received, and responses to those comments that raise environmental issues, revisions to the text of the Draft EIR, as required by Section 15132 of the CEQA Guidelines, and

WHEREAS, CEQA requires that, in connection with the approval of a project for which an EIR has been prepared which identifies one or more significant environmental effects the lead agency make certain findings regarding those effects, and

WHEREAS, the City Council has received and considered the EIR that analyzed the potential environmental effects of the proposed Project.

NOW, THEREFORE BE IT RESOLVED by the City Council that it hereby has reviewed and analyzed the EIR and other information in the record, and has taken such other actions as are necessary and appropriate to make the following findings in respect to the EIR, and makes said findings:

1. That the EIR has been completed in compliance with CEQA; that the City Council has reviewed and analyzed the EIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearings on the EIR and the Project, prior to acting upon or approving the Project; and that the EIR represents the independent judgment of the City of Modesto; and

2. That the Findings and recommendations set forth in **Exhibit A, attached** hereto and incorporated herein by reference, are made by the City Council as the City's findings under the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14 § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of the City Council regarding the Project's environmental impacts and mitigation measures to the Project; and

3. That pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the City Council of Modesto adopts and makes the following statement of overriding considerations regarding the remaining unavoidable impacts of the Project and the anticipated economic, social and other benefits of the Project.

   a. Significant Unavoidable Impacts

      With respect to the foregoing findings, as set forth in **Exhibit A**, and in recognition of those facts which are included in the record, the City has determined the following:

      i. that the Project will contribute to significant and unavoidable cumulative impacts to Air Quality, Climate Change, and Groundwater, as described in **Exhibit B, attached** hereto and incorporated herein by reference.

   These impacts cannot be avoided or substantially reduced by feasible changes, alterations or mitigations to the Project, other than the changes, alterations or mitigations already adopted.

b. Overriding Considerations

The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project includes all feasible measures that would eliminate or substantially lessen the significant impacts of the Project on the environment, and that the remaining significant, unavoidable impacts of the Project are acceptable in light of the environmental, economic, social, and other considerations set forth herein because the benefits of the Project outweigh the significant and adverse impacts of the Project. The City Council finds that each of the overriding considerations set forth below, and each of the overriding considerations set forth in **Exhibit B**, constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental impacts and sets forth an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record.

c. Benefits of the Proposed Project

The City Council has considered the EIR, the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the substantial public benefits set forth below and in **Exhibit B**.

i. The Proposed Project will correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements identified in the City of Modesto 2010 Water System Engineer's Report;

ii. Ensure sufficient system pressure to provide firefighting flow capacity; and

iii. Improve water system operational flexibility and reliability

The City Council has weighed the benefits of the proposed Project against its unavoidable environmental risks and adverse environmental effects identified in the EIR and hereby determines that any one of those benefits outweigh the risks and adverse environmental effects and, therefore, further determines that these risks and adverse environmental effects are acceptable.

4. That the City Council finds that the EIR describes a range of reasonable alternatives to the project. However, the City Council declines to adopt any of the alternatives identified in the EIR for the reasons set forth in **Exhibit B** because the alternatives are infeasible based on specific economic, legal, social, technological,

or other considerations, fail to meet the Project objectives and/or would not avoid or substantially lessen the significant impacts of the project. The City Council finds and determines that these significant and unavoidable adverse impacts are acceptable and that the Project may be approved despite these impacts for the reasons specified in the Statement of Overriding Considerations. The City Council further finds that there are no additional feasible alternatives that the City Council could adopt at this time that would reduce the impacts summarized in **Exhibit B** to a less than significant level.

5. The City Council does hereby designate the Director of Utilities Department of the City of Modesto, at his office at 1010 Tenth Street, Modesto, California 95354, as the custodian of documents and the record of proceedings on which the decision is based; and

6. The City Council does hereby make the foregoing findings with respect to the significant effects on the environment of such Project, as identified in the EIR, with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting the EIR, which full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commenter's to the Draft EIR and were not adopted as part of the EIR are hereby expressly rejected for the reasons stated in the findings and elsewhere in the record, including the EIR.

7. In compliance with the California Environmental Quality Act (CEQA Guidelines Section 15097), if the City Council has made findings required under paragraph (1) of subdivision (a) of Section 15091 as set forth in **Exhibit B**, where mitigation measures are required to avoid, substantially lessen, or reduce to a less-than-significant level the environmental effects of certain elements of the Project, as identified in the EIR, the lead agency must adopt a Mitigation Monitoring and Reporting Program to ensure that the Project mitigation measures identified in the EIR are implemented and the party responsible for their implementation is identified.

BE IT FURTHER RESOLVED, by the City Council that it hereby certifies the Environmental Impact Report for the Del Rio Tank and Wells Project (SCH#2015072055), **attached** hereto as **Exhibit C1, C2 & C3;** adopts the associated Mitigation Monitoring and Reporting Program, **attached** hereto as **Exhibit D;**

BE IT FURTHER RESOLVED by the City Council that it hereby approves the Del Rio Tank and Wells Project and directs staff to file a Notice of Determination.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT "A"

STATEMENT OF FINDINGS OF SIGNIFICANT IMPACTS

STATEMENT OF FINDINGS OF SIGNIFICANT IMPACTS AND REJECTION OF ALTERNATIVES

Pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines (14 California Code of Regulations 15000, et seq.), the City of Modesto cannot approve a project for which an Environmental Impact Report (EIR) has been certified which identifies significant effects on the environment unless it adopts findings with respect to each significant effect. Prior to approving the project, the City of Modesto (City) must also find that there are specific considerations that make infeasible the project alternatives identified in the EIR.

In Section A below, the City will make the one or more of the following finding for each of the significant effects identified in the EIR, pursuant to Section 15091 of the State CEQA Guidelines:

1. Changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.
2. Such changes or alterations are within the responsibility of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures identified in the EIR.

In Section B below, the City will make the following finding regarding each of the alternatives identified in the EIR:

> The City will specify one or more of the following grounds for rejecting an alternative: (1) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make the alternative infeasible; (2) the alternative does not meet the project objectives; and/or (3) the alternative will not avoid or substantially lessen the significant environmental effects of the Project.

SECTION A. FINDINGS REGARDING SIGNIFICANT IMPACTS

AESTHETICS

Impact AES-1: Substantial Degradation of the Visual Character or Quality of the Site and its Surroundings from Project Construction

Finding:

Overall construction is expected to last approximately 15 months. Throughout this period, construction activities at Sites A and B, pipeline installation work along St. John Road, and materials and equipment in staging areas would be visible from St. John Road, Ladd Road, and McHenry Avenue. Nearby residents and any pedestrians or bicyclists using these public roads would have views of the work areas throughout the 15-month construction period. While these views would be primarily limited to adjacent residents and recreationists and would not affect any designated scenic resources, the visual character of the two sites and the surrounding areas would be substantially degraded during the construction period. While CEQA does not consider impacts on private views to be significant, given that publicly accessible views from nearby roads would be temporarily degraded, this impact is considered potentially significant.

Implementation of **Mitigation Measures AES-1 (Locate Staging Areas Away from Public Areas) and AES-2 (Screen Staging and Construction Areas),** which have been modified from mitigation measures identified in the Program EIR, would reduce this impact to a **less-than-significant** level.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

The potentially significant effects listed above can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the EIR:

Mitigation Measure AES-1: Locate Staging Areas Away from Public Areas

Construction staging areas for equipment, personal vehicle parking, and material storage shall be sited as far as possible from residences, major roadways, and public areas. The City contract specifications shall require that staging areas be identified in the documents prepared by construction contractors and subject to approval by the City. The City shall not approve staging areas that are not sited as described above.

Mitigation Measure AES-2: Screen Staging and Construction Areas

The construction contract shall specify that staging areas be located where opportunities for screening with existing topography and vegetation will be maximized. Security fencing placed around staging and construction areas shall include slats or other screening sufficient to hide the area from the passing public. Screens used for this purpose shall be of an earth tone or other appropriate neutral color.

AIR QUALITY

Impact AIR-7: Cumulative Impact on Air Quality

Finding:

The SJVAB is currently designated as a nonattainment area for federal and state ozone and PM2.5 standards, and state PM10 standards. Past, present, and probable future projects would have a significant cumulative impact on air quality in the project area. No single project would be sufficient in size, by itself, to result in nonattainment of the regional air quality standards. Construction of the Proposed Project would result in emissions of ozone precursors (ROG and NOX), PM2.5, and PM10 below the significance thresholds for project-level impacts established by SJVAPCD. The Program EIR acknowledged that cumulative impacts of construction-related emissions of PM10 and ozone precursors would be significant and unavoidable, and the Proposed Project would contribute to this impact, albeit minimally. Although, given the low emissions, short duration, and intermittent operation during construction, SJVAPCD thresholds indicate that the level of air pollutants emitted by the Proposed Project would not cause any new violations, the Proposed Project could contribute to an existing violation when combined with other projects in the area. Therefore, the Proposed Project's contribution to construction-related emissions would be cumulatively considerable and this impact would be **significant and unavoidable.**

Operation of the Proposed Project's standby emergency generators and maintenance-related vehicle trips would result in a net increase in emissions of ROG, NOX, and PM10. Given that these emissions are estimated to be substantially lower than SJVAPCD's thresholds of significance, and would be consistent with existing growth plans and new source review permits, the emissions are unlikely to contribute to any new violations or contribute substantially to any air quality violation. The standby emergency generators would be used for a limited amount of time (up to 1 hour a day for 20 days per year), and health impacts associated with TACs would be below the thresholds of significance as required during permitting. Because impacts from TACs are localized, the thresholds of significance for TACs have been established at such a conservative level, and the risks would be below this level, they are not considered to be cumulatively significant. Sources permitted consistent with requirements of SJVAPCD's New Source Review (e.g., emergency generators) are considered to not be individually significant and are not cumulatively significant. While the non-permitted operational emissions are minimal from occasional maintenance vehicle trips, the vehicle trips may combine with other increased trips in the area and other Program activities to result in an increase in pollutants and was concluded as such in the Program EIR. Given the low emissions and intermittent operation of the generators and maintenance trips, SJVAPCD thresholds indicate that the level of air pollutants emitted by the Proposed Project would not cause any new violations. In addition, the Project will be subject to Mitigation Measures AIR-1, AIR-2 and AIR-3 in the Program EIR which will reduce Project emissions. The Proposed Project could, however, contribute to an existing violation when combined with other projects in the area. Therefore, the incremental contribution of the Proposed Project would be cumulatively considerable, and this impact would be **significant and unavoidable.**

Because some level of air emissions associated with the project are unavoidable, the City finds that due to specific technological and financial considerations, no feasible additional mitigation measures beyond those included for the Project, exist which could avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

The project sites are located in the SJVAB, where air quality conditions are regulated by SJVAPCD. The SJVAPCD assumes air emissions to be cumulatively significant if, with mitigation,

there remains any increase in a pollutant for which the SJVAB is classified as a non-attainment area. The SJVAB is in non-attainment for ozone and PM_{10}.

Operation of the equipment at proposed improvements is not anticipated to result in an increase in ozone precursor (NO_x) emissions above the SJVAPCD thresholds of 10 tons per year, as the majority of the equipment is powered by electric engines. Operation of emergency generators would result in a net increase in emissions of ROG, NO_x and PM_{10}. Emissions of PM_{10}, ROG, and NO_x associated with operations will be reduced by the use of electric engines and emission control devices for back-up generators and Mitigation Measure AIR-3 (see above). Back-up generators must, by their nature, provide sufficient power to operate the wells and other components of the water system independent of the power grid at times when electric power is not available. It is infeasible to design a system without back-up generators because the system would not operate when electrical power is interrupted. This would lead to insufficient supply to meet customer needs and insufficient supply and pressure to serve fire fighting needs.

BIOLOGICAL RESOURCES

Impact BIO-1: Construction-related Loss of Occupied Burrowing Owl Habitat

Finding:

Annual grasslands in the study area provide potentially suitable habitat for Burrowing Owl. Although some burrows were observed at Site A, no evidence of use by Burrowing Owls (e.g., whitewash, feathers) was observed; however, there is the potential for this species to occupy the site or for individuals to occur as transients. No burrows were identified at Site B, so this site is not anticipated to support Burrowing Owls. If Burrowing Owls are present at or within 250 feet of Site A, construction during the breeding season could result in the incidental loss of eggs or nestlings, or otherwise lead to nest abandonment. Raptors, including owls and their nests, are protected under both federal and state laws and regulations, including the MBTA and Fish and Game Code Section 3503.5. The loss, directly or indirectly through nest abandonment or reproductive suppression, of occupied Burrowing Owl habitat (or habitat known to have been occupied by owls during the nesting season within the past 3 years) or reductions in the number of this rare species within Stanislaus County would constitute a significant impact.

The Program EIR identified impacts on Burrowing Owl as potentially significant and identified Mitigation Measure BIO-8: *Avoid and Protect Burrowing Owls* and Mitigation Measure BIO-9: *Compensate for Loss of Burrowing Owl Habitat* to reduce impacts to Burrowing Owls to less than significant. These mitigation measures have been modified to reflect site conditions for the Proposed Project. With implementation of **Mitigation Measures BIO-1 (Avoid and Protect Burrowing Owls at Site A)** and **BIO-2 (Compensate for Loss of Burrowing Owl Habitat at Site A),** the potential for loss of Burrowing Owls would be **less than significant.**

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

Incorporating the following mitigation measures, identified in the Project EIR, will reduce these potentially significant effects to less-than significant levels:

Mitigation Measure BIO-1: Avoid and Protect Burrowing Owls at Site A

Because some burrows that could be used by Burrowing Owls were noted during field surveys at Site A, and in conformance with federal and state regulations regarding the protection of raptors, the City shall hire a qualified biologist to conduct a preconstruction survey(s) for Burrowing Owls within a 250-foot buffer around the project site, in conformance with accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version), and prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action is warranted. However, if breeding or resident owls are located on or within 250 feet of Site A, the following measures shall be implemented.

- No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted following evaluation of eviction plans and receipt of formal written approval from CDFW authorizing the eviction.

- A 250-foot buffer, within which no new activity is permissible, shall be maintained between project activities and nesting Burrowing Owls. This protected area will remain in effect until August 31 or, at CDFW's discretion (based upon monitoring evidence), until the young owls are foraging independently.

Mitigation Measure BIO-2: Compensate for Loss of Burrowing Owl Habitat at Site A

If a preconstruction survey finds that Burrowing Owls occupy Site A, and avoiding construction in occupied areas is not feasible, then the City shall implement habitat compensation on off-site mitigation lands, or shall purchase mitigation bank credits from a mitigation bank approved by CDFW. If mitigation credits are not purchased, habitat management lands comprising existing Burrowing Owl foraging and breeding habitat will be acquired and preserved. An area of 6.5 acres (the amount of land found to be necessary to sustain a pair or an individual owl) will be secured for each pair of owls or for an individual, in the case of an odd number of birds. Relocation of owls shall only be implemented during the non-breeding season. As part of an agreement with CDFW, the City shall provide CDFW with security for the performance of its mitigation duties in the form of funds that will:

- allow for the acquisition and preservation of 6.5 acres of habitat management lands for each pair of owls or unpaired resident single owl;

- provide initial protection and enhancement activities on the habitat management lands, potentially including such measures as fencing, trash cleanup, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW;

- establish an endowment for the long-term management of the habitat management lands; and

- reimburse CDFW for reasonable expenses incurred as a result of the approval and implementation of this agreement.

Impact BIO-2: Construction-Related Loss of Swainson's Hawk Foraging Habitat

Finding:

Swainson's Hawks are known to nest within 1.1 miles of Site B (within 1.8 miles of Site A) (CDFW 2016). The fallow field at Site A and the grassland at Site B provide potentially suitable foraging habitat for Swainson's Hawks. Project-related construction would result in the loss of up to 1.3 acres of potentially suitable foraging habitat at Site A and 0.1 acre of potentially suitable foraging habitat at Site B, resulting in a significant adverse effect on this state-designated threatened species through habitat modification.

The Program EIR identified loss of Swainson's Hawk foraging habitat as potentially significant and identified Mitigation Measure BIO-10: *Compensate for Loss of Swainson's Hawk Foraging Habitat* to reduce impacts to less than significant. This mitigation measure has been modified to reflect site condition for the Proposed Project. Implementation of **Mitigation Measure BIO-3 (Compensate for Loss of Swainson's Hawk Foraging Habitat)** would reduce this impact to a level that is **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measure identified in the EIR:

Mitigation Measure BIO-3: Compensate for Loss of Swainson's Hawk Foraging Habitat
To mitigate for the loss of potential Swainson's Hawk foraging habitat, the City shall provide off-site habitat management lands, as described in the CDFW protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), or by purchasing credits at a CDFW-approved Swainson's Hawk foraging habitat mitigation bank that covers the Proposed Project area, such as the Dutchman Creek Conservation Bank.

The City shall determine the final acreage of off-site management lands or mitigation bank credits to be provided based on the distance between the project area and the nearest active nest site, as stated in the CDFW protocol (CDFG 1994). Mitigation credits would follow the same ratio guidelines as off-site management lands. Prior to the grading of any site with potential foraging habitat, the City shall hire a qualified biologist to conduct protocol-level surveys to determine the location of the nearest active nest. Based on these surveys, the City shall compensate for losses in compliance with the protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), as follows:

Projects within one mile of an active nest tree shall provide:

- One acre of Habitat Management land (at least 10% of the Habitat Management land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the Habitat Management lands protected by a conservation easement [acceptable to the DFG] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or

- One-half acre of Habitat Management land (all of the Habitat Management land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the DFG] which allows for the active management of the habitat for prey production on the Habitat Management lands) for each acre of development authorized (0.5:1 ratio).

Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acres of Habitat Management land for each acre of urban development authorized (0.75:1 ratio). All Habitat Management lands protected under this requirement may be protected through fee title acquisition or conservation easement on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.

Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acres of Habitat Management land for each acre of urban development authorized (0.5:1 ratio). All Habitat Management lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the DFG) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.

Management Authorization holders/project sponsors shall provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which shall be used for managing the habitat management lands). If mitigation credits are purchased, long term management would be the responsibility of the mitigation bank.

Impact BIO-3: Construction-Related Impacts on Nesting Swainson's Hawks

Finding:

Two CNDDB occurrences of Swainson's Hawk are known within 5 miles of the study area (CDFW 2016). Mature trees within 0.5 mile of the study area provide potentially suitable nesting habitat for Swainson's Hawk. Construction activities occurring within 1 mile of an active nest could result in sufficient disturbance to cause Swainson's hawk breeding pairs to abandon their nest or could otherwise harm eggs or nestlings. Because Swainson's Hawk is a state-listed threatened species, disturbance that causes Swainson's hawks to abandon their nest or results in the loss of reproductive effort would constitute a significant impact.

The Program EIR identified impacts to Swainson's Hawk as potentially significant and identified Mitigation Measure BIO-11: *Conduct Preconstruction Surveys for Swainson's Hawk Nests* to reduce impacts to less than significant. This mitigation measure has been modified to reflect site condition for the Proposed Project. Implementation of **Mitigation Measure BIO-4 (Conduct Preconstruction Surveys for Swainson's Hawk Nests)** would reduce this impact to a level that is **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect listed above can be reduced to a less-than-significant level by incorporating the following mitigation measure identified in the Project EIR:

Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Swainson's Hawk Nests

To ensure that nesting Swainson's Hawks will not be disturbed by construction activities, the City will hire a qualified ornithologist to conduct preconstruction surveys of the Proposed Project sites and adjacent areas within 1 mile of Sites A and B. No fewer than three surveys will be completed in at least each of the two survey periods immediately prior to project initiation, according to this schedule, based on *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000):

- Survey Period I occurs from January 1 to March 20;
- Period II from March 20 to April 5;
- Period III from April 5 to April 20;
- Period IV from April 21 to June 10 (surveys are not recommended during this period because identification is difficult, as the adults tend to remain within the nest for longer periods of time); and
- Period V from June 10 to July 30.

If a nest site is found, no construction work shall commence until after the City engages in consultation with CDFW and CDFW-approved measures are implemented. As a performance standard, the measures implemented shall ensure that project initiation will not result in nest disturbance.

Impact BIO-4: Construction Disturbance of Bald Eagle, Tricolored Blackbird, and Other Migratory Birds, Including Raptors

Finding:

Table 6-2 of the Project EIR lists the special-status bird species known to occur in the vicinity of the study area, and Figure 6-1 of the Project EIR shows the CNDDB occurrences of special-status wildlife species within a 5-mile radius of the study area. The study area is unlikely to support nesting of special-status passerines because suitable habitat is lacking for special-status passerine species known to occur near the study area, although Tricolored Blackbirds may potentially nest near Site A (Table 6-2 of the Project EIR).

Many other migratory birds, including raptors, have the potential to nest in the vicinity of the Proposed Project sites. Raptors (e.g., kites, hawks, and owls) and other migratory birds and their nests are protected under both California Fish and Game Code Section 3503 (active bird nests) and the MBTA. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or could otherwise lead to nest abandonment. Trees in the study area, including those proposed for removal at Site A, could provide nesting habitat for birds protected under the MBTA. Loss of raptor and other migratory birds' eggs or nests, or any activities resulting in nest abandonment, would constitute a significant impact.

The Program EIR identified impacts to nesting birds as potentially significant and identified Mitigation Measure BIO-12: *Conduct Preconstruction Surveys for Nesting Birds* and Mitigation Measure BIO-13: *Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds* to reduce impacts to less than significant. These mitigation measures have been modified adjusted

to reflect site condition for the Proposed Project. Implementation of **Mitigation Measures BIO-5 (Conduct Preconstruction Surveys for Nesting Birds)** and **BIO-6 (Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds)** would reduce this impact to a level of **less than significant.**

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Project EIR:

Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Nesting Birds

The City shall require that construction will be avoided during the nesting season (generally between February 1 and August 31), where practical. If construction activities cannot be avoided during the nesting season, a qualified biologist will conduct a preconstruction survey within 500 feet of the construction area to determine whether active nests are present on the site. The survey will be conducted no more than 30 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities can commence without any further mitigation. If active nests are found, CDFW and USFWS will be notified and Mitigation Measure BIO-6 will be implemented.

Mitigation Measure BIO-6: Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds

To avoid disturbing any active migratory bird nests, the City shall require that construction activities will be conducted during the non-breeding season for these species (generally between September 1 and January 31). If active nests are present on or adjacent to either of the Proposed Project sites, CDFW and USFWS will be notified. If active migratory bird nests are present and construction cannot be avoided during the breeding season, construction will not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the project applicant receives written authorization from CDFW and USFWS to proceed.

Impact BIO-5: Disturbance of Roosting Areas for Bats, including Special-status Bat Species

Finding:

The four largest existing trees at Site A would be retained for the Proposed Project. Existing trees to be removed through construction of the Proposed Project provide marginally suitable roosting habitat for western red bat (California Species of Special Concern) and hoary bats (Lasiurus cinereus) (no listing status). The western red bat is strongly associated with mature riparian forests, although it has been detected roosting in orchards (Pierson et al. 2006). The hoary bat generally roosts in medium to large trees (Harris 1990), and only smaller trees would be removed at Site A. Due to the lack of their preferred habitat, western red bat and hoary bat are not expected to roost in trees at Site A. No trees would be removed from Site B.

Proposed construction activities would remove buildings at Site A that provide possible day and/or night roosts for non-special-status bats such as Brazilian free-tailed bat (Tadarida brasiliensis) and Yuma myotis (Myotis yumanensis). Townsend's big-eared bat is not expected to roost in the buildings, as this species is very sensitive to human disturbance and may

abandon roost sites after a single human visit (Pierson and Rainey 1998) and the buildings at Site A have not been vacant for an extended period of time. No extensive survey of bat activity in the buildings at Site A was conducted; however, if bats are present, impacts from the removal of structures occupied by bats would be potentially significant.

Implementation of **Mitigation Measure BIO-7 (Protect Bat Colonies)**, which requires seasonal work periods in active bat habitat and avoidance and minimization of disturbance, would reduce this impact to a level that is **less than significant with mitigation**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Project EIR:

Mitigation Measure BIO-7: Protect Bat Colonies.

The following measures shall be implemented to avoid and minimize impacts on bats:

- Prior to removal of structures, the City shall hire a qualified bat biologist familiar with bat biology and ecology to assess structures to be removed for potential, active bat habitat. If the biologist determines that bats are not actively occupying the structures based on professional opinion following appropriate survey protocols, then the structures may be removed.

- For structures identified by the qualified biologist to be actively occupied by bats, removal of the structures shall not occur between April 15 and August 31 to avoid the bat maternity season,

- Demolition of structures shall be preceded by either humane eviction, phased dismantling, and/or deterrent methods to prevent direct mortality.

Impact BIO-7: Interfere with Wildlife Movement, Established Wildlife Corridors, or the Use of Native Wildlife Nursery Sites

Finding:

The Proposed Project would be constructed primarily on disturbed and developed lands that do not function as important wildlife movement corridors. Disruption of nesting or breeding of special-status species would be minimized by conducting appropriate pre-construction surveys (as described in Impacts BIO-1 through BIO-5 and Mitigation Measures BIO-1 and BIO-4 through BIO-7). Therefore, impacts on wildlife movement would be **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Impact BIO-8: Conflict with Local Policies or Ordinances Protecting Biological Resources

Finding:

The *Stanislaus County General Plan 2015* Conservation/Open Space Element (Stanislaus County 2016) establishes several policies (notably Goal One, Policies Three and Four, and Goal Ten, Policy Twenty-nine) to protect sensitive species, along with habitats such as vernal pools, riparian habitats, and oak woodlands. The Proposed Project does not conflict with any local policies protecting biological resources because no vernal pools, riparian habitats, or oak woodlands are present in the study area, based on field surveys conducted by a qualified biologist on May 4, 2016. Impacts of the Proposed Project on sensitive (i.e., special-status) species are discussed in Impacts BIO-1 through BIO-5 above. With implementation of Mitigation Measures BIO-1 through BIO-7, impacts on sensitive species would be **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Impact BIO-9: Cumulative Biological Resource Impacts

Finding:

Native plant and wildlife species in the Central Valley are at risk from competition with non-native species, ongoing loss of habitat, and other human activities. Habitat in the Central Valley has largely been converted to agriculture or other human uses, resulting in the local extirpation of several species that rely on sensitive habitats no longer present. Species that persist in this altered landscape (e.g., Swainson's Hawk, Tricolored Blackbird, and Burrowing Owl) are still at risk from cumulative impacts. The collective implementation of projects in the vicinity of the Proposed Project could degrade habitat and species viability from consequences such as disruption of wildlife migration corridors, displacement and fragmentation of habitats and species populations, and the introduction or promotion of non-native predators and competitors. This is a significant cumulative impact.

As described in Impacts BIO-1 through BIO-5, construction of the Proposed Project has the potential to adversely affect special-status wildlife species and/or their habitat. The Proposed Project's impacts on special-status wildlife would be reduced with implementation of Mitigation Measures BIO-1 and BIO-4 through BIO-7. These measures would require preconstruction surveys, avoidance and minimization measures, and other protective measures that would reduce construction-related disturbances on special-status species. Impacts due to loss of Burrowing Owl and Swainson's Hawk foraging habitat would be reduced with implementation of Mitigation Measures BIO-2 and BIO-3. Implementation of these measures would ensure that the Proposed Project's contribution to cumulative impacts on special-status species would not be considerable. With implementation of Mitigation Measures BIO-1 through BIO-7, the Proposed Project's contribution to this cumulative impact on biological resources would be reduced to a level that is **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

CULTURAL

Impact CUL-2: Potential for a Substantial Adverse Impact on Archaeological Resources from Construction

Finding:

An archaeological survey was conducted of the Proposed Project site, and no archaeological resources were found; however, archaeological remains could be buried with no surface manifestation. Drilling of the production and monitoring wells, installation of water pipelines, construction of structures to house the wells and pumps at Sites A and B, or excavation of the stormwater detention basin at Site A could uncover buried archaeological deposits. Should a previously undiscovered resource be found during construction and be determined eligible for inclusion in the CRHR, and should Proposed Project activities have the potential to render the resource ineligible for inclusion in the CRHR, the impact would be potentially significant. Implementation of **Mitigation Measure CR-1 (Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources)** would reduce any impacts on CRHR-eligible archaeological sites accidentally uncovered during construction to a level that is less than significant.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Project EIR:

Mitigation Measure CR-1: Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.

Not all cultural resources are visible on the ground surface. As a result, before initiation of ground-disturbing activities, the City or its designee shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present at the Proposed Project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of the Interior's professional standards. Training shall be required during each phase of construction to educate new construction personnel.

If any cultural resources, including structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains, are encountered during Proposed Project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and the City will be contacted.

All cultural resources uncovered during construction within the Proposed Project site shall be evaluated for eligibility for inclusion in CRHR. Resource evaluations shall be conducted by individuals who meet the U.S. Secretary of the Interior's professional standards in archaeology, history, or architectural history, as appropriate. If any of the resources meet the eligibility criteria identified in PRC Section 5024.1 or CEQA Guidelines Section 21083.2(g), mitigation

measures will be developed and implemented in accordance with CEQA Guidelines Section 15126.4(b) before construction resumes.

For a TCR or any resources eligible for listing in the CRHR that would be significantly adversely affected by the Proposed Project construction, additional mitigation measures shall be implemented. Mitigation measures for archaeological resources may include (but are not limited to) avoidance; incorporation of sites within parks, greenspace, or other open space; capping the site; deeding the site into a permanent conservation easement; or data recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies and, as appropriate, interested parties such as Native American tribes. Native American consultation is required if an archaeological site is determined to be a TCR. Implementation of the approved mitigation is required before resuming any construction activities with the potential to affect identified eligible resources at the site.

Impact CUL-3: Potential to Directly or Indirectly Destroy a Unique Paleontological Resource or Site, or Unique Geological Feature (Less than Significant with Mitigation)

Finding:

Production and monitoring wells excavated for the Proposed Project would reach depths of up to 600 feet deep. Research indicates that the alluvial soils that underlie the site have the potential to contain terrestrial and marine fossils; the deeper Mehrten Formation could also contain fossils. As a result, it is possible that fossils could be encountered during construction. Should fossils be discovered during construction and be determined to be a unique paleontological resource or site, and should Proposed Project activities have the potential to destroy the resource, the impact would be potentially significant. Implementation of **Mitigation Measure CR-2 (Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary)** would reduce any impacts on unique paleontological resources or sites accidentally uncovered during construction to a level that is **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Project EIR:

Mitigation Measure CR-2: Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary.

Paleontological resources are not necessarily visible on the ground surface. As a result, before initiation of ground-disturbing activities, construction crews shall receive training about the kinds of paleontological materials that could be present at the Proposed Project site and the protocols to be followed should such materials be uncovered during construction. Training shall be conducted by a professional paleontologist. Training shall be required during each phase of construction to educate new construction personnel.

If any items of paleontological interest are discovered during construction, work shall be suspended immediately within 50 feet of the discovery site, or to the extent needed to protect the site, and the City shall be notified.

Any discovery of paleontological resources during construction shall be evaluated by the qualified paleontologist. If it is determined that the Proposed Project could damage a unique paleontological resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City. Work shall not be resumed until authorization is received from the City and any recommendations received from the qualified paleontologist are implemented.

Impact CUL-4: Potential for Disturbance of Human Remains, including Those Interred Outside of Dedicated Cemeteries (Less than Significant with Mitigation)

Finding:

No human remains were identified at the Proposed Project site as a result of background research or the field survey. The potential for human remains to be identified on the site during construction is considered low, although their presence cannot be entirely discounted. Implementation of **Mitigation Measure CR-3 (Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code)** would reduce impacts on any human remains discovered during construction to a level that is **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Project EIR:

Mitigation Measure CR-3: Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.

If human remains are discovered during construction activities, the requirements of Section 7050.5 of the California Health and Safety Code shall be followed. Potentially damaging excavation shall halt on the Proposed Project site within a minimum radius of 100 feet of the remains and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). In accordance with the provisions of PRC Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The City or its designee shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect.

Impact CUL-5: Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource (Less than Significant with Mitigation)

Finding:

No TCRs have been identified in the Proposed Project study area to date. However, archaeological sites that are buried and discovered during construction have the potential to be TCRs. Should an archaeological site be discovered that is determined to be a TCR, Mitigation Measure CR-1 would be implemented and would result in a less-than-significant impact.

Although no Native American tribes responded to the City's project notification letter within the 30-day period prescribed under PRC Section 21080.3.1(b)(2), tribes will have the opportunity to comment on this DEIR through the public comment period. As a result, it is possible that TCRs may yet be identified. If TCRs are identified, the City will work with the tribe(s) to avoid or mitigate any impacts that might affect TCRs. If TCRs are identified within the Proposed Project study area, implementation of Mitigation Measure CR-1 and **Mitigation Measure CR-4 (Prepare and Implement Treatment Plans for any TRCs Identified in the Proposed Project Study Area)** would reduce any potential impacts to a level that is **less than significant**.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Project EIR:

Mitigation Measure CR-4: Prepare and Implement Treatment Plans for any TCRs Identified in the Proposed Project Study Area.

If TCRs are identified in the Proposed Project study area, the City shall consult and work with tribes with a traditional and cultural affiliation to the resource to develop feasible alternatives that will avoid impacts or develop and implement treatment plans that will substantially lessen the impacts on identified TCRs, in accordance with PRC Sections 21083(b)(2) or 21084.3.

Impact CUL-6: Potential to Eliminate Important Examples of the Major Periods of California History or Prehistory (Less than Significant with Mitigation)

Finding:

The 2010 Water System Engineer's Report Program EIR (City of Modesto 2010) concluded that there would be no cumulative impacts regarding cultural resources. Since publication of that document, no other projects are planned in the immediate vicinity of Sites A or B that could create a significant cumulative impact in combination with the Proposed Project. As such, with implementation of Mitigation Measures CUL-1, CUL-2, CUL-3, and CUL-4, described above, all impacts would be reduced to a less-than-significant level and there would be no cumulative impact to which the Proposed Project could contribute related to cultural resources.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

CLIMATE CHANGE

Impact GHG-1: Generate Substantial GHG Emissions, Either Directly or Indirectly, from Project Construction, Land Use Changes, and Operation (Significant and Unavoidable)

Finding:

Construction of the Proposed Project would involve activities that would result in one-time emissions of GHGs. Changes in carbon sequestration due to land use change and tree planting would also result in one-time emissions of GHGs. As shown in Table 8-1 of the Project EIR, combined one-time GHG emissions associated with the Proposed Project's construction and change in carbon sequestration from land use changes would be approximately 536 MT CO2e annually. These emissions are one-time emissions and would not continue to occur once the construction is complete. Amortized over the project life (approximately 30 years), construction and sequestration GHG emissions would be approximately 18 MT CO2e per year.

Operation of the Proposed Project would generate GHG emissions from annual maintenance of emergency generators, worker vehicle trips, and, primarily, from the pumps' electricity use at the Proposed Project sites. Approximately one worker vehicle trip would occur daily during the week. The Proposed Project's operation would generate approximately 374 MT CO2e per year in 2019. Electricity use makes up 363 MT CO2e per year of these emissions. Combining the operation emissions with the amortized one-time emissions, the total annualized emissions are 392 MT CO2e per year.

SJVAPCD, the local air district with jurisdiction over the Proposed Project, has determined that GHG emissions are best controlled through implementation of BPS or demonstration of a 29-percent reduction from 2002-2004 conditions. The renewable portfolio standard requires Modesto Irrigation District, the Proposed Project's electricity provider, to increase its renewable electricity portfolio to 33 percent by 2020, as mandated by Senate Bill X1-2 (adopted in 2011). Under BAU conditions in the 2002-2004 timeframe, Modesto Irrigation District had essentially zero renewable energy sources according to the 2013 Renewable Portfolio Standard report (Modesto Irrigation District 2013). By 2012, Modesto Irrigation District was meeting approximately 25 percent of its retail energy sales from eligible renewable energy resources (Modesto Irrigation District 2013). Applying the renewable portfolio standard's mandatory 33-percent reduction in carbon intensity to the Proposed Project's 363 MT CO2e per year from electricity results in a projected reduction of 120 MT CO2e per year. This results in a 30-percent reduction to the total annualized emissions compared to BAU conditions. This is greater than the SJVAPCD's required 29-percent energy reduction from BAU conditions. This reduction is also consistent with the most recent AB 32 Scoping Plan's level of reductions for 2020, which estimate a 15-percent reduction from BAU projections.

In addition to the GHG emission reductions related to using renewable energy to meet the project's electricity demands, the proposed project would include drought-tolerant landscaping to reduce water use, which is also consistent with the AB 32 Scoping Plan's water use reduction measures. Even though this analysis could support a less-than-significant impact conclusion, the City has determined to find the impact significant and unavoidable for the following reasons: The main reductions in GHG emissions are outside the control of the City and depend on changes to operations by electricity providers. In addition, the Program EIR analysis for GHG emissions found the impact for the entire program significant and unavoidable even with implementation of Mitigation Measure CUM-1. Although this EIR contains **Mitigation Measure GHG-1 (Implement Greenhouse Gas Emissions Reduction Measures for Operation)** to implement Mitigation Measure CUM-1, the feasibility of some measures is unknown. Therefore,

to be conservative in its analysis, the Proposed Project's GHG emissions would be **significant and unavoidable.**

As such, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, **potentially** make infeasible the mitigation measures identified in the EIR. Therefore, to be conservative in its analysis, the Proposed Project's GHG emissions would be significant and unavoidable.

Supporting Evidence:

Mitigation Measure GHG-1: Implement Greenhouse Gas Emissions Reduction Measures for Operation.

The City of Modesto or its contractor(s) shall implement the following measures to the extent feasible and prepare a report that analyzes the feasibility of mitigation measures, details the extent of GHG emission reductions, and determines the basis for feasibility, with a goal of net zero emissions:

- Implement energy efficiency improvements of pumps through design, construction, and refurbishment methods.
- Investigate and implement, if feasible, opportunities for renewable energy development at the facilities subject to safety, emergency, and environmental considerations.
- Participate in local utility green energy and/or carbon offset programs to the extent feasible.
- Implement BMPs for vegetation management activities at Site A, which include using fuel-efficient landscaping equipment; shutting down equipment when not in use after 5 minutes; using spot application of herbicides; controlling nonnative weed species as soon as populations are found; planning and scheduling vegetation maintenance activities to minimize driving time and return trips to the site; using native or drought-resistant landscaping around facilities; and encouraging landscaping contractors to use manual techniques to the extent possible to reduce use of gas-powered equipment.
- Utilize electrically powered landscape equipment and outdoor electrical outlets.
- Utilize alternatively fueled construction equipment to the extent feasible. This could include equipment that uses electricity, hybrid, propane, or biodiesel fuels.
- Require shutting down of construction equipment when not in use after 5 minutes.
- Implement a construction worker commute strategy to minimize GHG emissions from workers commuting to the site. This may include encouraging use of carpools, vanpools, and public transportation.

Impact GHG-2: Potential to Conflict with Applicable Plans, Policies, or Regulations Adopted for the Purpose of Reducing Emissions of GHGs (Significant and Unavoidable)

Finding:

SJVAPCD, the local air district with jurisdiction over the Proposed Project, has determined that GHG emissions are best controlled through implementation of BPS or demonstration of a 29-percent reduction from 2002-2004 conditions. The Renewable Portfolio Standard would reduce GHG emissions compared to BAU and would result in the Proposed Project having more than a 29-percent reduction. This is consistent with the goal of AB 32, as well as the policies/actions described in CARB's Scoping Plan and SJVAPCD's *Climate Change Action Plan*. Although the project is not subject to any other action measures that are outlined in Scoping Plan, the project would include drought-tolerant landscaping that is generally consistent with water reduction goals identified in the Scoping Plan.

In addition, the Proposed Project would comply with the RST's regional CAP goals, strategies, and policies, as well as the County's applicable general plan policies related to reduced energy use for water supply/distribution activities and conserving water. Specifically, the Proposed Project would have an energy-efficient design, utilize Modesto Irrigation District's increased renewable energy sources, and have an efficient irrigation system and drought-tolerant landscaping to minimize on-site water consumption at Site A.

The Proposed Project would achieve GHG emission reductions in its design, as discussed above, and, with implementation of Mitigation Measure GHG-1, would minimize GHG emissions to the maximum extent economically feasible. Therefore, the Proposed Project would comply with all applicable plans, policies, and regulations, including AB 32, and as well as the policies/actions described in CARB's Scoping Plan and SJVAPCD's *Climate Change Action Plan*. However, as discussed above, the main reductions in GHG emissions are outside the control of the City and depend on changes to operations by electricity providers. In addition, the Program EIR analysis for GHG emissions found the impact for the entire program significant and unavoidable even with the implementation of Mitigation Measure CUM-1 from the Program EIR. Although this EIR contains Mitigation Measure GHG-1 to implement Mitigation Measure CUM-1, the feasibility of some measures is unknown. Therefore, to be conservative in its analysis, the Proposed Project impact would be **significant and unavoidable**.

As such, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, **potentially** make infeasible the mitigation measures identified in the EIR. Therefore, to be conservative in its analysis, the Proposed Project's GHG emissions would be significant and unavoidable.

Impact GHG-3: Cumulative GHG Impact (Significant and Unavoidable)

Finding:

It is widely recognized that no single project could generate enough GHG emissions to noticeably change the global climate. However, the combination of GHG emissions from the Proposed Project in combination with past, present, and future projects could contribute substantially to global climate change. Thus, the Proposed Project's GHG emissions should be evaluated in terms of whether or not they would result in a considerable contribution to global climate change. The analysis in this chapter is essentially a cumulative impacts analysis. Based on the analysis provided above, even with implementation of Mitigation Measure GHG-1, the Proposed Project would result in a cumulatively considerable contribution to a significant cumulative impact.

As such, the City finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, potentially make infeasible the mitigation measures identified in the EIR. Therefore, even with implementation of Mitigation Measure GHG-1, the Proposed Project would result in a cumulatively considerable contribution to a significant cumulative impact.

The City finds that due to specific technological, financial and other considerations, no feasible additional mitigation measures beyond those included for the Project, exist which could avoid or substantially lessen the Project's cumulatively considerable contribution to a significant cumulative impact due to GHG emission.

GROUNDWATER

Impact GRW-4: Cumulative Contribution to Chronic Overdraft of Groundwater Subbasin (Significant and Unavoidable)

Finding:

The Proposed Project is not anticipated to substantially reduce local groundwater levels in a way that would have a significant adverse impact on nearby shallow wells. However, operation of the proposed wells could cumulatively contribute to overdraft conditions in the Modesto Subbasin.

Supporting Evidence:

DWR has estimated that more groundwater is withdrawn from the subbasin than is recharged on an average annual basis. While the 2014 DWR Final Basin Prioritization results did not specifically note the Modesto Subbasin as being in overdraft (DWR 2014), overpumping in the Modesto Subbasin has historically led to declines in groundwater levels (DWR 2004).

The City estimated the total operational yield within its service area to be 53,500 AFY, with 48,286 AFY of that occurring in the Modesto Subbasin. Given that the proposed wells were

designed to be operated within the City's operational yield, they would not be anticipated to substantially reduce groundwater levels within the City's service area. The expected total annual average production of the proposed wells is 350 million gallons, or approximately 1,701 AF; however, because the City would decommission its existing Well 271 (which currently produces approximately 323 AFY), the proposed wells would only increase groundwater production by approximately 1,378 AFY beyond existing conditions. The most readily available data indicate that the City extracts an average of 38,145 AFY of groundwater from the Modesto Subbasin (City of Modesto 2010a). Adding the Proposed Project's total estimated additional production of 1,378 AFY to the average Modesto Subbasin production of 38,145 AFY would equal 39,523 AFY. This amount would be below the City's preliminary operational yield for the Modesto Subbasin of 48,286 AFY, and therefore is not anticipated to reduce groundwater elevations within the City's service area below 40 feet above msl.

With respect to groundwater use and drawdown in the Modesto Subbasin as a whole, in light of other groundwater users in the subbasin, the proposed wells would represent a relatively small but potentially considerable contribution to overall groundwater extractions. A number of entities operate public water supply wells in the Modesto Subbasin, in addition to many private wells. Recent data were not available at the time of publication on overall groundwater extractions in the subbasin, but DWR has estimated urban and agricultural extractions at 81,000 and 145,000 AFY, respectively (DWR 2004). By contrast, DWR estimated natural and applied irrigation water recharge at 86,000 AFY and 92,000 AFY, respectively. Relative to total urban and agricultural extractions in the subbasin (226,000 AFY), the Proposed Project's contribution of 1,378 AFY would represent 0.6 percent of the total extractions in the subbasin. This would seem to be a small contribution, but given that the basin is already in a relatively chronic state of overdraft, as indicated by the deficit in recharge estimated by DWR and by historically declining water levels, each additional large capacity well could exacerbate the overdraft situation.

While the SGMA requires that all high- and medium-priority basins have sustainable groundwater management plans in place by 2022, and that overdrafted basins have plans in place by 2020, it does not impose limitations on groundwater resource development prior to those dates. Stanislaus County has enacted a Groundwater Ordinance, which requires entities applying for a Well Construction Permit after November 25, 2014, to demonstrate, based on substantial evidence, that extraction of groundwater from the proposed well will not constitute unsustainable extraction of groundwater. This ordinance is expected to limit future unsustainable groundwater extractions, but nevertheless, may not reverse the effects of past overpumping or completely prevent cumulative drawdown.

Climate change could also exacerbate the cumulative effects of groundwater pumping in the Modesto Subbasin. Under typical annual hydrological fluctuations, groundwater storage may be replenished in wet years. However, the added prospect of altered long-term precipitation patterns and hydrology in California due to climate change could reduce the potential for groundwater recharge.

In light of all of the above factors, the overdraft of the Modesto Subbasin is considered to be a significant cumulative impact, and the Proposed Project's contribution would be considerable. The City is already implementing all available measures to ensure that its groundwater extraction does not exacerbate this situation, and is an active participant in regional groundwater management with a goal of ensuring sustainable management of the subbasin. Additional measures may exist that others could take to reduce pumping in the basin (e.g.,

water conservation), but such measures would be outside of the City's jurisdiction to implement or require. As such, no additional feasible measures exist and this impact is considered **significant and unavoidable**.

As such, the City finds that additional potentially feasible changes, alterations or mitigation measures beyond those actions already implemented by the City to address groundwater overdraft are within the responsibility of another public agency and not the City which is the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency to address the significant cumulative impact due to overdraft conditions in the Modesto Subbasin.

NOISE

Impact NOISE-1: Substantial Temporary or Periodic Increase in Ambient Noise Levels (Less than Significant with Mitigation)

Finding:

Construction and maintenance activities for the Proposed Project would generate short-term, temporary, and intermittent noise at adjacent noise-sensitive receptors. Noise levels generated during construction and maintenance would fluctuate depending on the particular type, number, and duration of use of various pieces of equipment. Noise from construction and maintenance activities is typically considered point-source noise. Noise levels drop off at a rate of 6 dBA per doubling of distance over hard site surfaces such as streets and parking lots, and at approximately 7.5 dBA per doubling of distance over soft site surfaces such as grass fields and open terrain with vegetation (FTA 2006).

Equipment required for construction and maintenance activities for the Proposed Project would likely consist of a paver, backhoe, bulldozer, tractor, well drilling equipment, and various trucks. The maximum noise levels produced by one of these types of equipment, at a distance of 50 feet and without noise controls, could range from 80 to 85 dBA Lmax. Noise levels vary for individual pieces of equipment because equipment comes in different sizes and with different engines. Noise levels also vary as a function of the activity level or duty cycle. Typical construction projects, with equipment moving from one point to another, including work breaks and idle time, have long-term noise averages that are lower than many short-term noise events. In addition, because of the dynamic nature of a construction site, noise levels are calculated from the center of the activity. Using these parameters, project-related construction noise was estimated using the FHWA Roadway Construction Noise Model (FHWA 2006), including simultaneous operation of multiple pieces of equipment, with the results shown in Table 11-11 of the Project EIR.

Construction equipment noise levels at 50 feet would be as high as 87 dBA Leq during the varying construction phase activities. Assuming standard spherical spreading loss (a reduction of 6 dB per doubling of distance) and the highest unmitigated construction noise level of 87 dBA Leq at 50 feet, the Proposed Project construction noise levels are estimated to range between 67 and 87 dBA Leq at the nearest noise-sensitive uses, as shown in Table 11-12 of the Project EIR. These results represent the worst-case, conservative noise exposure because they do not consider noise attenuation associated with intervening structures and atmospheric absorption. Therefore, actual construction equipment noise levels at the nearest residences could be lower.

Construction activities are not expected to occur on weekends or legal holidays, nor would nighttime work be conducted.

Table 11-12 of the Project EIR shows that the resulting predicted interior noise levels at the closest noise-sensitive receptor could be as high as 62 dBA at residential uses west of Site B, specifically the residence at 117 Stewart Road. Stanislaus County Municipal Code Specific Noise Source Standards Subsection E (Section 10.46.060, "Construction Equipment") and the City of Modesto Code Ordinances (Section 4-9.103, "Enumeration") were used for this analysis. Project-related construction noise at exterior uses of residential properties (buildings) in the project vicinity would be considered significant if it would exceed 75 dBA during weekday nighttime hours of 7 p.m. to 7 a.m. These are the most restrictive criteria established by the County and City and provide the most conservative assessment of noise impacts at existing noise-sensitive uses in the project vicinity.

Construction noise associated with the Proposed Project is predicted to dominate the existing noise environment at adjacent receptors during all construction phases. Construction activities would be exempt from noise standards when operating during allowable daytime hours outlined above. However, because noise levels would increase by 3 dB or more, there is the potential for noise impacts at the residential uses adjacent to the Proposed Project due to projected-related construction noise.

The Program EIR identified construction noise as less than significant if no nighttime work is proposed, and identified Mitigation Measures NOISE-1: Employ Noise-reducing Construction Practices and NOISE-2: Limit Nighttime Construction Noise to reduce project-related construction impacts to a less-than-significant level. Mitigation Measure NOISE-2: Limit Nighttime Construction Noise was identified in the Program EIR but is not applicable to the Proposed Project because nighttime work is not proposed. Mitigation Measure NOISE-1 has been modified to ensure that construction activities associated with the Proposed Project would comply with the County's Municipal Code and the City's Code of Ordinances noise standards. Furthermore, the measure has been modified because nighttime construction work is not anticipated for this project, eliminating the potential for sleep disturbances, and noise level standards do not apply to construction noise that occurs between the daytime hours of 7 a.m. and 7 p.m. Therefore, with implementation of **Mitigation Measure NOISE-1 (Employ Noise-Reducing Construction Practices)** as modified below from the Program EIR, temporary, short-term project-generated construction noise would be considered less than significant.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Program EIR:

Mitigation Measure NOISE-1: Employ Noise-reducing Construction Practices.
The following measures shall be implemented by the City or its contractor to reduce adverse effects from construction noise:

- At least two weeks prior to the start of construction, provide written notification to the potentially affected property owners and residents within 500 feet of the project site,

identifying the type, duration, and frequency of construction activities to residences directly exposed to the project noise. Notification of heavy construction activities shall include anticipated dates and hours during which construction activities are anticipated to occur. Notification materials shall also identify a mechanism for residents to register complaints with the City through contact information, including a daytime telephone number, for the project representative to be contacted in the event that construction noise levels are deemed excessive, overly intrusive or construction occurs outside the permitted hours. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall be included in the notification.

- Designate a disturbance coordinator and conspicuously post this person's number around the project sites, in adjacent public spaces, and in construction notifications. The disturbance coordinator shall be responsible for responding to any complaints about construction activities. The disturbance coordinator shall receive all public complaints about construction disturbances and be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem.

- Locate stationary or fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas, and construction vehicle routes as far as feasible from noise-sensitive receptors.

- Prohibit the start-up of machines or equipment before 7 a.m. and after 7 p.m. Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday.

- Prohibit use of materials and equipment deliveries before 7 a.m. and after 7 p.m., Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday.

- Restrict the use of bells, whistles, alarms, and horns to safety-warning purposes.

- Equip all construction equipment with noise-reduction devices such as mufflers to minimize construction noise and operate all internal combustion engines with exhaust and intake silencers.

- Use noise-reducing enclosures around stationary noise generating equipment.

- To the extent feasible, the simultaneous operation of multiple construction equipment shall be limited.

- Install temporary barrier between noise sources and noise sensitive receptors, or the use of intervening structures (i.e.; on-site construction trailer, stockpiles).

Impact NOISE-3: Substantial Permanent Increase in Ambient Noise Levels (Less than Significant with Mitigation)

Finding:

Long-term operation of the Proposed Project would result in the operation of new noise-generating stationary equipment. The Proposed Project would include the long-term operation

of water wells and pumps, standby generators, and booster pump stations at Site A and Site B. Pumping frequency and duration would vary throughout the year depending upon need and based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as 2 hours per day in the winter. Pumping is expected to occur for an annual average of 8 hours per day.

Site A: Ladd Road

Site A would consist of an aboveground groundwater storage tank, water well and pump, standby generator, and booster pump station. The pump station building would be a masonry block building housing the production well, booster pumps, disinfection equipment, ancillary valves and flow meters, and electrical equipment.

The pump station building would have various sound attenuation features, including wall panels, fans, and louvers to reduce noise related to removing heat generated within the pump and electrical rooms. Metal wall panels would achieve a noise reduction coefficient of approximately 0.90. The pump station building would be ventilated by one side-wall-mounted exhaust fan with a capacity of 4,500 cubic feet per minute. Exhaust fans would have the lowest possible noise measurement unit. Ducting in the building would be designed to minimize noise. The intake and exhaust pump station louvers would be sized to minimize air flow noise.

Production well pumping would vary as previously described. The Proposed Project includes up to four 60-hp electric pumps. Two pumps would be on-duty, one would be for standby, and the fourth pump is intended for future buildout. The well and booster pumps would be housed inside the pump station building.

A standby diesel generator and an aboveground diesel storage tank would be installed on a concrete pad. The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing to achieve an approximate sound level of 75 dB within 30 feet of the unit.

Operational noise generated at Site A is assumed to be similar to operational noise at Well 315 (AEC 2012). Therefore, operational noise at Site A, including future use of a fourth pump, would be reduced through site design, specifically building materials of the fully enclosed pump station building, surface treatments, and acoustically designed louvers, which would reduce noise levels from 71 dBA at 23 feet to 46 dBA at 30 feet, which would achieve and not exceed the City's noise thresholds. Project-related operational noise at Site A would be considered exempt from Stanislaus County noise regulations because the Proposed Project is a public utility. However, with the incorporated site design features, operational noise would comply with the County's Municipal Code and the City's Code of Ordinances noise standards. Thus, the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. As a result, project-generated operational noise levels for Site A would be **less than significant**.

Site B: McHenry Avenue

Site B would encompass approximately 0.4 acre. The facilities at this site would consist of a production well and pump, standby generator, disinfection facilities, connecting lines to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and treatment filters. These facilities would be fully enclosed by a 12-foot-tall concrete block

wall with a 24-foot-wide gate; there would be no roof over these facilities. Equipment at the site would consist of an aboveground pump motor, engine generator, controls, chlorinator, and associated plumbing and equipment.

The production well pump and standby generator are the two main sources of operational noise associated with the well. The analysis assumed an aboveground pump. To evaluate potential effects of the Proposed Project, noise levels from an existing City well (Well 62 at Freedom Park) with similar equipment were evaluated (AEC 2012). Well 62 uses a Goulds (ITT Corporation) pump with a 200-hp Emerson motor and a 300-kW standby diesel generator inside a Quiet Site Level II enclosure by Cummins. Noise levels from the Cummins generator measured 71 dBA at a distance of 23 feet diagonally from the air intake of the unit. The pump noise measured 72 dBA at a distance of 18 feet from the motor (70 dBA at 23 feet), with a sound spectrum in the higher frequencies. The generator at Well 62 dominated the existing background noise levels, while the pump-only operational noise was much less noticeable, raising noise levels by 1 dBA. Subjectively, pump "whine" noise was barely audible over background noise levels (AEC 2012). Similar noise levels were assumed to be generated by the Proposed Project at Site B.

Based on the proposed site plan for Site B, the nearest adjacent residential property, at 117 Stewart Road, is approximately 30 feet west of the proposed location of the pump motor. The topography of the site is such that the pump, generator, and 12-foot-tall block wall would be at ground level, 7 feet below the grade of the house pad for the residence at 117 Stewart Road. It was assumed that the ground level of the residential property is 7 feet above the pump grade at a distance of approximately 70 feet from the property line.

Evaluation of the proposed facilities at Site B was conducted using an identical generator set and enclosure to those at Well 62 (300-kW standby diesel generator inside a Quiet Site Level II enclosure by Cummins). Noise levels are predicted to reach 48 dBA during daytime and nighttime at the property line of 117 Stewart Road, based on data from the 200-hp well pump described above (AEC 2012) and in consideration of the proposed 12-foot-tall block wall around the well facility. Noise levels are expected to be reduced to 39 dBA at the nearest residential building façade, an additional 70 feet from the property line, and therefore would not disturb sleep patterns within the sleeping areas of the residence. The results indicate that sound levels could reach 58 dBA within the residential property line of 117 Stewart Road, adjacent to Site B, if unmitigated.

These noise sources would be considered exempt from Stanislaus County noise regulations because the Proposed Project is a public utility. However, local noise regulations were evaluated as well to determine the significance of potential noise impacts generated by the Proposed Project.

When the pump operates during nighttime hours, it is expected to exceed the County's noise standard of 45 dBA at the property line of 117 Stewart Road. Daytime operation of the pump is predicted to be less than the County's 55 dBA noise standards. Subjectively, the pump would be barely audible over background sources (ambient 58 dBA Leq) during daytime hours, with the source becoming more audible as background levels drop during nighttime hours (ambient 55 dBA Leq).

Routine testing of the generator set would occur one to two times per month. During these tests, sound levels would exceed the local noise regulations. However, the generator is exempt

from noise regulations when providing emergency power to the pump station and during short-term testing periods.

Operational noise associated with the Proposed Project (58 dBA unmitigated) is predicted to dominate the existing noise environment when background levels are low (nighttime) at the residential property at 117 Stewart Road. Operational activities are considered exempt from noise standards when operating a public utility or under emergency circumstances. However, the increase in noise would be noticeable (3 dBA) and would create the potential for nighttime noise impacts (ambient 55 dBA Leq nighttime) at the 117 Stewart Road residence west of the Proposed Project site. Thus, the project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project and would exceed nighttime stationary noise level standards. As a result, project-generated operational noise levels for Site B would be significant.

The Program EIR prescribed Mitigation Measure NOISE-3: *Employ Noise-reducing Methods during Operations* to reduce impacts to a less-than-significant level. This mitigation measure has been modified to ensure that operational impacts associated with the Proposed Project would comply with the County's Municipal Code and the City's Code of Ordinances noise standards, reducing unmitigated noise levels from 71 dBA at 23 feet to 48 dBA at 30 feet. Therefore, with implementation of **Mitigation Measure NOISE-2 (Employ Noise-reducing Methods during Operations at Site B),** this impact would be **less than significant**. This measure would not apply to Site A, where project impacts would be less than significant.

As such, the City finds that changes or alterations have been incorporated into the project which avoid or substantially lessen the significant effect on the environment.

Supporting Evidence:

This potentially significant effect can be reduced to a less-than-significant level by incorporating the following mitigation measures identified in the Program EIR:

Mitigation Measure NOISE-2: Employ Noise-reducing Methods during Operations at Site B.
The City shall implement noise-reducing methods so that noise from well operations at Site B, located at the corner of McHenry Avenue and Stewart Road, does not exceed County noise-level standards at adjacent residences. Measures to be implemented shall include the following:

Generator

1. Project specifications shall include generator sound level limits of 73 dBA at 23 feet, similar to those at the City's Well 62 facility.

2. Noise control specifications for the generator set shall include a sound-attenuated enclosure for the pump and a sound wall within the facility wall. Specifications for the pump enclosure and sound wall are prescribed in item 5 below.

3. Routine testing of the generator shall be performed during daytime hours, between 10 a.m. and 5 p.m., when background sound levels are highest, to minimize potential noise impacts.

4. Obtain the services of a qualified acoustical consultant to conduct project-related operational noise measurements at sensitive receptor locations adjacent to the Proposed Project site to ensure that noise-reducing measures comply with applicable codes. If noise

measurements do not comply with applicable codes, additional noise reduction measures should be designed and incorporated.

With these measures, no additional sound reduction would be required to reduce sound levels due to the generator set.

Pump Enclosure and Sound Wall

5. The pump enclosure shall be designed to the following specifications to ensure operational sound levels are reduced below County standards:

    a. Install a modular sound wall with an optional removable roof adjacent to the pump. The sound-absorptive modular barrier system shall be installed along the west edge of the pump base to a height of at least 10 feet above grade. The barrier system will wrap around the north and south sides of the pump to create a three-walled system with integrated sound absorption. In general, acoustical barriers perform best when close to the noise source. Acceptable products include the following or an approved equivalent: Kinetics Noiseblock Barrier Panel System, Noise Barriers LLC QuietLine Barrier Walls, Sound Fighter Systems LSE.

    b. Include an insulated sheet metal shroud around the pump motor and shaft. Construct the sheet metal shroud to block the line of sight to the motor ventilation openings. Construction materials shall include exterior-grade sheet metal used for heating, ventilation, and air conditioning (HVAC) ducts and acoustical duct liner.

    c. If the above measures cannot be employed for the pump, one of the following measures will be implemented to meet the County's nighttime noise threshold of 45 dBA:

        i. Install a submersible pump that would place the motor under water and virtually eliminate the sound source.

        ii. Increase the height of the equipment yard sound wall above 12 feet. Based on the noise analysis, increasing the equipment yard wall height to 13 feet would result in an additional 2 dBA of attenuation and a predicted sound level of 45 dBA. A 14-foot-tall wall could reduce sound levels by an additional 1 dBA.

        iii. Construct a barrier adjacent to the motor with a removable roof barrier directly over the motor. This secondary barrier directly adjacent to the pump motor on the west side would effectively reduce sound levels below the nighttime noise threshold. The detachable roof would still provide access to the motor for servicing and removal.

            The barrier adjacent to the motor shall be designed to the following specifications to ensure operational sound levels would be reduced below County standards:

            - The barrier shall be constructed around the equipment within the wall surrounding the facility.

- The barrier shall weigh a minimum of 4 pounds per square foot. Painted and sealed concrete block easily meets this weight requirement.

- The barrier shall be continuous along its length and width with no gaps in the construction, including at the ground. The equipment yard pad shall be sloped such that weeping holes are only needed on the north and east sides of the facility.

iv. Construct an insulated sheet metal shroud around the motor and shaft. This metal shroud would accommodate air circulation requirements for the motor, but would divert sound energy away from the motor openings and base near the shaft. Sound energy would be attenuated by sound-absorbing material within the metal shroud.

B. FINDINGS SUPPORING REJECTION OF ALTERNATIVES

The final Project EIR discussed and evaluated a range of alternatives as required by CEQA Guidelines section 15126.6. In order to reject an alternative, the City must find one or more of the following. Only one grounds is needed to support rejection of each alternative. This is a summary of the grounds for rejecting the alternatives. The evidence supporting these findings is found in the record as a whole:

> (1) specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make the alternative infeasible; (2) the alternative does not meet the project objectives; and/or (3) the alternative will not avoid or substantially lessen the significant environmental effects of the Project.

Following are the findings supporting rejection of each of the alternatives.

No Program Alternative.
CEQA requires analysis of the No Project Alternative. Under this alternative, no new water supply infrastructure would be constructed.

Finding for rejection:

> This alternative fails to meet the basic objectives of the proposed Project.

Supporting Evidence:

> Under this alternative, existing system deficiencies would continue to exist, and new development would be constrained by lack of water supply infrastructure. This alternative would not meet the basic objectives of the Proposed Project, namely, to correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements identified in the 2010 Water System Engineer's Report; ensure sufficient system pressure to provide firefighting flow capacity; and improve water system operational flexibility and reliability in the Del Rio service area. For these reasons, this alternative is rejected.

Alternative 1 – Construct at Existing City Well Locations.
The City currently owns property and operates groundwater wells at three locations in the Del Rio service area:

- Well 289 located on Beltis Drive on the east side of Del Rio,
- Well 271 located on Country Club Drive and Del Rio Avenue on the southwest side of Del Rio, and
- Well 282 on Hillcrest Drive on the west side of Del Rio.

Under this alternative, in lieu of purchasing new property for the proposed wells and tank, the City would design the proposed new facilities to fit within their existing well properties.

Finding for rejection:

> Specific economic, legal, social, technological, or other considerations make infeasible this alternative. Specifically, size and location of existing well sites are not large enough to safely and reliably accommodate a replacement well and tank of a size sufficient to meet Project objectives. This alternative would not meet the objectives of the Project. In addition, this alternative would result in greater aesthetics, noise and air quality impacts because more residential sensitive receptors are located adjacent to the existing well sites compared to the sites in the Proposed Project. For these reasons, this alternative is rejected.

Supporting Evidence:

The alternative would not accommodate system pressure demands and supply reliability needs for firefighting and operational reliability. Existing Well 271 is located on a parcel that is not large enough to install a replacement well.

The Del Rio water system has limited water supply, so Well 271 needs to remain operational until its replacement is constructed and permitted. This alternative requires Well 271 to be non-operational for a period of time which would create unacceptable deficiencies in providing needed water supply by exacerbate existing deficiencies. The City has considered relocating the well to a nearby parcel, but no land was available for sale in that area. Well 289 is on a small, irregularly shaped parcel, which would limit the diameter of the proposed tank and the resulting tank would be too small to meet the project objectives of reliability and flexibility of water supply. Alternative 1 would also expose more residential sensitive receptors to aesthetic, air quality and noise-related impacts than the Proposed Project.

Alternative 3. Connect to the City's Supply System

Under this alternative, the City would construct a 3-mile pipeline to directly connect the Del Rio community to the City's water supply system. The pipeline would extend along the existing railroad track easement from the northern border of the City's limits north to St. John Road and Ladd Road, where the pipeline would connect to existing transmission pipes that serve the Del Rio community. The pipeline would cross two Modesto Irrigation District canals and two streets. Booster pump stations may be needed to transfer water from the City's system north to Del Rio.

Finding for rejection:

Specific economic, legal, social, technological, or other considerations make infeasible this alternative. This alternative would not meet project objectives. This alternative could also result in greater environmental impacts than the proposed Project. Specifically, more residential sensitive receptors would be exposed to construction-related noise impacts, biological resources, water supply and cultural resources impacts could be greater than the Proposed Project. This alternative would also not meet the basic project objectives to correct existing water system deficiencies, which could be significantly delayed during the approvals, permitting and property/easement acquisition process. For these reasons, this alternative is rejected.

Supporting Evidence:

The ability of the City to obtain the necessary approvals, including approval the Modesto Irrigation District and Stanislaus County, and acquire the necessary encroachment agreements and/or property and/or right-of-way is central to the feasibility of this alternative. The economic, legal and other constraints on obtaining these approvals and agreements make this alternative infeasible. The lengthy timeframe and uncertainty of obtaining the approvals from other agencies required for this alternative creates an unacceptable delay in addressing existing deficiencies and creates a very high likelihood that the project objectives will not be successfully accomplished. The costs of this alternative are substantially more expensive than the proposed Project and, therefore, it is economically infeasible.

This alternative also would not meet project objectives because it would not reduce water supply impacts and deficiencies, but rather would displace them elsewhere within the service area. The alternative also would not substantially reduce some of the significant impacts associated with the project. Similar amounts of GHG emissions would be generated compared

to the Proposed Project, more residential sensitive receptors near the pipeline alignment would be exposed to construction-related noise impacts, and other environmental impacts, such as biological resources, water supply, and cultural resources could be greater than the Proposed Project.

Furthermore, obtaining the necessary property/easements and agreements and permits to implement this alternative would potentially delay the improvements described in the project. Such delay is unacceptable when the specific legal considerations and existing system deficiencies are considered. For all these reasons, this alternative is rejected.

EXHIBIT "B"

STATEMENT OF OVERRIDING CONSIDERATIONS

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines (14 California Code of Regulations 15000, et seq.), the City of Modesto cannot approve a project for which an Environmental Impact Report (EIR) has been certified which identifies significant effects on the environment unless it adopts a statement of overriding considerations that finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh its significant effects on the environment. The City finds that any one of the benefits identified below are sufficient to outweigh the significant environmental effects of the Project.

A. SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following significant impacts have been identified for which no mitigation is available that would reduce the impact to a less-than-significant level:

- Impact AIR-7: Cumulative Impact on Air Quality
- Impact GHG-1: Generate Substantial GHG Emissions, Either Directly or Indirectly, from Project Construction, Land Use Changes, and Operation
- Impact GHG-2: Potential for Conflict with Applicable Plans, Policies or Regulations Adopted for the Purpose of Reducing Emissions of GHGs
- Impact GHG-3: Cumulative GHG Impact
- Impact GRW-4: Cumulative Contribution to Chronic Overdraft of Groundwater Subbasin

The following impacts relevant to the Del Rio Tank and Wells Project were previously identified as significant and unavoidable in the Program EIR (City of Modesto 2010):

- Impact CUM-3: Emissions of Greenhouse Gases
- Impact CUM-4: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Program Region is in Nonattainment under an Applicable Federal or State Ambient Air Quality Standard

B. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council has determined that the Del Rio Tank and Wells Project EIR should be approved and that any remaining unmitigated environmental impacts attributable to the Proposed Project are outweighed by the following specific benefits:

i. The Proposed Project will correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements identified in the City of Modesto 2010 Water System Engineer's Report;

ii. Ensure sufficient system pressure to provide firefighting flow capacity;

iii. Improve water system operational flexibility and reliability; and

iv. The Project accomplishes the benefits identified in Items i, ii and iii above at a cost which is within budgetary constraints and acceptable to the City.

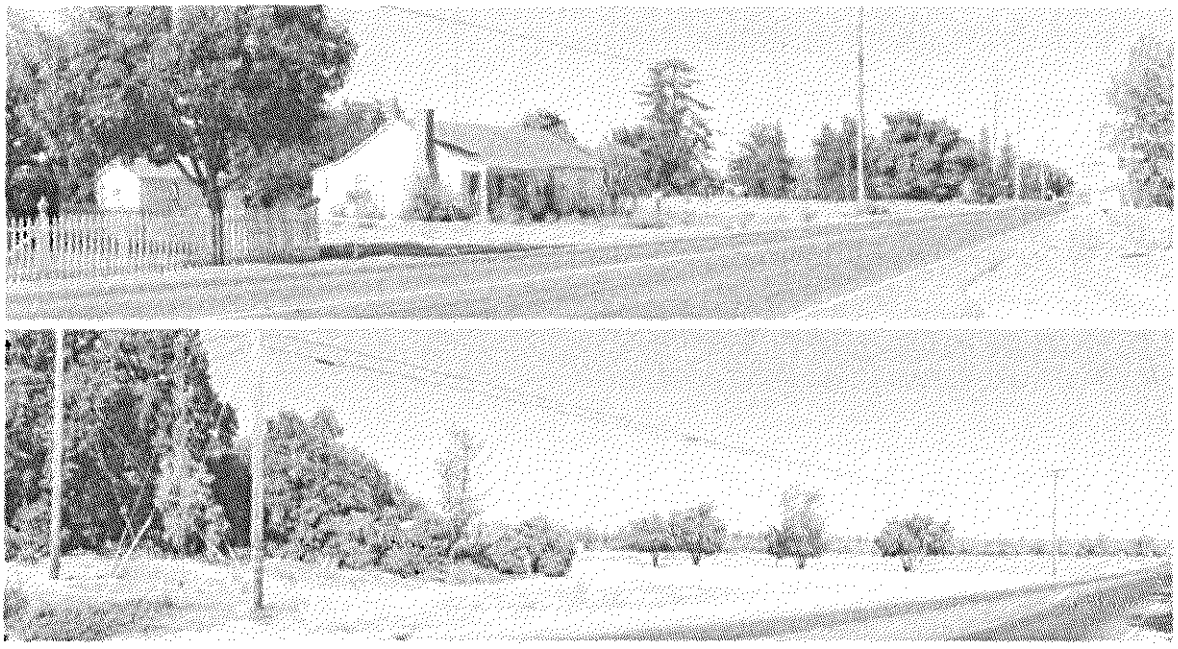
City of Modesto Utilities Department

Draft Environmental Impact Report
Del Rio Tank and Wells Project

Stanislaus County, California

Volume 1: Draft EIR Chapters 1-14

November 2016



State Clearinghouse Number: 2015072055; EA/UTL No. 2015-05

Horizon
WATER AND ENVIRONMENT

MODESTO
CALIFORNIA

City of Modesto Utilities Department

Draft Environmental Impact Report
Del Rio Tank and Wells Project

Stanislaus County, California

Volume 1: Draft EIR Chapters 1-14

State Clearinghouse Number: 2015072055
EA/UTL No. 2015-05

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November 2016

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Acronyms and Abbreviations

A	
AB	Assembly Bill
ADT	average daily traffic
AEC	Acoustical Engineering Consultants
AFY	acre-feet per year
AQAP	Air Quality Attainment Plan
ATCM	airborne toxic control measure
AWWA	American Water Works Association
B	
BACT	Best Available Control Technology
Basin	San Joaquin Valley Air Basin
Basin Plan	Water Quality Control Plan
BAU	business as usual
bgs	below ground surface
BMO	basin management objective
BO	Biological Opinion
B.P.	Before Present
BPS	Best Performance Standards
C	
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emission Estimator Model
Caltrans	California Department of Transportation
CAP	climate action plan
CARB	California Air Resources Board
CASGEM	California Statewide Groundwater Elevation Monitoring
CBC	California Building Code
CCIC	Central California Information Center
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CDP	census-designated place
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
City	City of Modesto
CFR	Code of Federal Regulations
CHABA	Committee of Hearing, Bio Acoustics, and Bio Mechanics
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent

CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CWA	Clean Water Act
D	
dB	decibels
dBA	A-weighted decibels
DEIR	draft environmental impact report
DPM	diesel particulate matter
DPR	California Department of Parks and Recreation
DPS	distinct population segment
DWR	California Department of Water Resources
E	
EIR	environmental impact report
EO	Executive Order
ESA	Endangered Species Act
F	
FAR	Federal Aviation Regulations
FHWA	Federal Highway Administration
Fish & G. Code	California Fish and Game Code
FR	Federal Register
FTA	Federal Transit Administration
G	
GHG	greenhouse gas
GIC	Groundwater Information Center
gpm	gallons per minute
Guidance	*Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA*, prepared by San Joaquin Valley Air Pollution Control District
H	
H_2S	hydrogen sulfide
HCP	habitat conservation plan
hp	horsepower
hr	hour
HVAC	heating, ventilation, and air conditioning
I	
in/sec	inches per second
IPaC	Information for Planning and Conservation
IRGMP	Integrated Regional Groundwater Management Plan
K	
K	horizontal hydraulic conductivity
kVA	kilovolt-ampere
kW	kilowatt

L

LDL	Larson Davis Laboratories
L_{dn}	day-night average sound level
LED	light-emitting diode
L_{eq}	average noise level
LID	low impact development
L_{max}	minimum instantaneous noise level
L_{min}	peak noise level
L_n	noise level exceeded n percent of a specific period of time

M

MAC	Municipal Advisory Council
MBTA	Migratory Bird Treaty Act
MEI	Maximally Exposed Individual
MLD	Most Likely Descendent
MMRP	Mitigation Monitoring and Reporting Program
mm/sec	millimeters per second
msl	mean sea level
MT CO_2e	metric tons of carbon dioxide equivalent

N

NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NMFS	National Marine Fisheries Service
NO_2	nitrogen dioxide
NOP	Notice of Preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRHP	National Register of Historic Places

O

O_3	ozone
OBD	on-board diagnostic
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration

P

Pb	lead
PERP	Portable Equipment Registration Program
PL	Public Law
PM	particulate matter
$PM_{2.5}$	fine particulate matter less than 2.5 micrometers in diameter
PM_{10}	particulate matter less than 10 micrometers in diameter
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code

Program EIR	City of Modesto 2010 Water Service Engineer's Report Program EIR
Proposed Project	City of Modesto Del Rio Tank and Wells Project
PST	Pacific Standard Time
PVC	polyvinyl chloride
R	
RMS	root mean square
RST	Stanislaus Regional Sustainability Toolbox
RWQCB	Regional Water Quality Control Board
S	
SB	Senate Bill
SCADA	Supervisory Control and Data Acquisition
SENL	single-event noise level
SGMA	Sustainable Groundwater Management Act
SIP	State Implementation Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO_2	sulfur dioxide
SO_4	sulfate
SPCC	Spill Prevention, Control and Countermeasures
STRGBA	Stanislaus and Tuolumne Rivers Groundwater Basin Association
SWRCB	State Water Resources Control Board
T	
TAC	toxic air contaminant
TCP	Traditional Cultural Property
TCR	tribal cultural resources
U	
UFC	Uniform Fire Code
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
V	
VdB	vibration decibels
VOC	volatile organic compounds
W	
WRIME	Water Resources & Information Management Engineering
WSER	2010 Water System Engineer's Report
$\mu g/m^3$	micrograms per cubic meter
µin/sec	microinch per second
°F	degrees Fahrenheit

EXECUTIVE SUMMARY

Introduction

This Proposed Project was previously identified in the City's Water System Engineer's Report (WSER) Program EIR (State Clearinghouse No. 2008092095) (City of Modesto 2010). The WSER Program EIR is incorporated into this document by reference and is available for review at the City's Public Works Department Office located at 1010 Tenth Street #4600, Modesto, CA 95354. This DEIR is tiered from the Program EIR, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15168 and 15152, as described further in Section 1.1.1, below. This document was prepared pursuant to the requirements of CEQA (Public Resources Code [PRC] Section 21000 et seq., as amended) and the CEQA Guidelines (Title 14 California Code of Regulations [CCR] Section 15000 et seq.).

Proposed Project Purpose and Objectives

The City of Modesto provides water service to the community of Del Rio. The Del Rio water system currently requires a new storage tank (and associated pump station), well, replacement well, backup generators, and pipelines to correct existing supply deficiencies. The existing Del Rio water system does not meet certain design pressure and storage volume requirements identified in the 2010 Water System Engineer's Report for water supply and fire-flow demand. The existing Del Rio water system also is not sufficient to supply anticipated future growth in the Del Rio area. The City intends to decommission one of its Del Rio water system wells (Well 271) when the new replacement well is brought online. The future Del Rio service area will include additional acreage to the north, east, and southwest. According to the Del Rio Community Plan, "future planned development land use" is proposed for the northwestern and eastern portions of the service area, while development in the southwestern area will be residential (Stanislaus County 1992). Full buildout of the service area will require additional pipelines and pumping capacity, as identified for the Proposed Project, to provide adequate water service to meet the anticipated demand.

The objectives of the Proposed Project are as follows:

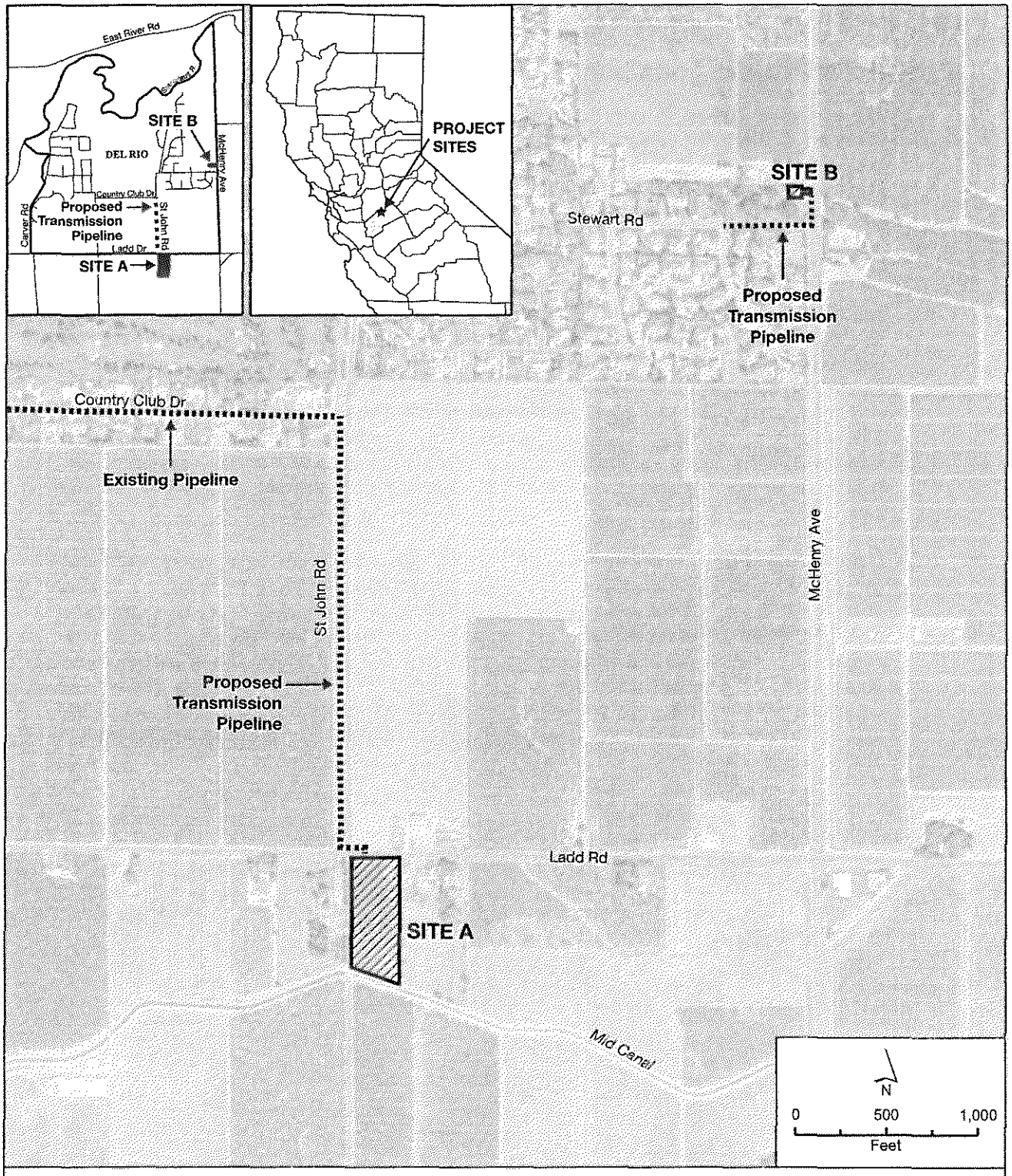
- Correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements identified in the 2010 Water System Engineer's Report;
- Ensure sufficient system pressure to provide firefighting flow capacity;
- Improve water system operational flexibility and reliability; and
- Allow for additional water supply and storage volume to accommodate anticipated future growth in the Del Rio area.

Proposed Project Location

The Proposed Project is located in the census-designated place of Del Rio in Stanislaus County. Del Rio is located approximately 2 miles north of the City's sphere-of-influence boundary. The Proposed Project would involve activities at two separate sites within Del Rio: (1) Site A, southeast of the intersection of Ladd Road and St. John Road on APNs 004-077-018 and 004-077-019, and (2) Site B, at the northwest corner of McHenry Avenue and Stewart Road on the southeastern-most portion of APN 004-102-003. **Figure ES 1** shows the locations of the Proposed Project sites.

Site A consists of two parcels owned by the City of Modesto, totaling approximately 4.0 acres. The site is bounded by a Modesto Irrigation District canal on the south, agricultural and residential sites on the east, and Union Pacific railroad tracks on the west. The northern portion of the site fronts Ladd Road. The site is currently occupied by a single-family residence, garage, and out-buildings. The remainder of the site consists of mostly open land with a few trees, weeds, and grass. The residence has a water well and septic system. All structures on the site, as well as the well and septic system, are to be abandoned and removed. Four existing trees would be retained on site. **Figure ES-2** shows the proposed facilities at Site A.

Site B encompasses 0.4 acre on APN 004-102-003, currently owned by a private landowner (Arnold W. Setliff et al. Trust). The City is in the process of acquiring approximately 0.52 acre of the much larger 82.4-acre parcel, and would dedicate 0.12 acre to Stanislaus County as right-of-way for McHenry Avenue. The surrounding land uses adjacent to this parcel include single-family residences and outbuildings to the west and south, agricultural parcels to the north and east, and a fruit stand to the southeast. The site is currently vacant and undeveloped except for a few power and communication poles, a large oak tree, and a few shrubs. The oak tree would be retained on site. **Figure ES-3** shows the proposed facilities at Site B.



Source: Horizon Water and Environment; Google Earth

Horizon WATER and ENVIRONMENT

Figure ES-1: Project Location

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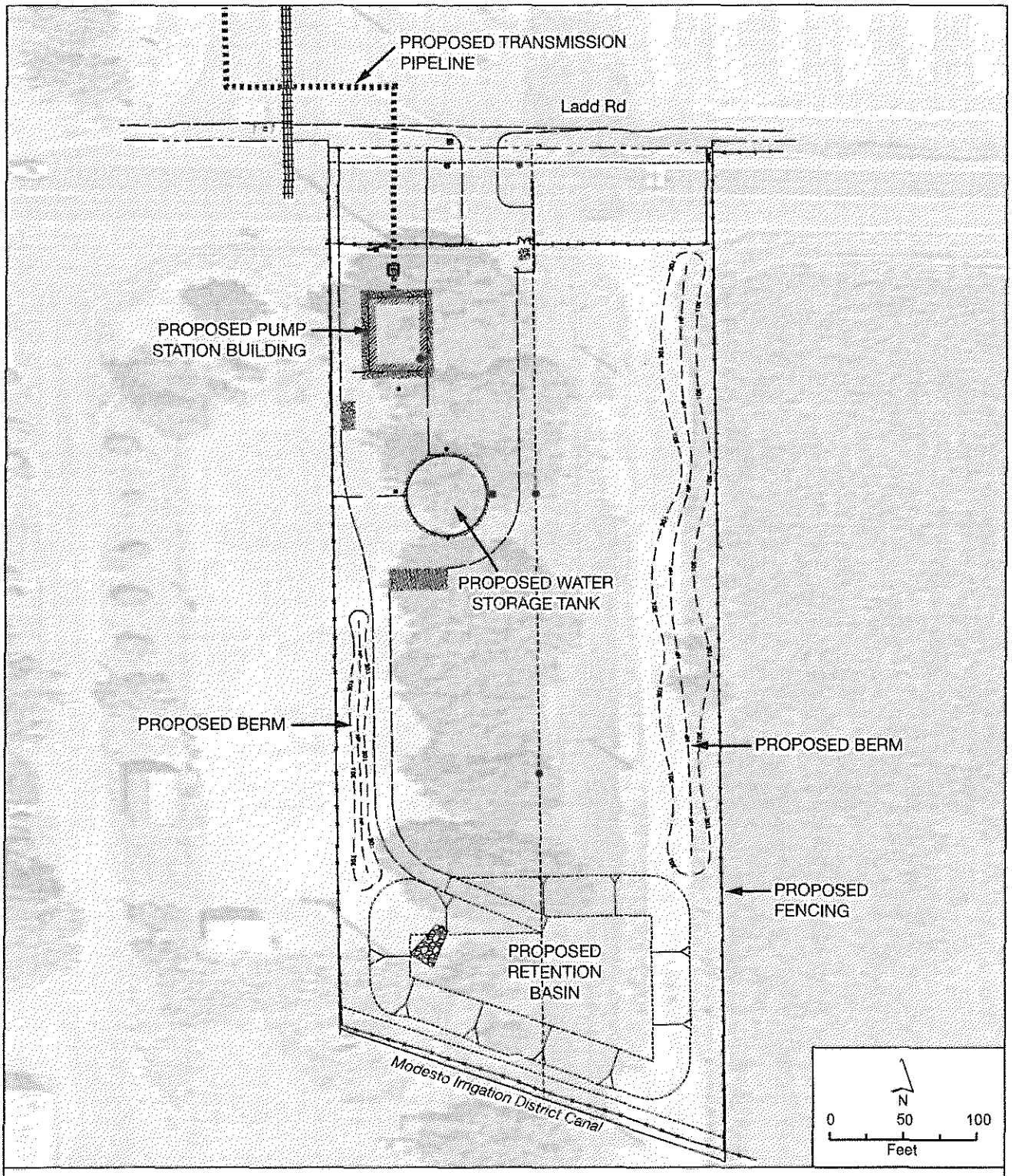

Source: Northstar Engineering Group, Inc.; Google Earth

Horizon WATER and ENVIRONMENT

Figure ES-2: Proposed Site A Facilities

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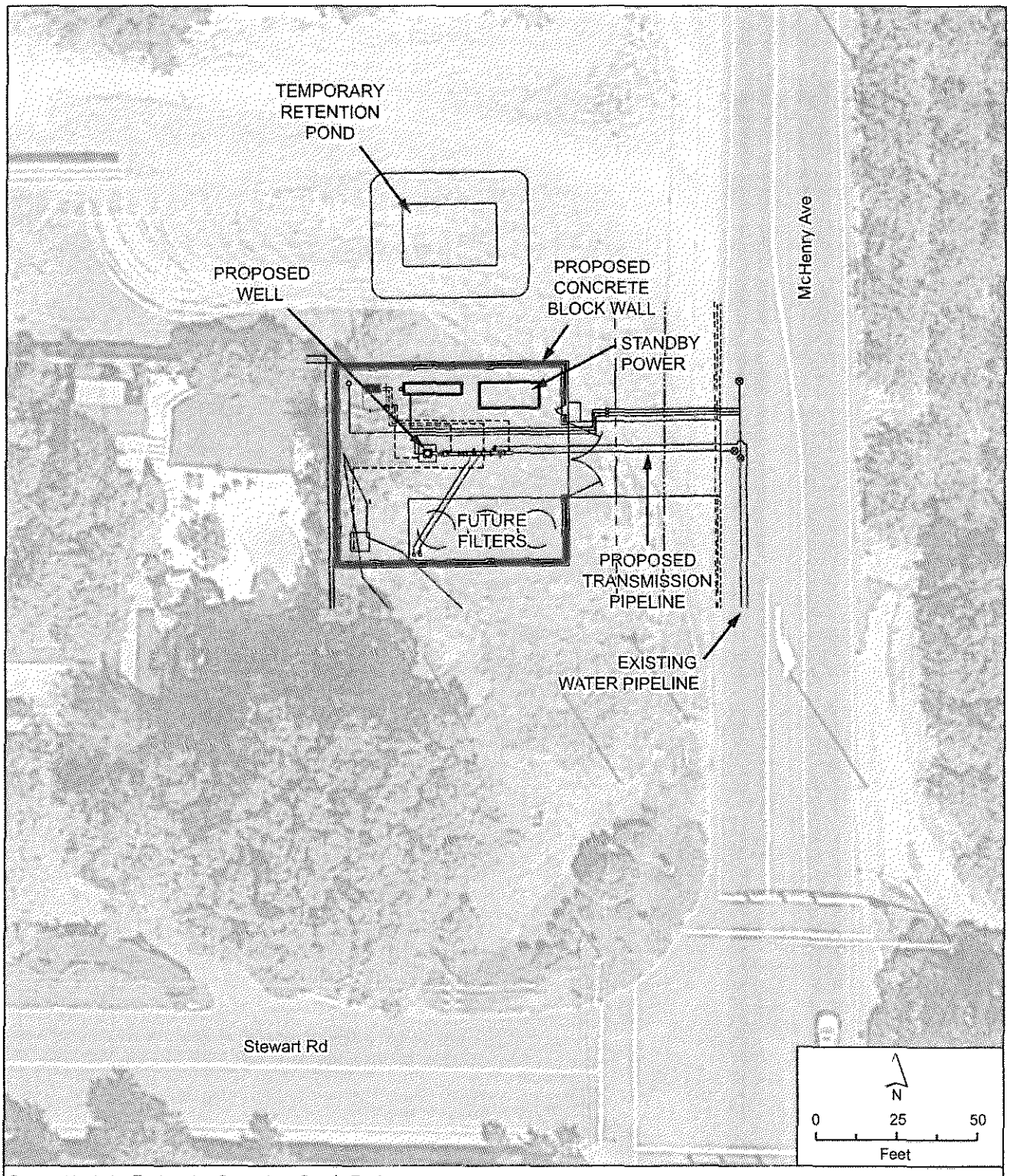

Source: Northstar Engineering Group, Inc.; Google Earth

Horizon
WATER and ENVIRONMENT

Figure ES-3: Proposed Site B Facilities

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Proposed Project

The Proposed Project involves the construction and operation of water wells, a storage tank, and associated distribution facilities. The Proposed Project would develop a total of approximately 4.4 acres (approximately 190,000 square feet).

Site A – Ladd Road Tank and Well

The 2010 Program EIR included evaluation of a proposed tank and pump station on a large parcel of land north of McHenry Avenue and Stewart Road. As the project developed, no land was available for sale in that area. The City then considered alternate locations, one of which was 6520 Carver Road, but was unable to complete the purchase of land in those alternate locations. On March 13, 2012, by Resolution 2012-101, City Council approved the purchase of two parcels at 718 Ladd Road.

Site A, located at 718 Ladd Road, would encompass approximately 4 acres. The project facilities at Site A would consist of an above-ground water storage tank, production water well and pump, monitoring well, standby generator, and booster pump station. Site improvements would include a small parking and access area, fencing (1-inch chain-link fencing), a retention basin, and low-maintenance landscaping. In addition, a 2,500foot-long, 16-inch-diameter transmission main would be installed to connect the proposed well to the City's existing water distribution system. Figure ES-2 provides a site plan of the Site A facilities.

Water Storage Tank: As proposed, the water tank would store approximately 250,000 gallons (0.25 million gallons) of water. The purpose of the tank is to store sufficient water to meet peak hour and fire flow demands. The tank would stand a maximum of 20 feet above grade and would be approximately 55 feet in diameter. The footprint area of the tank would be approximately 173 square feet. The welded steel water tank would have a non-reflective, painted, earth-tone exterior and a sloped roof. The tank would be constructed on a circular concrete pad. The tank would be constructed in accordance with the current California Building Code and American Water Works Association standards.

Pump Station Building: The pump station building would house the production well, booster pumps, disinfection equipment, ancillary valves and flow meters, and electrical equipment. The building would include three separate rooms: a pump station room, an electrical room, and a calcium hypochlorite room. The building would be constructed of masonry blocks and would be approximately 40 feet wide by 50.5 feet long and 21 feet tall. The pump station building would have stucco finish and an earth-tone exterior.

The building would have various sound attenuation features, including wall panels, fans, and louvers to reduce noise related to the operation of equipment removing heat generated within the pump and electrical rooms. Metal wall panels would achieve a noise reduction coefficient of approximately 0.90. The pump station building would be ventilated by one side-wall-mounted exhaust fan with a capacity of 4,500 cubic feet per minute. Exhaust fans would have the lowest possible exhaust fan noise measurement unit (called a sone). Ducting in the building would also be designed to minimize noise. Sound caused by an operating louver is proportional to the air velocity through the louver; the intake and exhaust pump station louvers would be sized to minimize air flow noise.

Production Well: The production groundwater well would be drilled to a minimum depth of 300 feet and a maximum depth of 600 feet deep, and would have a maximum yield of 1,000 gallons per minute (gpm). The well is expected to operate during off-peak demand periods to fill the proposed adjacent storage tank and during maximum demand conditions (typically a 1- to 2-hour diurnal pattern). While the theoretical annual maximum yield of the new well would be 525.6 million gallons (based on operations of 1,000 gpm, 24 hours per day, 365 days per year), this theoretical maximum exceeds the annual production for the entire Del Rio service area of approximately 207 million gallons for the previous 5 years. The well pump would be sized to meet peak demand conditions; however, pumping is expected to occur for an annual average of 8 hours per day (not 24 hours per day), with an anticipated maximum annual yield of about 175 million gallons, which is substantially less than the theoretical annual maximum yield of the new well. The well would be housed inside the pump station building.

Monitoring Well: A monitoring well would be installed on site to monitor groundwater levels in relation to operation of the production well and to calibrate the City's groundwater flow model. The monitoring well would be installed within a 50-foot radius of the production well and would be drilled to a similar depth (i.e., 600 feet deep). The monitoring well would include three separate "nested" wells installed to different depths within the same borehole. Each nested well would be equipped with a pressure transducer to monitor the groundwater level. The three nested wells would be installed to measure groundwater levels in the shallow (100-265 feet deep), intermediate (265-360 feet deep), and deep (360-600 feet deep) zones of the aquifer. The monitoring well would not produce any water and would only be used to collect data on groundwater levels.

Booster Pumps: The Proposed Project includes up to four 60-horsepower (hp) electric booster pumps. Two booster pumps would be on duty, one would be on standby, and the fourth would be available to serve future buildout demand. The pump capacity for each of these booster pumps would be 850 gpm, with firm capacity of 1,700 gpm. The booster pumps would be housed inside the pump station building.

During normal operation, the well pump would fill the storage tank at a maximum rate of 1,000 gpm, controlled by a variable-frequency drive and sensors in the tank. The booster pumps would be separate from the well pump and would be designed to provide a maximum flow from the storage tank to the distribution system of 1,700 gpm. The booster pumps would deliver supply to the distribution system to meet peak-hour and fire-flow demands. The booster pumps would be designed and operated to discharge water from the tank at a much faster rate than the well can fill the tank to meet peak and fire-flow demands, as needed. When the booster pumps are running at maximum flow, water from the production well may simultaneously fill the storage tank. The tank, when full, would drain in less than 6 hours (357 minutes) under maximum flow conditions.

An additional booster pump would be installed in the pump station at full buildout. This fourth booster pump would deliver an additional 700 gpm of flow from the storage tank to the transmission pipelines. The additional booster pump would increase the total delivery of stored water from the tank to the distribution lines to 2,400 gpm in order to meet the estimated peak-hour rate and fire-flow demands for Del Rio's buildout condition. This fourth pump would not result in increased groundwater extraction, only increased flow from the

storage tank to the transmission pipelines. The impact analysis presented in this EIR includes evaluation of all four booster pumps operating under the full buildout condition.

Transmission Main: A 16-inch-diameter transmission main would be constructed from the pump station building on Ladd Road, north along St. John Road, and terminating at the intersection of St. John Road and Country Club Drive. The transmission main would extend for approximately 2,500 linear feet and would be installed in accordance with Stanislaus County Department of Public Works trenching requirements, which would include a 36-inch-wide trench and a 60-inch-wide trench patch. A portion of the transmission main (approximately 65 feet) would be installed by jack and bore underneath an existing rail crossing on Ladd Road, just east of St. John Road.

Stormwater Retention Basin: Site runoff would be captured in an on-site retention basin that would be designed to contain the 50-year storm event and the full capacity of the storage tank, in the event of a tank rupture. The retention basin would be located on the southern portion of the parcel and would encompass approximately 1.3 acres with a 1.4-acre-foot holding capacity. The basin would be designed to hold water for a maximum of 48 hours based on the assumed percolation rate of 0.6 gallon/square foot per hour.

Surface runoff north to Ladd Road would be limited to the entrance driveway. Rock-lined drainage swales with shallow rock wells at one end would be installed within the Ladd Road right-of-way to collect runoff from the northern portion of Site A. A drainage swale with periodic inlets would be installed down the center of the site to convey surface runoff to the retention basin. The site would be graded to slope toward the swale and retention basin. The stormwater collection system would also convey tank overflow, drain water, and well wastewater to the retention basin. Slopes would be stabilized with hydroseeding or planted with drought-tolerant plants.

Site Security and Access: The entire site (i.e., within the parcel boundary) would be enclosed within an 8-foot-tall concrete masonry wall or wrought-iron fence topped with no-climb points and three strands of barbed wire along the Ladd Road frontage. Ladd Road frontage would include 9-foot-tall vehicular and pedestrian access gates. The rest of the site would be enclosed by 8-foot-tall, 1-inch chain-link fence with security wire. The wrought-iron fencing would be placed approximately 65 feet from the right-of-way line.

A new 25-foot-wide driveway on Ladd Road would provide site access. The driveway would have a 20-foot-wide, motorized sliding gate with an electronic key card reader or keypad for access. A 3-foot-wide metal pedestrian gate would be provided alongside the sliding vehicular gate.

Vehicular access (driveway) and parking areas within the site would be paved with Portland cement concrete or asphaltic concrete. Other portions of the site would be covered with low-maintenance landscaping or gravel.

Security lighting would be installed throughout the site. Exterior lighting would be elevated on poles using light-emitting diodes (LEDs) and would be directed toward the interior of the site rather than off site, to the extent feasible, to reduce light or glare. Lights on the poles would be equipped with motion sensors and would turn on only if motion were detected in

the vicinity of the building and tank. Security cameras and building alarms would also be installed on site.

Landscaping: Landscaping at Site A would include vegetation to screen the fence, tank, and other facilities from views from adjacent properties and from Ladd Road. The plant selections would be arranged in a tiered format with low, ground-hugging shrubs in the foreground, smaller shrubs in the middle tier, and taller screening trees for the backdrop. Plant selections would be chosen based on their proven drought tolerance, survivability, hardiness, and ease of maintenance. The trees would be a mixture of screening conifers, evergreen broadleaf, and smaller flowering deciduous broadleaf. Approximately 70 trees would be planted within an approximately 0.24-acre irrigated area. A vegetated, undulating soil berm on the east side of the site would contribute to a natural aesthetic appeal. An automatic irrigation system for the landscaping would be designed and would adhere to applicable water conserving ordinances. A rain/freeze/thaw shut-off switch for the irrigation system would be installed. The slopes surrounding the stormwater retention basin would also be hydroseeded or planted with drought-tolerant plants to prevent erosion.

Electricity: Site A has immediate access to nearby electrical lines served by the local utility provider, Modesto Irrigation District. The total new electrical connected load for the proposed facilities would be approximately 502 kilovolt-amperes (kVA) when all equipment is running (or approximately 755 amperes at 480 volts, 3 phase). However, the average electrical demand load would vary with the number of pumps running and related output with a maximum anticipated connected load of approximately 566 kVA. The project site would include an underground electrical utility extension to connect to the existing Modesto Irrigation District infrastructure.

Standby Generator: A standby diesel generator and an above-ground diesel storage tank would be installed on a 10-foot by 20-foot concrete pad within the site. The standby generator would be used as an alternate power source for the Proposed Project facilities as necessary. The estimated capacity of the generator would be approximately 450 kilowatts (kW). The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing to achieve an approximate sound level attenuation to 75 decibels within 30 feet of the unit.

The generator would include a belly tank (an above-ground diesel fuel tank built into the frame of the generator support as part of a packaged unit) that would hold approximately 24 hours of generator fuel supply, which equates to approximately 775 gallons. The diesel storage tank would be housed in accordance with City of Modesto Fire Prevention Department requirements and would comply with Stanislaus County standards, including Spill Prevention, Control and Countermeasures (SPCC), the Uniform Fire Code (UFC), and Occupational Safety and Health Administration (OSHA) requirements, including secondary containment requirements.

Site B – McHenry Avenue Well

Site B, located on McHenry Avenue, would encompass approximately 0.4 acre. The facilities at this site would consist of a production well and pump, standby generator, disinfection facilities, monitoring well, transmission pipelines connecting to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and

treatment filters. These facilities would be fully enclosed by a 12-foot-tall concrete block wall with a 24-foot-wide vehicular access gate. The site would be accessed from a new driveway off McHenry Avenue; no site access would be provided from Stewart Road. Site improvements would include a concrete pad and paved driveway, well and associated piping, controls, treatment facilities, generator, and appurtenances. Runoff from new impervious surfaces at Site B would be retained on site. Figure 2-3 provides a site plan of the Site B facilities.

Well and Pump: The Site B groundwater well would replace the City's existing Well 271 located on the west side of the Del Rio service area. This well is past its operational life and would be decommissioned upon completion of the Site B well. The new Site B well would be drilled to a minimum depth of 300 feet and a maximum depth of 600 feet, with a maximum yield of 1,000 gpm. Similar to the Site A production well, the Site B well would have a theoretical annual maximum yield of 525.6 million gallons (based on operations of 1,000 gpm, 24 hours per day, 365 days per year); however, the well would not be operated to its full capacity. The well pump would be sized to meet peak demand conditions, with pumping expected to vary throughout the year depending upon system pressure needs. While pumping may vary from as much as 20 hours per day during the summer to as little as 2 hours per day in the winter, pumping is expected to occur for an annual average of 10.8 hours per day, with an anticipated maximum annual yield of approximately 237 million gallons, which is substantially less than the theoretical annual maximum yield of the new well. The well pump would be approximately 200 hp or less and powered by electricity. The pump would require a 300-kW backup generator with a sound-attenuating enclosure. No booster pumps are expected to be needed at Site B. A geotechnical investigation of the site would be completed during the design process.

Monitoring Well: Similar to Site A, a monitoring well would be installed at Site B to measure changes in groundwater levels that could occur from operation of the production well. The monitoring well would be installed within a 50-foot radius of the production well and would be drilled to a similar depth (i.e., 600 feet deep). The monitoring well would include three separate "nested" wells installed to different depths within the same borehole. Each nested well would be equipped with a pressure transducer to monitor the groundwater level. The three nested wells would be installed to measure groundwater levels in the shallow (100-265 feet deep), intermediate (265-360 feet deep), and deep (360-600 feet deep) zones of the aquifer. The monitoring well would not produce any water and would only be used to monitor groundwater levels.

Stormwater Retention Basin: Site runoff would be captured in a 50-foot by 40-foot temporary retention basin that would be designed to contain the 100-year, 24-hour storm event. The retention basin would be located north of the proposed well site on an adjacent parcel that is currently in private ownership. The basin would encompass approximately 0.15 acre with an 0.08-acre-foot holding capacity. It would be designed to hold water for a maximum of 48 hours, based on the assumed percolation rate of 0.3 gallon/square foot per hour.

Surface runoff east to McHenry Avenue would be limited to the area within the right-of-way. Grading within the right-of-way would include drainage to an existing storm drain inlet. The site would be graded to slope toward the north and the retention basin. The stormwater collection system would also convey well wastewater to the retention basin. Slopes would be stabilized with hydroseeding or planted with drought-tolerant plants.

Transmission Pipeline: A 12-inch-diameter transmission pipeline would be constructed from the well along McHenry Road to connect with existing City distribution pipelines along Stewart Road. The transmission pipeline would run from the well site south for approximately 190 feet under McHenry Road, then west for approximately 760 feet along Stewart Road, terminating at the intersection of Stewart Road and Grove Pointe Way. The pipeline would be installed beneath the road, within the road right-of-way, and in accordance with Stanislaus County Department of Public Works trenching requirements, which would include a 32-inch-wide trench and a 56-inch-wide trench patch.

Standby Generator: A standby diesel generator with a belly tank (an above-ground diesel fuel tank built into the frame of the generator support as part of a packaged unit) would be installed on a 10-foot by 20-foot concrete pad within Site B. The standby generator would be used as an alternate power source for the Proposed Project facilities as necessary. The estimated capacity of the generator would be approximately 450kW. The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing to achieve an approximate sound level attenuation to 75 dB within 30 feet of the unit. The belly tank would hold approximately 24 hours of generator fuel supply, which equates to approximately 775 gallons. The diesel storage tank would be housed in accordance with City of Modesto Fire Prevention Department requirements. Similar to Site A, the generator would include a fuel tank with secondary containment.

Site Security: Security lighting would be installed throughout the site. Exterior lighting would be on poles using LEDs and directed toward the interior of the site, to the extent feasible, to reduce light or glare. Lights on the poles would be equipped with motion sensors and would turn on only if motion were detected in the vicinity of the building and tank. Security cameras and alarms would also be installed on site.

Existing trees, electrical, and communication poles at Site B would remain on site and undisturbed.

Project Construction

Construction Methods

Construction activities for the Proposed Project would include several construction phases, shown in Chapter 2. Additional descriptions of these phases and pieces of equipment are provided below and in Appendix C, Air Quality and Global Climate Change Impacts Evaluation Supporting Documentation. All other phases are assumed not to overlap.

The Proposed Project would be constructed in accordance with standard protocols of the Clean Water Act Section 402 General Construction Permit (State Water Resource Control Board Order No. 2009-0009-DWQ).

Site Preparation and Earthwork: Site preparation activities would include clearing and grubbing; demolition of existing buildings and associated features at Site A; excavation, import, and placement of fill; and compaction. Clearing and grubbing would be conducted using standard excavators, bulldozers, and hand labor.

Demolition activities would be performed at Site A to abandon and remove the existing house, garage, shed, out-buildings, well, and septic system. Abatement of asbestos-containing materials and lead-based materials, if needed, during demolition of existing buildings would be supervised by a contractor certified by the California Occupational Safety and Health Administration and would be conducted in a manner compliant with federal, state, and local regulations. Removal or abandonment of the septic system would be conducted in accordance with local and state regulations to prevent any potential release of or worker exposure to waste material or contaminated soils. The estimated demolition area would be approximately 3,460 square feet. All demolished material and debris, including any hazardous waste, would be disposed of off site at an appropriate location selected by the construction contractor. For the purposes of this analysis, the disposal site is assumed to be located within 20 miles (maximum 1 hour of travel time) from Site A.

To the extent feasible, excavated soil would be reused on site. If required, fill would be delivered to the project sites by conventional haul trucks with a capacity of up to 20 cubic yards per load. Fill material would be placed with an excavator and compacted with a compactor/roller. Site preparation activities at Sites A and B are divided into three phases in Chapter 2 (demolition, site preparation, and grading) for the purpose of estimating worker trips and construction-related trips.

Pipelines: New pipelines would be installed beneath existing streets and within the project sites. The general process for pipeline installation involves digging a trench, installing the pipe, and backfilling the trench ("cut and cover"). In existing streets, the cut-and-cover method involves removing the asphalt, roadway base, and underlying soil; all materials are replaced at the completion of the process. The depth and width of the trenches would vary depending on the size of the pipe and in consideration of other existing utility lines; however, it is anticipated that the minimum depth for the transmission main would be 42 inches. Construction crews may close one lane of traffic temporarily during pipeline installation. In general, the maximum length of an open trench would be the distance necessary to accommodate the amount of pipe that can be laid in one day, typically 200-400 feet. The approximate width of the construction area for installation of the pipeline would be 20 feet and would be within the road right-of-way boundaries.

In addition to the cut-and-cover method, approximately 65 feet of the Site A transmission main would be installed by the jack-and-bore method. The jack–and-bore method involves directional drilling to reduce disturbance to the ground surface and disruption to other facilities or surface features. The jack-and-bore method involves use of cutting heads or hydraulic jacks to install pipe from a launch (bore) pit to a receiving pit. Slurry, typically bentonite (inert clay) and water, is used as a lubricant for tunneling and pipe installation.

Buildings and Structures: Construction of buildings and structures would generally include the following activities:

- concrete delivery, forming, and placement and rebar placement;
- structural steel work (assembly and welding);
- installation of electrical/instrumentation equipment;
- masonry concrete wall construction; and

- installation of mechanical equipment and accessories.

Following construction of the buildings, architectural coating of the building/structures, and final site restoration (shown as paving in Table 2-1) would be performed. The final step in the construction process is to restore the ground surface, which generally involves paving, installing landscaping, or installing erosion controls, as necessary.

Staging Areas: Staging areas would be needed to store pipe, construction equipment, and other construction-related materials. Staging areas would likely be established at Sites A and B or along the pipeline routes where space is available within the road right-of-way or in vacant lots. Staging areas would avoid areas of sensitive biological habitat. The City would reserve the authority to approve the locations of the staging areas as part of the contracts for construction of the facilities.

Construction Schedule

Construction of the Proposed Project is anticipated to last for up to approximately 15 months, beginning in 2016 and completing in 2017. Within this timeframe, the majority of construction work that involves use of operating equipment would occur within a 10-month period. Construction activities would generally occur Monday through Friday between 7:00 a.m. and 5:00 p.m., excluding City-observed holidays.

Project Operations

Operation of the Proposed Project would primarily involve the operation, inspection, and maintenance of the facilities. The pump stations, storage tank, and wells would be controlled remotely through a Supervisory Control and Data Acquisition (SCADA) system. The facilities would be inspected at least once a week to verify instrument readings, check on the condition of the sites, and maintain equipment.

The City would inspect the water system on an annual basis to determine whether maintenance was needed. Maintenance activities for the storage tank would include periodic cleaning of the tank's interior (with the use of a vacuum system) to maintain capacity and function and occasional recoating of the tank, as needed. Maintenance activities for the wells would include various mechanical tests and meter calibration (with equipment specific to those activities) and general maintenance of treatment systems (e.g., treatment system flushing or regeneration). The City would inspect the wells and pump stations on a regular basis (numerous times during the wet months and less frequently during the remainder of the year) to ensure optimal performance. Maintenance of the pump stations and pipelines would be performed on an as-needed basis.

Public Involvement Process

Scoping Comment Period

Scoping refers to the process to determine the scope, focus, content, and extent of an EIR. The scoping comment period offers an important opportunity for the public and agencies to review and comment during the early phases of the environmental compliance process. Scoping is initiated when the lead agency issues a Notice of Preparation of an EIR (NOP) announcing the beginning of the EIR process.

A Notice of Preparation (NOP) for the Proposed Project was prepared pursuant to CEQA Guidelines Section 15082 and circulated to the Governor's Office of Planning and Research State Clearinghouse on July 28, 2015. The scoping period continued for 30 days and concluded on August 28, 2015. The NOP presented general background information on the Proposed Project, the scoping process, and the environmental issues to be addressed in the EIR. Approximately 120 copies of the NOP were mailed to a broad range of stakeholders, including state, federal, and local regulatory agencies, jurisdictions, and nonprofit organizations. The NOP is included in this DEIR in Appendix A, *Scoping Summary Report.*

The City accepted written comments during the 30-day scoping period, July 28 to August 28, 2015. During the scoping period, 11 comment letters were received. These comments were considered in the environmental impact evaluation. Copies of comment letters received during the scoping period are included in Appendix A, Scoping Summary.

Draft EIR Public Comment Period

The City has prepared this DEIR, as informed by public and agency input received during the scoping period, to disclose potentially significant environmental impacts associated with the Proposed Project. Where any such impacts are significant, feasible mitigation measures and potentially feasible alternatives that would substantially lessen or avoid such effects are identified and discussed. The public review period provides the public an opportunity to provide input to the lead agency on the DEIR.

The DEIR is currently undergoing public review for a 45-day period. The dates of this period are specified in the Notice of Availability (NOA) of the DEIR. The City will hold a public meeting during the review period; the date, time, and location are also provided in the NOA.

Submittal of Written Comments

The City is circulating this DEIR for public review and comment for the period specified in the NOA. As discussed above, the City will host a public meeting during this period. The purpose of public circulation is to provide agencies and interested individuals with opportunities to comment on or express concerns regarding the contents of this DEIR. The date, time, and location for the meeting is provided in the NOA.

Written comments concerning this DEIR can be submitted at the public meeting described above or at any time during the DEIR public review period. All comments must be received by 5:00 p.m. on the final date of public review as identified in the NOA, and directed to the name and address listed below:

Tamorah Bryant, Senior Civil Engineer
City of Modesto Utilities Department
P.O. Box 642 (1010 Tenth Street)
Modesto, CA 95353
tbryant@modestogov.com

Submittal of written comments via e-mail (Microsoft Word or Adobe PDF format) is preferred. Written comments received in response to this DEIR during the public review period will be addressed in a Response to Comments section of the Final EIR.

Areas of Known Controversy and Issues to Be Resolved

State CEQA Guidelines Section 15123(b) requires that an Executive Summary identify "areas of controversy known to a lead agency including issues raised by agencies and the public." To date, the following issues have been raised regarding the Proposed Project that may be considered controversial:

- Construction-related impacts on the oak tree at Stewart Road and McHenry Avenue;
- Potential for conflicts with existing irrigation facilities at Sites A and B;
- Concerns about aesthetic impacts on surrounding land uses;
- Impacts on groundwater and existing domestic water wells; and
- Potential growth inducement.

Significant Impacts

This section presents the significant impacts that were identified in the DEIR. This is not a comprehensive discussion of impacts of the Proposed Project; the reader is directed to Table ES-1, Summary of Impacts and Mitigation Measures, at the end of this chapter for additional information. Environmental resource topics with the potential for significant environmental impacts (i.e., those that require mitigation) and that are evaluated in detail in this DEIR are as follows:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Global Climate Change
- Groundwater
- Land Use
- Noise

Chapters 4 through 11 of this DEIR address each of these environmental resource topics and the impacts of the Proposed Project in more detail.

Significant and Unavoidable Impacts

The following significant impacts have been identified for which no mitigation is available that would reduce the impact to a less-than-significant level:

- Impact AIR-7: Cumulative Impact on Air Quality
- Impact GHG-2: Potential for Conflict with Applicable Plans, Policies or Regulations Adopted for the Purpose of Reducing Emissions of GHGs
- Impact GRW-4: Cumulative Contribution to Chronic Overdraft of Groundwater Subbasin

The following impacts relevant to the Del Rio Tank and Wells Project were previously identified as significant and unavoidable in the Program EIR (City of Modesto 2010):

- Impact CUM-3: Emissions of Greenhouse Gases
- Impact CUM-4: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Program Region is in Nonattainment under an Applicable Federal or State Ambient Air Quality Standard

Alternatives Considered

The purpose of the alternatives analysis in an EIR is to describe a range of reasonable alternatives to the Proposed Project that could attain most of the objectives of the Proposed Project while reducing or eliminating one or more of the Proposed Project's significant effects. The alternatives considered must be feasible, meaning that they could be accomplished in a successful manner considering economic, environmental, social, technological, and legal factors.

The following alternatives were considered for the Proposed Project:

- No Project Alternative
- Alternative 1 – Construct at Existing City Well Locations
- Alternative 2 – Connect to the City's Supply System

In addition, additional alternatives were considered but ultimately dismissed from further analysis for one or more of the following reasons: (1) they would not sufficiently meet the Proposed Project objectives; (2) they were determined to be infeasible; or (3) they would not avoid or substantially reduce one or more significant impacts of the Proposed Project. Refer to Section 12.4, *Alternatives Considered and Dismissed,* in Chapter 12, *Alternatives,* for a description of these alternatives.

No Project Alternative

CEQA requires analysis of the No Project Alternative. Under this alternative, no new water supply infrastructure would be constructed. Existing system deficiencies would continue to exist, and new development would be constrained by lack of water supply infrastructure. Where alternative sources of potable water are available, new development might still occur. This alternative would not meet the basic objective of the Proposed Project, namely, to construct capital improvements needed to provide and maintain reliable water service to existing and future customers in the Del Rio service area.

Alternative 1 – Construct at Existing City Well Locations

The City currently owns property and operates groundwater wells at three locations in the Del Rio service area:

- Well 289 located on Beltis Drive on the east side of Del Rio,
- Well 271 on Country Club Drive and Del Rio Avenue on the southwest side of Del Rio, and
- Well 282 on Hillcrest Drive on the west side of Del Rio.

Under this alternative, in lieu of purchasing new property for the proposed wells and tank, the City would design the proposed new facilities to fit within their existing well properties.

Well 271 is located near the country club golf course in a residential area, but the property adjacent to Well 271 is vacant, and additional land could be secured to accommodate a new well and storage tank. Well 271 is currently operating at 50 percent capacity due to the well's old age. Under this alternative, this well would be replaced onsite with a new well.

Well 289 is located in a residential neighborhood and adjacent to railroad tracks. If additional property could not be secured adjacent to Well 271, the property at Well 289 could accommodate a 0.25-million-gallon storage tank, and the existing well on site could be expanded to meet the City's pumping needs. The proposed storage tank at this site would likely be smaller in diameter and taller than the tank in the Proposed Project.

Well 282 is located in a residential neighborhood.

This alternative would not require transmission pipelines, because the well sites would already be connected to the existing water distribution system. This alternative would meet all of the project objectives.

Alternative 2 – Connect to the City's Supply System

Under this alternative, the City would construct a 3-mile pipeline to directly connect the Del Rio community to the City's water supply system. The pipeline would extend along the existing railroad track easement from the northern border of the City's limits north to St. John Road and Ladd Road, where the pipeline would connect to existing transmission pipes that serve the Del Rio community. The pipeline would cross two Modesto Irrigation District canals and two streets. Booster pump stations may be needed to transfer water from the City's system north to Del Rio.

Together with the City's existing groundwater wells, the new pipeline connection would meet the Proposed Project objectives related to water system pressure and operational flexibility, and would improve water supply reliability particularly during prolonged drought years when groundwater is less reliable. This alternative would utilize the City's existing water supply sources, including surface water supplies purchased from other water right holders, such as Modesto Irrigation District.

Environmentally Superior Alternative

Because each of the alternatives has fundamentally different characteristics, comparison of their environmental impacts and benefits is not simple. Considering all aspects on balance, the No Project Alternative is considered the environmentally superior alternative as it would avoid all of the environmental impacts associated with implementing the Proposed Project. The CEQA Guidelines require that, if the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives.

Among the other alternatives considered, Alternative 1: Construct at Existing City Well Locations is considered the environmentally superior alternative. This alternative would achieve all the project objectives to a similar degree as the Proposed Project. As described above, more sensitive receptors (residents) are located near the existing City well sites; therefore, this alternative would result in increased impacts on aesthetics, operation-related noise, and air quality because of the greater number of sensitive receptors near the well sites. However, less GHG emissions and construction-related noise impacts would occur because no pipelines would be constructed under this alternative. In summary, Alternative 1 would result in the most reductions in environmental impacts among the alternatives considered.

Summary of Impacts and Levels of Significance

The impacts of the Proposed Project, proposed mitigation, and significance conclusions before and after mitigation are discussed in detail in Chapters 4 through 11 of this DEIR. **Table ES-1** summarizes the impacts, mitigation measures, and levels of significance identified in this document.

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Table ES-1. Summary of Potential Impacts and Mitigation Measures

Impact	Level of Significance	Mitigation Measures
Aesthetics		
Impact AES-1: Substantial Degradation of the Visual Character or Quality of the Site and its Surroundings from Project Construction	Less than Significant with Mitigation	▪ Mitigation Measure AES-1: Locate Staging Areas Away from Public Areas. ▪ Mitigation Measure AES-2: Screen Staging and Construction Areas.
Impact AES-2: Long-term Adverse Effects on the Visual Character or Quality of the Site and its Surroundings during Operation	Less than Significant	None required
Impact AES-3: Permanent Sources of Substantial Light or Glare	Less than Significant	None required
Impact AES-4: Cumulative Aesthetic Impacts	Less than Significant	None required
Air Quality		
Impact AIR-1: Construction Emissions of Criteria Pollutants and Precursors	Less than Significant	None required
Impact AIR-2: Local Community Risks and Hazards During Construction	Less than Significant	None required
Impact AIR-3: Operational Emissions of Criteria Pollutants and Precursors	Less than Significant	None required
Impact AIR-4: Local Community Risks and Hazards During Operation	Less than Significant	None required
Impact AIR-5: Odor Emission Generation	Less than Significant	None required
Impact AIR-6: Consistency with Applicable Air Quality Plans	Less than Significant	None required
Impact AIR-7: Cumulative Impact on Air Quality	Significant and Unavoidable	None available
Biological Resources		
Impact BIO-1: Construction-related Loss of Occupied Burrowing Owl Habitat	Less than Significant with Mitigation	▪ Mitigation Measure BIO-1: Avoid and Protect Burrowing Owls at Site A. ▪ Mitigation Measure BIO-2: Compensate for Loss of Burrowing Owl Habitat at Site A.

Impact	Level of Significance	Mitigation Measures
Impact BIO-2: Construction-related Loss of Swainson's Hawk Foraging Habitat	Less than Significant with Mitigation	▪ Mitigation Measure BIO-3: Compensate for Loss of Swainson's Hawk Foraging Habitat.
Impact BIO-3: Construction-related Impacts on Nesting Swainson's Hawks	Less than Significant with Mitigation	▪ Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Swainson's Hawk Nests.
Impact BIO-4: Construction Disturbance of Tricolored Blackbird and Other Migratory Birds, Including Raptors	Less than Significant with Mitigation	▪ Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Nesting Birds. ▪ Mitigation Measure BIO-6: Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds.
Impact BIO-5: Disturbance of Roosting Areas for Bats, including Special-status Bat Species	Less than Significant with Mitigation	▪ Mitigation Measure BIO-7: Protect Bat Colonies.
Impact BIO-6: Disturbance to or Displacement of Wildlife from Site Operations	Less than Significant	None required
Impact BIO-7: Interference with Wildlife Movement, Established Wildlife Corridors, or the Use of Native Wildlife Nursery Sites	Less than Significant with Mitigation	▪ Mitigation Measure BIO-1: Avoid and Protect Burrowing Owls at Site A. ▪ Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Swainson's Hawk Nests. ▪ Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Nesting Birds. ▪ Mitigation Measure BIO-6: Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds. ▪ Mitigation Measure BIO-7: Protect Bat Colonies.
Impact BIO-8: Conflict with Local Policies or Ordinances Protecting Biological Resources	Less than Significant with Mitigation	▪ Mitigation Measure BIO-1: Avoid and Protect Burrowing Owls at Site A. ▪ Mitigation Measure BIO-2: Compensate for Loss of Burrowing Owl Habitat at Site A. ▪ Mitigation Measure BIO-3: Compensate for Loss of Swainson's Hawk Foraging Habitat. ▪ Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Swainson's Hawk Nests.

Impact	Level of Significance	Mitigation Measures
		▪ Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Nesting Birds. ▪ Mitigation Measure BIO-6: Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds. ▪ Mitigation Measure BIO-7: Protect Bat Colonies.
Impact BIO-9: Cumulative Biological Resource Impacts	Less than Significant with Mitigation	▪ Mitigation Measure BIO-1 ▪ Mitigation Measure BIO-2 ▪ Mitigation Measure BIO-3 ▪ Mitigation Measure BIO-4 ▪ Mitigation Measure BIO-5 ▪ Mitigation Measure BIO-6 ▪ Mitigation Measure BIO-7
Cultural Resources		
Impact CUL-1: Potential for a Substantial Adverse Impact on Historical Resources	No Impact	None required
Impact CUL-2: Potential for a Substantial Adverse Impact on Archaeological Resources from Construction	Less than Significant with Mitigation	▪ Mitigation Measure CR-1: Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.
Impact CUL-3: Potential to Directly or Indirectly Destroy a Unique Paleontological Resource or Site, or Unique Geological Feature	Less than Significant with Mitigation	▪ Mitigation Measure CR-2: Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary.
Impact CUL-4: Potential for Disturbance of Human Remains, including Those Interred Outside of Dedicated Cemeteries	Less than Significant with Mitigation	▪ Mitigation Measure CR-3: Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.

Impact	Level of Significance	Mitigation Measures
Impact CUL-5: Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource	Less than Significant with Mitigation	▪ Mitigation Measure CR-4: Prepare and Implement Treatment Plans for any TCRs Identified in the Proposed Project Study Area.
Impact CUL-6: Potential to Eliminate Important Examples of the Major Periods of California History or Prehistory	Less than Significant with Mitigation	▪ Mitigation Measure CR-1 ▪ Mitigation Measure CR-2 ▪ Mitigation Measure CR-3 ▪ Mitigation Measure CR-4
Geology, Soils and Seismicity		
Environmental Checklist Section VI.a.iii: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction	Less than Significant	▪ Mitigation Measure P-GEO-1: Conduct project-specific geotechnical investigation prior to construction.
Environmental Checklist Section VI.a.iv: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides	No Impact	▪ Mitigation Measure P-GEO-1: Conduct project-specific geotechnical investigation prior to construction.
Environmental Checklist Section VI.d: Location on expansive soil, creating substantial risks to life or property	No Impact	▪ Mitigation Measure P-GEO-1: Conduct project-specific geotechnical investigation prior to construction.
Global Climate Change		
Impact GHG-1: Generate Substantial GHG Emissions, Either Directly or Indirectly, from Project Construction, Land Use Changes, and Operation	Significant and Unavoidable	▪ Mitigation Measure GHG-1: Implement greenhouse gas emissions reduction measures for operation.
Impact GHG-2: Potential to Conflict with Applicable Plans, Policies, or Regulations Adopted for the Purpose of Reducing Emissions of GHGs	Significant and Unavoidable	▪ Mitigation Measure GHG-1: Implement greenhouse gas emissions reduction measures for operation.
Impact GHG-3: Cumulative GHG Impact	Significant and Unavoidable	▪ Mitigation Measure GHG-1: Implement greenhouse gas emissions reduction measures for operation.
Groundwater		
Impact GRW-1: Potential to Lower the Groundwater Table and Adversely Affect Nearby Existing Wells	Less than Significant	None required

Impact	Level of Significance	Mitigation Measures
Impact GRW-2: Potential to Reduce or Interfere with Groundwater Recharge	Less than Significant	None required
Impact GRW- 3: Potential to Result in Land Subsidence	Less than Significant	None required
Impact GRW-4: Cumulative Contribution to Chronic Overdraft of Groundwater Subbasin	Significant and Unavoidable	None available
Hazards and Hazardous Materials		
Environmental Checklist Section VIII.d: Located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment	Less than Significant	▪ Program EIR Mitigation Measure HAZ-1: Prepare a risk assessment prior to construction activity. ▪ Program EIR Mitigation Measure HAZ-2: Control contamination resulting from previously unidentified hazardous waste materials.
Land Use and Planning		
Impact LU-1: Physically Divide a Community	Less than Significant	None required
Impact LU-2: Conflict with Land Use Plans, Policies, or Regulations	Less than Significant	None required
Impact LU-3: Conflict with Habitat Conservation Plans or Other Land Conservation Plans	No Impact	None required
Impact LU-4: Cumulative Land Use Impacts	Less than Significant	None required
Noise		
Impact NOISE-1: Substantial Temporary or Periodic Increase in Ambient Noise Levels	Less than Significant with Mitigation	▪ Mitigation Measure NOISE-1: Employ Noise-reducing Construction Practices.
Impact NOISE-2: Exposure of Persons to, or Generation of, Excessive Groundborne Vibration or Groundborne Noise Levels during Project Construction	Less than Significant	None required
Impact NOISE-3: Substantial Permanent Increase in Ambient Noise Levels	Less than Significant with Mitigation	▪ Mitigation Measure NOISE-2: Employ Noise-reducing Methods during Operations at Site B.
Impact NOISE-4: Substantial Permanent Increase in Ambient Traffic Noise Levels	Less than Significant	None required
Impact NOISE-5: Cumulative Noise Impacts	Less than Significant	None required

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Chapter 1
Introduction

The City of Modesto (City) has prepared this Draft Environmental Impact Report (DEIR) to provide the public, responsible agencies, and trustee agencies with information about the potential environmental effects of implementation of the proposed Del Rio Tank and Wells Project (Proposed Project). This Proposed Project was previously identified in the City's Water System Engineer's Report (WSER) Program EIR (State Clearinghouse No. 2008092095) (City of Modesto 2010). The WSER Program EIR is incorporated into this document by reference and is available for review at the City's Public Works Department Office located at 1010 Tenth Street #4600, Modesto, CA 95354. This DEIR is tiered from the Program EIR, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15168 and 15152, as described further in Section 1.1.1, below. This document was prepared pursuant to the requirements of CEQA (Public Resources Code [PRC] Section 21000 et seq., as amended) and the CEQA Guidelines (Title 14 California Code of Regulations [CCR] Section 15000 et seq.).

1.1 Overview of CEQA Requirements

CEQA's basic purposes are to:

- Inform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities.
- Identify the ways that environmental damage can be avoided or significantly reduced.
- Prevent significant, avoidable damage to the environment by requiring implementation of feasible mitigation measures or project alternatives that would substantially lessen any significant effects that a project would have on the environment.
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

With certain strictly limited exceptions, CEQA requires all state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority before approving or carrying out projects. CEQA establishes both procedural and substantive requirements that agencies must satisfy to meet CEQA's objectives. For example, the agency with principal responsibility for approving or carrying out a project (the lead agency) must first assess whether a proposed project would result in significant environmental impacts. If there is substantial evidence that the project would result in significant environmental impacts, CEQA requires that the agency prepare an EIR, analyzing both the proposed project and a reasonable range of potentially feasible alternatives.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental effects of a proposed project, and identifies mitigation measures and alternatives to the project that could reduce or avoid potentially significant environmental impacts. Other key CEQA requirements include developing a plan for implementing and monitoring the success of the identified mitigation measures and carrying out specific public notice and distribution steps to facilitate public involvement in the environmental review process. As an informational document used in the planning and decision-making process, an EIR's purpose is not to recommend either approval or denial of a project. Note that an EIR does not expand or otherwise provide independent authority of the lead agency to impose mitigation measures or avoid project-related significant environmental impacts beyond the authority already within the lead agency's jurisdiction.

1.1.1 Intent and Scope of this Document

Agencies are encouraged to tier the environmental analyses that they prepare for separate but related projects to eliminate repetitive discussions of the same issues and focus the later EIR on the actual issues ripe for decision at each level of environmental review (CEQA Guidelines Section 15152). In proposing to conduct the various activities identified in Chapter 2 of this DEIR, the City of Modesto is proposing to carry out and approve a discretionary project subject to CEQA that was previously identified in the City's WSER Program EIR (CEQA Guidelines Section 15168). Accordingly, this DEIR is tiered from the WSER Program EIR, in accordance with CEQA Guidelines Sections 15168 and 15152.

Section 15168(c) of the CEQA Guidelines states that a program EIR may be used with later activities:

> **Use with Later Activities:** Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.
>
> 1. If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.
>
> 2. If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.
>
> 3. An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
>
> 4. Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.
>
> 5. A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent

activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

Section 15168(d) of the CEQA Guidelines states that a program EIR may be used with Subsequent EIRS and Negative Declarations:

> A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:
>
> 1. Provide the basis in an initial study for determining whether the later activity may have any significant effects.
>
> 2. Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
>
> 3. Focus an EIR on a subsequent project to permit discussion solely on new effects which had not been considered before.

Section 15152 of the CEQA Guidelines allows an EIR to tier from the environmental analysis of an earlier EIR. Section 15152(a) of the CEQA Guidelines explains the concept of tiering:

> 'Tiering' refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project.

Section 15152(d) of the CEQA Guidelines states that the lead agency for a later project pursuant to or consistent with the program should limit the subsequent EIR as follows:

> Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of this section, any lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:
>
> 1. Were not examined as significant effects on the environment in the prior EIR; or
>
> 2. Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

This EIR was prepared to disclose further details and changes to the Proposed Project, as well as the potentially significant effects of the proposed project on the environment which were not examined in the prior Program EIR. This EIR is tiered from the WSER Program EIR and incorporates the Program EIR by reference, and all applicable mitigation measures from the Program EIR (as described in Chapter 3, *Introduction to the Environmental Analysis*) are incorporated into this EIR. The City will use the analyses presented in the Program EIR, this DEIR, public comments on the DEIR, and the whole of the administrative record, to evaluate the Proposed Project's environmental impacts and to further modify, approve, or deny approval of the Proposed Project.

1.2 CEQA Process

1.2.1 Notice of Preparation

A Notice of Preparation (NOP) for the Proposed Project was prepared pursuant to CEQA Guidelines Section 15082 and circulated to the Governor's Office of Planning and Research State Clearinghouse on July 28, 2015. The scoping period continued for 30 days and concluded on August 28, 2015. The NOP presented general background information on the Proposed Project, the scoping process, and the environmental issues to be addressed in the EIR. Approximately 120 copies of the NOP were mailed to a broad range of stakeholders, including state, federal, and local regulatory agencies, jurisdictions, and nonprofit organizations. The NOP is included in this DEIR in Appendix A, *Scoping Summary.*

1.2.2 Scoping Comments and Meetings

The City accepted written comments during the 30-day scoping period, July 28 to August 28, 2015. During the scoping period, 11 comment letters were received. These comments were considered in the environmental impact evaluation. Copies of comment letters received during the scoping period are included in Appendix A, *Scoping Summary.*

1.2.3 Draft EIR

The City has prepared this DEIR, as informed by public and agency input received during the scoping period, to disclose potentially significant environmental impacts associated with the Proposed Project. Where any such impacts are significant, feasible mitigation measures and potentially feasible alternatives that would substantially lessen or avoid such effects are identified and discussed. The public review period provides the public an opportunity to provide input to the lead agency on the DEIR.

1.2.4 Public Review and Meetings

The DEIR is currently undergoing public review for a 45-day period. The dates of this period are specified in the Notice of Availability (NOA) of the DEIR. The City will hold a public meeting during the review period; the date, time, and location are also provided in the NOA.

1.2.5 Final EIR

Written and oral comments received in response to the DEIR will be addressed in a Response to Comments document which, together with the DEIR and any related changes to the substantive discussion in the DEIR, will constitute the Final EIR. The Final EIR, in turn, will inform the City's exercise of its discretion as a lead agency under CEQA in deciding whether or how to approve the Proposed Project.

1.3 Organization of this DEIR

This DEIR contains the following components:

Executive Summary. A summary of the Proposed Project, a description of the issues of concern, Project alternatives, and a summary of environmental impacts and mitigation measures are provided in this chapter.

Chapter 1, *Introduction.* This chapter describes the purpose and organization of the EIR and its preparation, review, and certification process.

Chapter 2, *Project Description.* This chapter summarizes the Proposed Project, including a description of the Project purpose and objectives, a brief description of the Project area, and proposed actions that would be taken under the Proposed Project.

Chapter 3, *Introduction to the Environmental Analysis.* This chapter is an introduction to the impact analysis conducted in this DEIR. This chapter also identifies resource topic areas determined not to be affected by the Proposed Project, or resource topics for which the Proposed Project is consistent with the Program EIR, and which therefore have been dismissed from further analysis in this DEIR. All applicable mitigation measures from the Program EIR are identified in this chapter.

Chapters 4-11 describe the environmental resources and potential environmental impacts of the Proposed Project. Each chapter describes the existing setting and background information for the resource topic area under consideration to aid the reader in understanding the conditions that could be affected by the Proposed Project. In addition, each chapter includes a discussion of the criteria used in determining the significance levels of the Proposed Project's environmental impacts. Each chapter also provides mitigation measures to reduce, where possible, the adverse effects of potentially significant impacts.

Chapter 12, *Alternatives Analysis.* This chapter describes the process by which alternatives to the Proposed Project were developed and screened, evaluates their likely environmental impacts, and identifies the environmentally superior alternative.

Chapter 13, *Report Preparation,* lists the individuals involved in preparing this DEIR.

Chapter 14, *References,* provides a bibliography of printed references, websites, and personal communications used in preparing this DEIR.

Appendix A, *Scoping Summary.* This appendix contains the NOP issued by the City, materials from the scoping process, a summary of comments received during the scoping period, and copies of all comments submitted.

Appendix B, *Environmental Checklist.* This appendix contains the City's Initial Study CEQA checklist document prepared for the Proposed Project.

Appendix C contains supporting documentation for the air quality and greenhouse gas emissions impacts evaluation.

Appendix D contains supporting documentation for the biological resource impacts evaluation.

Appendix E contains supporting documentation for the cultural resource impacts evaluation.

Appendix F contains supporting documentation for the groundwater impacts evaluation.

Appendix G contains supporting documentation for the noise and vibrations impacts evaluations.

Appendix H contains the Mitigation Monitoring and Reporting Program.

1.4 Impact Terminology and Use of Language in CEQA

This DEIR uses the following terminology to describe environmental effects of the Proposed Project:

- A finding of *no impact* is made when the analysis concludes that the Proposed project would not affect the particular environmental resource or issue.
- An impact is considered *less than significant* if the analysis concludes that there would be no substantial adverse change in the environment and that no mitigation is needed.
- An impact is considered *significant* or *potentially significant* if the analysis concludes that there could be a substantial adverse effect on the environment.
- An impact is considered *less than significant with mitigation* if the analysis concludes that there would be no substantial adverse change in the environment with the inclusion of the mitigation measures described.
- An impact is considered *significant and unavoidable* if the analysis concludes that there could be a substantial adverse effect on the environment and no feasible mitigation measures are available to reduce the impact to a less than significant level.
- *Mitigation* refers to specific measures or activities adopted to avoid, minimize, rectify, reduce, eliminate, or compensate for an impact.
- A *cumulative impact* can result when a change in the environment results from the incremental impact of a project when added to other related past, present, or reasonably foreseeable future projects. Significant cumulative impacts may result from individually minor but collectively significant projects. The cumulative impacts analysis in this DEIR focuses on whether the Proposed Project's incremental contribution to other significant cumulative impacts caused by past, present, or probable future projects is cumulatively considerable (i.e., significant).
- Because the term "significant" has a specific usage in evaluating impacts under CEQA, it is used only to describe the significance of impacts and is not used in other contexts

within this document. Synonyms such as "substantial" have been used when not discussing the significance of an environmental impact.

1.5 Submittal of Comments

The City is circulating this DEIR for public review and comment for the period specified in the NOA. As discussed above, the City will host a public meeting during this period. The purpose of public circulation is to provide agencies and interested individuals with opportunities to comment on or express concerns regarding the contents of this DEIR. The date, time, and location for the meeting is provided in the NOA.

Written comments concerning this DEIR can be submitted at the public meeting described above or at any time during the DEIR public review period. All comments must be received by 5:00 p.m. on the final date of public review as identified in the NOA, and directed to the name and address listed below:

Tamorah Bryant, Senior Civil Engineer
City of Modesto Utilities Department
P.O. Box 642 (1010 Tenth Street)
Modesto, CA 95353
tbryant@modestogov.com

Submittal of written comments via e-mail (Microsoft Word or Adobe PDF format) is preferred. Written comments received in response to this DEIR during the public review period will be addressed in a Response to Comments section of the Final EIR.

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Chapter 2
Project Description

2.1 Overview

This chapter describes the Proposed Project and discusses its purpose and objectives, location, proposed actions, and necessary permits and approvals.

2.2 Proposed Project Purpose and Objectives

The City of Modesto provides water service to the community of Del Rio. The Del Rio water system currently requires a new storage tank (and associated pump station), well, replacement well, backup generators, and pipelines to correct existing supply deficiencies. The existing Del Rio water system does not meet certain design pressure and storage volume requirements identified in the 2010 Water System Engineer's Report for water supply and fire-flow demand. The existing Del Rio water system also is not sufficient to supply anticipated future growth in the Del Rio area. The City intends to decommission one of its Del Rio water system wells (Well 271) when the new replacement well is brought online. The future Del Rio service area will include additional acreage to the north, east, and southwest. According to the Del Rio Community Plan, "future planned development land use" is proposed for the northwestern and eastern portions of the service area, while development in the southwestern area will be residential (Stanislaus County 1992). Full buildout of the service area will require additional pipelines and pumping capacity, as identified for the Proposed Project, to provide adequate water service to meet the anticipated demand.

The objectives of the Proposed Project are as follows:

- Correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements identified in the 2010 Water System Engineer's Report;
- Ensure sufficient system pressure to provide firefighting flow capacity;
- Improve water system operational flexibility and reliability; and
- Allow for additional water supply and storage volume to accommodate anticipated future growth in the Del Rio area.

2.3 Proposed Project Location and Setting

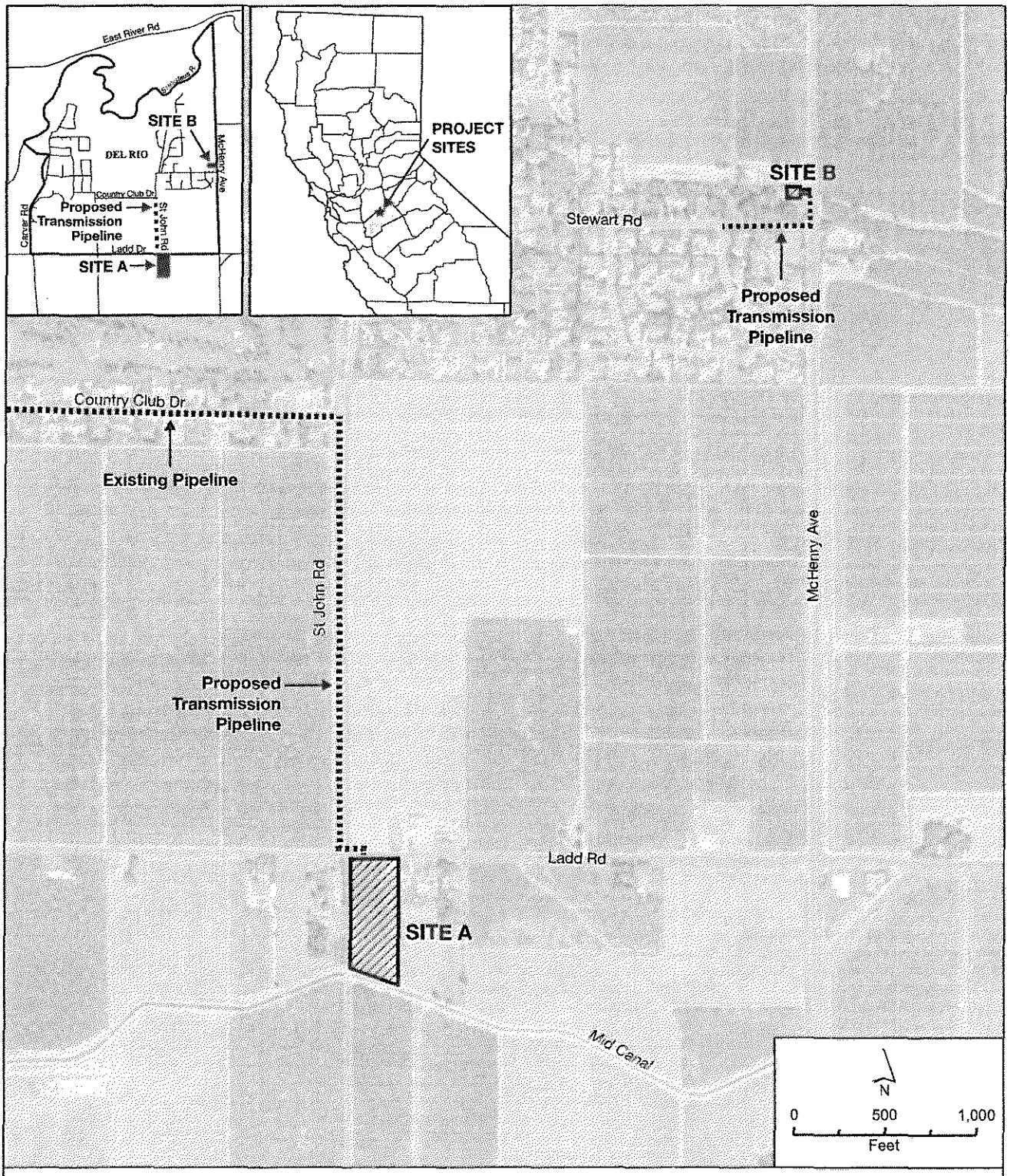
The Proposed Project is located in the census-designated place of Del Rio in Stanislaus County. Del Rio is located approximately 2 miles north of the City's sphere-of-influence boundary. The Proposed Project would involve activities at two separate sites within Del Rio: (1) Site A, southeast of the intersection of Ladd Road and St. John Road on APNs 004-077-018 and 004-077-019, and (2) Site B, at the northwest corner of McHenry Avenue and Stewart

Road on the southeastern-most portion of APN 004-102-003. **Figure 2-1** shows the locations of the Proposed Project sites.

Site A consists of two parcels owned by the City of Modesto, totaling approximately 4.0 acres. The site is bounded by a Modesto Irrigation District canal on the south, agricultural and residential sites on the east, and Union Pacific railroad tracks on the west. The northern portion of the site fronts Ladd Road. The site is currently occupied by a single-family residence, garage, and out-buildings. The remainder of the site consists of mostly open land with a few trees, weeds, and grass. The residence has a water well and septic system. All structures on the site, as well as the well and septic system, are to be abandoned and removed. Four existing trees would be retained on site. **Figure 2-2** shows the proposed facilities at Site A.

Site B encompasses 0.4 acre on APN 004-102-003, currently owned by a private landowner (Arnold W. Setliff et al. Trust). The City is in the process of acquiring approximately 0.52 acre of the much larger 82.4-acre parcel, and would dedicate 0.12 acre to Stanislaus County as right-of-way for McHenry Avenue. The surrounding land uses adjacent to this parcel include single-family residences and outbuildings to the west and south, agricultural parcels to the north and east, and a fruit stand to the southeast. The site is currently vacant and undeveloped except for a few power and communication poles, a large oak tree, and a few shrubs. The oak tree would be retained on site. **Figure 2-3** shows the proposed facilities at Site B.

Water transmission pipelines would be installed at Site A and Site B to connect the wells to the City's existing distribution system. An approximately 2,500-linear-foot, 16-inch-diameter transmission main would be constructed at Site A from the well at Ladd Road, north under St. John Road to the intersection of St. John Road and Country Club Drive. At Site B, a 12-inch-diameter transmission main would be constructed from the well at McHenry Road south for 190 feet under McHenry Road, then west for 760 feet along Stewart Road, terminating at the intersection of Stewart Road and Grove Pointe Way. These transmission pipelines would be installed under the road, within the road right-of-way. The transmission pipeline alignments are shown in Figures 2-1, 2-2, and 2-3.



Source: Horizon Water and Environment; Google Earth

Horizon WATER and ENVIRONMENT

Figure 2-1: Project Location

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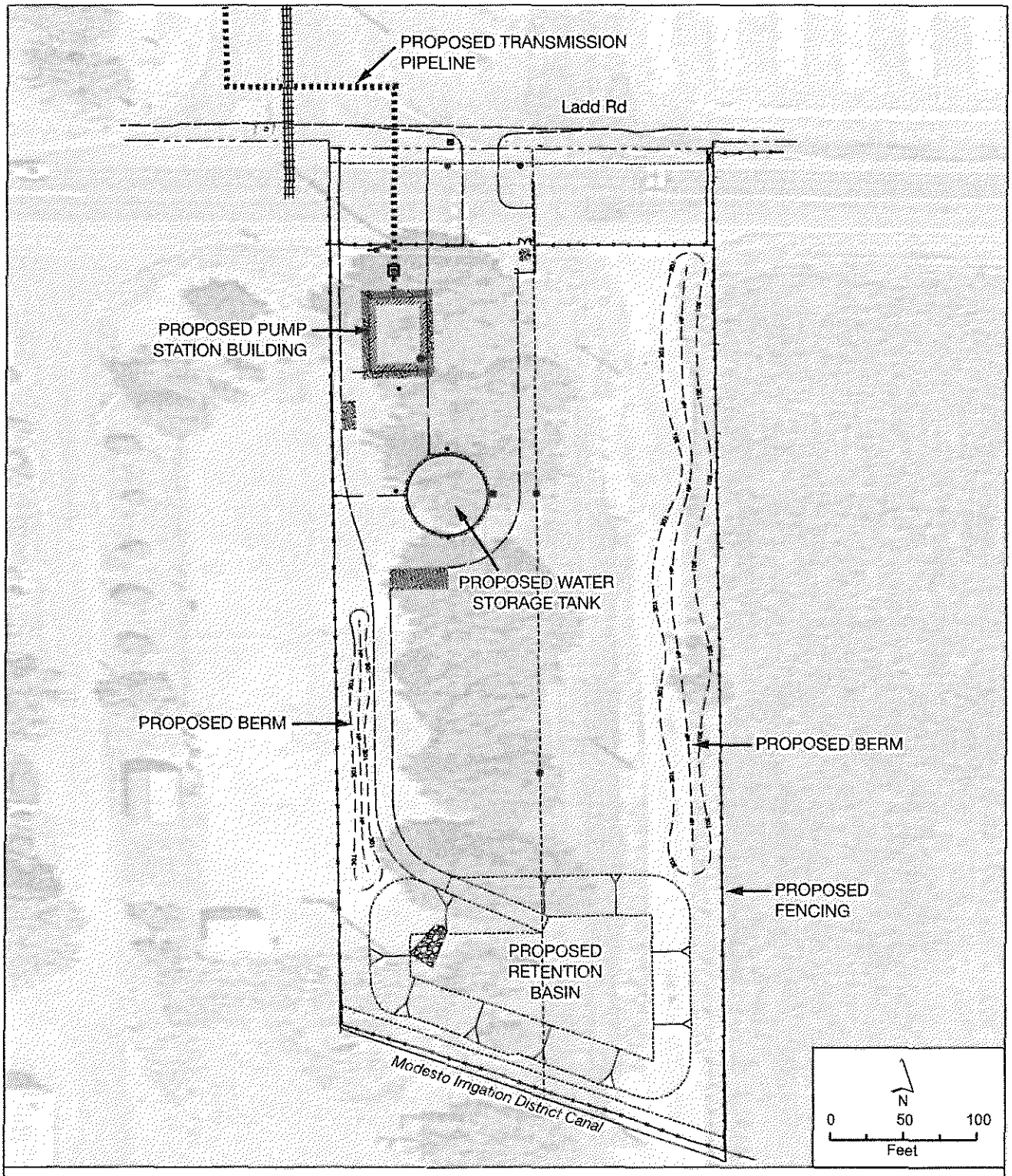

Source: Northstar Engineering Group, Inc.; Google Earth

Horizon WATER and ENVIRONMENT

Figure 2-2: Proposed Site A Facilities

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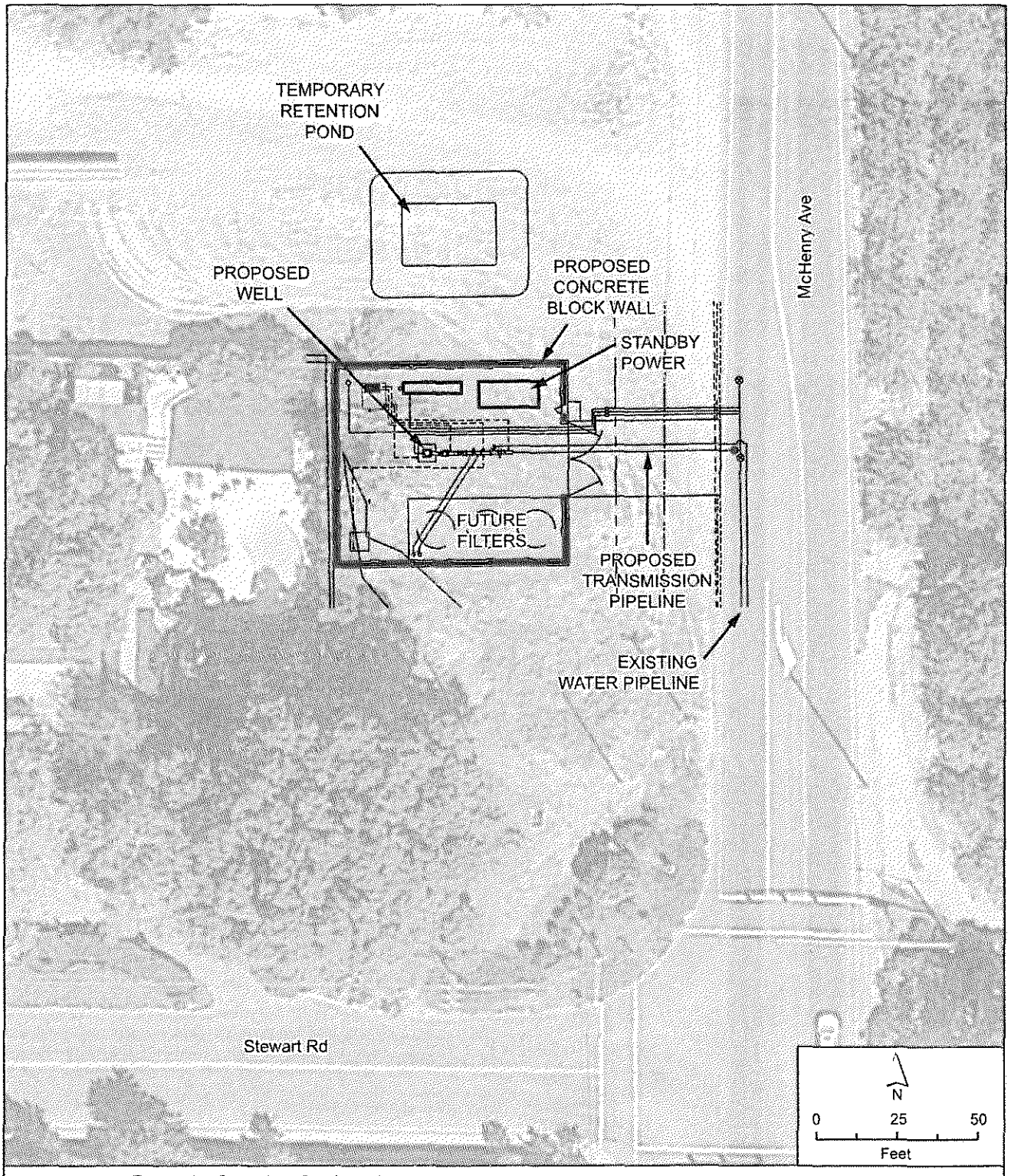

Source: Northstar Engineering Group, Inc.; Google Earth

Horizon WATER and ENVIRONMENT

Figure 2-3: Proposed Site B Facilities

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2.4 Proposed Project Characteristics

The Proposed Project involves the construction and operation of water wells, a storage tank, and associated distribution facilities. This section provides a discussion of the Proposed Project facilities at each site (Section 2.4.1), construction methods (Section 2.4.2), and facility operations (Section 2.4.3). Figures 2-2 and 2-3 show the conceptual locations of proposed structures on the two sites. The Proposed Project would develop a total of approximately 4.4 acres (approximately 190,000 square feet).

2.4.1 Proposed Project Facilities

Site A – Ladd Road Tank and Well

The 2010 Program EIR included evaluation of a proposed tank and pump station on a large parcel of land north of McHenry Avenue and Stewart Road. As the project developed, no land was available for sale in that area. The City then considered alternate locations, one of which was 6520 Carver Road, but was unable to complete the purchase of land in those alternate locations. On March 13, 2012, by Resolution 2012-101, City Council approved the purchase of two parcels at 718 Ladd Road.

Site A, located at 718 Ladd Road, would encompass approximately 4 acres. The project facilities at Site A would consist of an above-ground water storage tank, production water well and pump, monitoring well, standby generator, and booster pump station. Site improvements would include a small parking and access area, fencing (1-inch chain-link fencing), a retention basin, and low-maintenance landscaping. In addition, a 2,500foot-long, 16-inch-diameter transmission main would be installed to connect the proposed well to the City's existing water distribution system. Figure 2-2 provides a site plan of the Site A facilities.

Water Storage Tank: As proposed, the water tank would store approximately 250,000 gallons (0.25 million gallons) of water. The purpose of the tank is to store sufficient water to meet peak hour and fire flow demands. The tank would stand a maximum of 20 feet above grade and would be approximately 55 feet in diameter. The footprint area of the tank would be approximately 173 square feet. The welded steel water tank would have a non-reflective, painted, earth-tone exterior and a sloped roof. The tank would be constructed on a circular concrete pad. The tank would be constructed in accordance with the current California Building Code and American Water Works Association (AWWA) standards.

Pump Station Building: The pump station building would house the production well, booster pumps, disinfection equipment, ancillary valves and flow meters, and electrical equipment. The building would include three separate rooms: a pump station room, an electrical room, and a calcium hypochlorite room. The building would be constructed of masonry blocks and would be approximately 40 feet wide by 50.5 feet long and 21 feet tall. The pump station building would have stucco finish and an earth-tone exterior.

The building would have various sound attenuation features, including wall panels, fans, and louvers to reduce noise related to the operation of equipment removing heat generated within the pump and electrical rooms. Metal wall panels would achieve a noise reduction coefficient of approximately 0.90. The pump station building would be ventilated by one side-wall-mounted exhaust fan with a capacity of 4,500 cubic feet per minute. Exhaust fans would

have the lowest possible exhaust fan noise measurement unit (called a sone). Ducting in the building would also be designed to minimize noise. Sound caused by an operating louver is proportional to the air velocity through the louver; the intake and exhaust pump station louvers would be sized to minimize air flow noise.

Production Well: The production groundwater well would be drilled to a minimum depth of 300 feet and a maximum depth of 600 feet deep, and would have a maximum yield of 1,000 gallons per minute (gpm). The well is expected to operate during off-peak demand periods to fill the proposed adjacent storage tank and during maximum demand conditions (typically a 1- to 2-hour diurnal pattern). While the theoretical annual maximum yield of the new well would be 525.6 million gallons (based on operations of 1,000 gpm, 24 hours per day, 365 days per year), this theoretical maximum exceeds the annual production for the entire Del Rio service area of approximately 207 million gallons for the previous 5 years. The well pump would be sized to meet peak demand conditions; however, pumping is expected to occur for an annual average of 8 hours per day (not 24 hours per day), with an anticipated maximum annual yield of about 175 million gallons, which is substantially less than the theoretical annual maximum yield of the new well. The well would be housed inside the pump station building.

Monitoring Well: A monitoring well would be installed on site to monitor groundwater levels in relation to operation of the production well and to calibrate the City's groundwater flow model. The monitoring well would be installed within a 50-foot radius of the production well and would be drilled to a similar depth (i.e., 600 feet deep). The monitoring well would include three separate "nested" wells installed to different depths within the same borehole. Each nested well would be equipped with a pressure transducer to monitor the groundwater level. The three nested wells would be installed to measure groundwater levels in the shallow (100-265 feet deep), intermediate (265-360 feet deep), and deep (360-600 feet deep) zones of the aquifer. The monitoring well would not produce any water and would only be used to collect data on groundwater levels.

Booster Pumps: The Proposed Project includes up to four 60-horsepower (hp) electric booster pumps. Two booster pumps would be on duty, one would be on standby, and the fourth would be available to serve future buildout demand. The pump capacity for each of these booster pumps would be 850 gpm, with firm capacity of 1,700 gpm. The booster pumps would be housed inside the pump station building.

During normal operation, the well pump would fill the storage tank at a maximum rate of 1,000 gpm, controlled by a variable-frequency drive and sensors in the tank. The booster pumps would be separate from the well pump and would be designed to provide a maximum flow from the storage tank to the distribution system of 1,700 gpm. The booster pumps would deliver supply to the distribution system to meet peak-hour and fire-flow demands. The booster pumps would be designed and operated to discharge water from the tank at a much faster rate than the well can fill the tank to meet peak and fire-flow demands, as needed. When the booster pumps are running at maximum flow, water from the production well may simultaneously fill the storage tank. The tank, when full, would drain in less than 6 hours (357 minutes) under maximum flow conditions.

An additional booster pump would be installed in the pump station at full buildout. This fourth booster pump would deliver an additional 700 gpm of flow from the storage tank to

the transmission pipelines. The additional booster pump would increase the total delivery of stored water from the tank to the distribution lines to 2,400 gpm in order to meet the estimated peak-hour rate and fire-flow demands for Del Rio's buildout condition. This fourth pump would not result in increased groundwater extraction, only increased flow from the storage tank to the transmission pipelines. The impact analysis presented in this EIR includes evaluation of all four booster pumps operating under the full buildout condition.

Transmission Main: A 16-inch-diameter transmission main would be constructed from the pump station building on Ladd Road, north along St. John Road, and terminating at the intersection of St. John Road and Country Club Drive. The transmission main would extend for approximately 2,500 linear feet and would be installed in accordance with Stanislaus County Department of Public Works trenching requirements, which would include a 36-inch-wide trench and a 60-inch-wide trench patch. A portion of the transmission main (approximately 65 feet) would be installed by jack and bore underneath an existing rail crossing on Ladd Road, just east of St. John Road.

Stormwater Retention Basin: Site runoff would be captured in an on-site retention basin that would be designed to contain the 50-year storm event and the full capacity of the storage tank, in the event of a tank rupture. The retention basin would be located on the southern portion of the parcel and would encompass approximately 1.3 acres with a 1.4-acre-foot holding capacity. The basin would be designed to hold water for a maximum of 48 hours based on the assumed percolation rate of 0.6 gallon/square foot per hour.

Surface runoff north to Ladd Road would be limited to the entrance driveway. Rock-lined drainage swales with shallow rock wells at one end would be installed within the Ladd Road right-of-way to collect runoff from the northern portion of Site A. A drainage swale with periodic inlets would be installed down the center of the site to convey surface runoff to the retention basin. The site would be graded to slope toward the swale and retention basin. The stormwater collection system would also convey tank overflow, drain water, and well wastewater to the retention basin. Slopes would be stabilized with hydroseeding or planted with drought-tolerant plants.

Site Security and Access: The entire site (i.e., within the parcel boundary) would be enclosed within an 8-foot-tall concrete masonry wall or wrought-iron fence topped with no-climb points and three strands of barbed wire along the Ladd Road frontage. Ladd Road frontage would include 9-foot-tall vehicular and pedestrian access gates. The rest of the site would be enclosed by 8-foot-tall, 1-inch chain-link fence with security wire. The wrought-iron fencing would be placed approximately 65 feet from the right-of-way line.

A new 25-foot-wide driveway on Ladd Road would provide site access. The driveway would have a 20-foot-wide, motorized sliding gate with an electronic key card reader or keypad for access. A 3-foot-wide metal pedestrian gate would be provided alongside the sliding vehicular gate.

Vehicular access (driveway) and parking areas within the site would be paved with Portland cement concrete or asphaltic concrete. Other portions of the site would be covered with low-maintenance landscaping or gravel.

Security lighting would be installed throughout the site. Exterior lighting would be elevated on poles using light-emitting diodes (LEDs) and would be directed toward the interior of the

site rather than off site, to the extent feasible, to reduce light or glare. Lights on the poles would be equipped with motion sensors and would turn on only if motion were detected in the vicinity of the building and tank. Security cameras and building alarms would also be installed on site.

Landscaping: Landscaping at Site A would include vegetation to screen the fence, tank, and other facilities from views from adjacent properties and from Ladd Road. The plant selections would be arranged in a tiered format with low, ground-hugging shrubs in the foreground, smaller shrubs in the middle tier, and taller screening trees for the backdrop. Plant selections would be chosen based on their proven drought tolerance, survivability, hardiness, and ease of maintenance. The trees would be a mixture of screening conifers, evergreen broadleaf, and smaller flowering deciduous broadleaf. Approximately 70 trees would be planted within an approximately 0.24-acre irrigated area. A vegetated, undulating soil berm on the east side of the site would contribute to a natural aesthetic appeal. An automatic irrigation system for the landscaping would be designed and would adhere to applicable water conserving ordinances. A rain/freeze/thaw shut-off switch for the irrigation system would be installed. The slopes surrounding the stormwater retention basin would also be hydroseeded or planted with drought-tolerant plants to prevent erosion.

Electricity: Site A has immediate access to nearby electrical lines served by the local utility provider, Modesto Irrigation District. The total new electrical connected load for the proposed facilities would be approximately 502 kilovolt-amperes (kVA) when all equipment is running (or approximately 755 amperes at 480 volts, 3 phase). However, the average electrical demand load would vary with the number of pumps running and related output with a maximum anticipated connected load of approximately 566 kVA. The project site would include an underground electrical utility extension to connect to the existing Modesto Irrigation District infrastructure.

Standby Generator: A standby diesel generator and an above-ground diesel storage tank would be installed on a 10-foot by 20-foot concrete pad within the site. The standby generator would be used as an alternate power source for the Proposed Project facilities as necessary. The estimated capacity of the generator would be approximately 450 kilowatts (kW). The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing to achieve an approximate sound level attenuation to 75 decibels within 30 feet of the unit.

The generator would include a belly tank (an above-ground diesel fuel tank built into the frame of the generator support as part of a packaged unit) that would hold approximately 24 hours of generator fuel supply, which equates to approximately 775 gallons. The diesel storage tank would be housed in accordance with City of Modesto Fire Prevention Department requirements and would comply with Stanislaus County standards, including Spill Prevention, Control and Countermeasures (SPCC), the Uniform Fire Code (UFC), and Occupational Safety and Health Administration (OSHA) requirements, including secondary containment requirements.

Site B – McHenry Avenue Well

Site B, located on McHenry Avenue, would encompass approximately 0.4 acre. The facilities at this site would consist of a production well and pump, standby generator, disinfection

facilities, monitoring well, transmission pipelines connecting to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and treatment filters. These facilities would be fully enclosed by a 12-foot-tall concrete block wall with a 24-foot-wide vehicular access gate. The site would be accessed from a new driveway off McHenry Avenue; no site access would be provided from Stewart Road. Site improvements would include a concrete pad and paved driveway, well and associated piping, controls, treatment facilities, generator, and appurtenances. Runoff from new impervious surfaces at Site B would be retained on site. Figure 2-3 provides a site plan of the Site B facilities.

Well and Pump: The Site B groundwater well would replace the City's existing Well 271 located on the west side of the Del Rio service area. This well is past its operational life and would be decommissioned upon completion of the Site B well. The new Site B well would be drilled to a minimum depth of 300 feet and a maximum depth of 600 feet, with a maximum yield of 1,000 gpm. Similar to the Site A production well, the Site B well would have a theoretical annual maximum yield of 525.6 million gallons (based on operations of 1,000 gpm, 24 hours per day, 365 days per year); however, the well would not be operated to its full capacity. The well pump would be sized to meet peak demand conditions, with pumping expected to vary throughout the year depending upon system pressure needs. While pumping may vary from as much as 20 hours per day during the summer to as little as 2 hours per day in the winter, pumping is expected to occur for an annual average of 10.8 hours per day, with an anticipated maximum annual yield of approximately 237 million gallons, which is substantially less than the theoretical annual maximum yield of the new well. The well pump would be approximately 200 hp or less and powered by electricity. The pump would require a 300-kW backup generator with a sound-attenuating enclosure. No booster pumps are expected to be needed at Site B. A geotechnical investigation of the site would be completed during the design process.

Monitoring Well: Similar to Site A, a monitoring well would be installed at Site B to measure changes in groundwater levels that could occur from operation of the production well. The monitoring well would be installed within a 50-foot radius of the production well and would be drilled to a similar depth (i.e., 600 feet deep). The monitoring well would include three separate "nested" wells installed to different depths within the same borehole. Each nested well would be equipped with a pressure transducer to monitor the groundwater level. The three nested wells would be installed to measure groundwater levels in the shallow (100-265 feet deep), intermediate (265-360 feet deep), and deep (360-600 feet deep) zones of the aquifer. The monitoring well would not produce any water and would only be used to monitor groundwater levels.

Stormwater Retention Basin: Site runoff would be captured in a 50-foot by 40-foot temporary retention basin that would be designed to contain the 100-year, 24-hour storm event. The retention basin would be located north of the proposed well site on an adjacent parcel that is currently in private ownership. The basin would encompass approximately 0.15 acre with an 0.08-acre-foot holding capacity. It would be designed to hold water for a maximum of 48 hours, based on the assumed percolation rate of 0.3 gallon/square foot per hour.

Surface runoff east to McHenry Avenue would be limited to the area within the right-of-way. Grading within the right-of-way would include drainage to an existing storm drain inlet. The site would be graded to slope toward the north and the retention basin. The stormwater

collection system would also convey well wastewater to the retention basin. Slopes would be stabilized with hydroseeding or planted with drought-tolerant plants.

Transmission Pipeline: A 12-inch-diameter transmission pipeline would be constructed from the well along McHenry Road to connect with existing City distribution pipelines along Stewart Road. The transmission pipeline would run from the well site south for approximately 190 feet under McHenry Road, then west for approximately 760 feet along Stewart Road, terminating at the intersection of Stewart Road and Grove Pointe Way. The pipeline would be installed beneath the road, within the road right-of-way, and in accordance with Stanislaus County Department of Public Works trenching requirements, which would include a 32-inch-wide trench and a 56-inch-wide trench patch.

Standby Generator: A standby diesel generator with a belly tank (an above-ground diesel fuel tank built into the frame of the generator support as part of a packaged unit) would be installed on a 10-foot by 20-foot concrete pad within Site B. The standby generator would be used as an alternate power source for the Proposed Project facilities as necessary. The estimated capacity of the generator would be approximately 450kW. The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing to achieve an approximate sound level attenuation to 75 dB within 30 feet of the unit. The belly tank would hold approximately 24 hours of generator fuel supply, which equates to approximately 775 gallons. The diesel storage tank would be housed in accordance with City of Modesto Fire Prevention Department requirements. Similar to Site A, the generator would include a fuel tank with secondary containment.

Site Security: Security lighting would be installed throughout the site. Exterior lighting would be on poles using LEDs and directed toward the interior of the site, to the extent feasible, to reduce light or glare. Lights on the poles would be equipped with motion sensors and would turn on only if motion were detected in the vicinity of the building and tank. Security cameras and alarms would also be installed on site.

Existing trees, electrical, and communication poles at Site B would remain on site and undisturbed.

2.4.2 Construction

Construction Methods

Construction activities for the Proposed Project would include the construction phases and approximate durations shown in **Table 2-1**. Additional descriptions of these phases and pieces of equipment are provided below and in **Appendix C**, *Air Quality and Global Climate Change Impacts Evaluation Supporting Documentation*. In addition, Table 2-1 indicates the anticipated number of potential worker trips and construction-related trips for the various construction phases. Pipeline construction activities (for both trenching and jack/bore) might overlap with building construction activities. All other phases are assumed not to overlap.

Table 2-1. Construction Activity Summary

Construction Phase	Approximate Duration (days)	Worker Trips	Vendor Trips	Hauling Trips	Total Trips by Construction Phase
Demolition	20	15	0	16	31
Site Preparation	5	18	0	11	29
Grading	8	15	0	33	48
Well Construction (Drilling)	20	13	1	0	14
Pipeline Construction (Jack/Bore)*	20	15	1	2	18
Pipeline Construction (Trenching)*	20	30	0	4	34
Building Construction	230	25	2	0	27
Paving	18	20	0	0	20
Architectural Coating	18	5	0	0	5
*Trenching and jack/bore construction phases might overlap to some degree.					

The Proposed Project would be constructed in accordance with standard protocols of the Clean Water Act Section 402 General Construction Permit (State Water Resource Control Board Order No. 2009-0009-DWQ).

Site Preparation and Earthwork: Site preparation activities would include clearing and grubbing; demolition of existing buildings and associated features at Site A; excavation, import, and placement of fill; and compaction. Clearing and grubbing would be conducted using standard excavators, bulldozers, and hand labor.

Demolition activities would be performed at Site A to abandon and remove the existing house, garage, shed, out-buildings, well, and septic system. Abatement of asbestos-containing materials and lead-based materials, if needed, during demolition of existing buildings would be supervised by a contractor certified by the California Occupational Safety and Health Administration and would be conducted in a manner compliant with federal, state, and local regulations. Removal or abandonment of the septic system would be conducted in accordance with local and state regulations to prevent any potential release of or worker exposure to waste material or contaminated soils. The estimated demolition area would be approximately 3,460 square feet. All demolished material and debris, including any hazardous waste, would be disposed of off site at an appropriate location selected by the construction contractor. For the purposes of this analysis, the disposal site is assumed to be located within 20 miles (maximum 1 hour of travel time) from Site A.

To the extent feasible, excavated soil would be reused on site. If required, fill would be delivered to the project sites by conventional haul trucks with a capacity of up to 20 cubic yards per load. Fill material would be placed with an excavator and compacted with a compactor/roller. Site preparation activities at Sites A and B are divided into three phases in Table 2-1 (demolition, site preparation, and grading) for the purpose of estimating worker trips and construction-related trips.

Pipelines: New pipelines would be installed beneath existing streets and within the project sites. The general process for pipeline installation involves digging a trench, installing the pipe, and backfilling the trench ("cut and cover"). In existing streets, the cut-and-cover method involves removing the asphalt, roadway base, and underlying soil; all materials are replaced at the completion of the process. The depth and width of the trenches would vary depending on the size of the pipe and in consideration of other existing utility lines; however, it is anticipated that the minimum depth for the transmission main would be 42 inches. Construction crews may close one lane of traffic temporarily during pipeline installation. In general, the maximum length of an open trench would be the distance necessary to accommodate the amount of pipe that can be laid in one day, typically 200-400 feet. The approximate width of the construction area for installation of the pipeline would be 20 feet and would be within the road right-of-way boundaries.

In addition to the cut-and-cover method, approximately 65 feet of the Site A transmission main would be installed by the jack-and-bore method. The jack–and-bore method involves directional drilling to reduce disturbance to the ground surface and disruption to other facilities or surface features. The jack-and-bore method involves use of cutting heads or hydraulic jacks to install pipe from a launch (bore) pit to a receiving pit. Slurry, typically bentonite (inert clay) and water, is used as a lubricant for tunneling and pipe installation.

Buildings and Structures: Construction of buildings and structures would generally include the following activities:

- concrete delivery, forming, and placement and rebar placement;
- structural steel work (assembly and welding);
- installation of electrical/instrumentation equipment;
- masonry concrete wall construction; and
- installation of mechanical equipment and accessories.

Following construction of the buildings, architectural coating of the building/structures, and final site restoration (shown as paving in Table 2-1) would be performed. The final step in the construction process is to restore the ground surface, which generally involves paving, installing landscaping, or installing erosion controls, as necessary.

Staging Areas: Staging areas would be needed to store pipe, construction equipment, and other construction-related materials. Staging areas would likely be established at Sites A and B or along the pipeline routes where space is available within the road right-of-way or in vacant lots. Staging areas would avoid areas of sensitive biological habitat. The City would reserve the authority to approve the locations of the staging areas as part of the contracts for construction of the facilities.

Construction Equipment

In general, the main pieces of equipment that may be used during construction activities are:

- well drilling equipment
- rollers
- pavers
- bulldozer
- backhoe
- welders
- track-mounted excavator
- front-end loader
- crane
- compactor
- end dump truck
- forklift
- ten-wheel dump truck
- compressors/jack hammers
- paving equipment
- water truck
- flat-bed delivery truck
- boom truck
- concrete truck
- cement and mortar mixers
- grader
- mowing equipment (e.g., weed eaters, commercial lawnmowers)
- generator sets

Specific construction equipment assumptions are provided in Appendix C, *Air Quality and Global Climate Change Impacts Evaluation Supporting Documentation*.

Construction Schedule

Construction of the Proposed Project is anticipated to last for up to approximately 15 months, beginning in 2016 and completing in 2017. Within this timeframe, the majority of construction work that involves use of operating equipment would occur within a 10-month period. Construction activities would generally occur Monday through Friday between 7:00 a.m. and 5:00 p.m., excluding City-observed holidays.

2.4.3 Project Operations

Operation of the Proposed Project would primarily involve the operation, inspection, and maintenance of the facilities. The pump stations, storage tank, and wells would be controlled remotely through a Supervisory Control and Data Acquisition (SCADA) system. The facilities would be inspected at least once a week to verify instrument readings, check on the condition of the sites, and maintain equipment.

The City would inspect the water system on an annual basis to determine whether maintenance was needed. Maintenance activities for the storage tank would include periodic cleaning of the tank's interior (with the use of a vacuum system) to maintain capacity and function and occasional recoating of the tank, as needed. Maintenance activities for the wells would include various mechanical tests and meter calibration (with equipment specific to those activities) and general maintenance of treatment systems (e.g., treatment system flushing or regeneration). The City would inspect the wells and pump stations on a regular basis (numerous times during the wet months and less frequently during the remainder of the year) to ensure optimal performance. Maintenance of the pump stations and pipelines would be performed on an as-needed basis.

2.5 Permits and Approvals

The permits and regulatory compliance requirements for the Proposed Project are described by permitting agency in **Table 2-2**.

Table 2-2. Applicable Permit and Regulatory Requirements

Regulatory Agency	Law/Regulation	Purpose	Permit/Authorization Type
Central Valley Regional Water Quality Control Board	Clean Water Act (CWA) Section 402	National Pollutant Discharge Elimination System (NPDES) program regulates discharges of pollutants	NPDES General Permit Construction Permit Notification
	California Health and Safety Code (Chapter 7)	Approval of County well permit	Permit Approval
Stanislaus County Department of Environmental Resources	County Municipal Code (Title 9 Health and Safety, Section 9.36)	Well construction approval	Well Construction Permit
Stanislaus County	County policies and requirements	Compliance with County right-of-way policies	Encroachment Permit
Stanislaus County Planning Commission	Stanislaus County Zoning Ordinance (Chapters 21.20.030 and 21.96.050)	Approval of proposed facilities at Site B	Use Permit
	Stanislaus County Zoning Ordinance (Chapter 21.40.040)	Approval of proposed facilities at Site B	Development Plan Approval
California Department of Public Health	Safe Drinking Water Act, California Health and Safety Code (Title 17, Title 22)	Compliance with public health water quality requirements	Use Permit for Well Water
San Joaquin Valley Air Pollution Control District	Rule 2010 permits required	District permitting for any constructed or operated source that emits or may emit air pollutants	Authority to Construct, Permit to Operate
Modesto Irrigation District	District policies and requirements	Compliance with utility district policies	Construction Permit

Chapter 3
Introduction to the Environmental Analysis

3.1 Overview

Chapters 4 through 11 of this DEIR describe the environmental resources and potential environmental impacts of the Proposed Project. Each chapter describes the existing setting and background information for the particular resource topic to help the reader understand the conditions that could be affected by the Proposed Project. In addition, each chapter includes a discussion of the criteria used in determining the significance levels of the Proposed Project's environmental impacts. Finally, each chapter recommends mitigation measures to reduce, where possible, the adverse effects of significant impacts, including applicable mitigation measures from the Program EIR.

3.2 Significance of Environmental Impacts

According to CEQA, an EIR should define the thresholds of significance and explain the criteria used to determine whether an impact is above or below that threshold. Significance criteria are identified for each environmental resource topic to determine whether implementation of the project would result in a significant environmental impact when evaluated against the baseline conditions as described in the environmental setting. The significance criteria vary depending on the environmental resource topic. In general, effects can be either significant (above threshold) or less than significant (below threshold). In some cases, a significant impact will be identified as significant and unavoidable if no feasible mitigation measure(s) is/are available to reduce the impact to a less-than-significant level. If a project is subsequently adopted despite identified significant impacts that would result from the project, CEQA requires the lead agency to prepare and adopt a statement of overriding considerations describing the social, economic, and other reasons for moving forward with the project despite its significant impact(s).

3.3 Baseline Conditions

Under CEQA, the environmental setting or "baseline" serves as a gauge to assess changes to existing physical conditions that would occur as a result of a proposed project. In accordance with CEQA Guidelines Section 15125, for purposes of this DEIR, the environmental setting is the existing physical conditions at the time the NOP was published (July 28, 2015).

3.4 Tiering from the WSER Program DEIR

As described in Section 1.1.1, this DEIR is tiered from the City's 2010 Water Service Engineer's Report (WSER) Program EIR (Program EIR) (City of Modesto 2010), in accordance with CEQA Guidelines Sections 15168 and 15152. CEQA Guidelines Section 15168(d) states: "A program EIR can be used to simplify the task of preparing environmental documents on

later parts of the program. The program EIR can: ... [f]ocus an EIR on a subsequent project to permit discussion solely on new effects which had not been considered before."

CEQA Guidelines Section 15152(d) states:

> [A]ny lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance should limit the EIR or negative declaration on the later project to effects which:
>
> 1. Were not examined as significant effects on the environment in the prior EIR; or
>
> 2. Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

CEQA Guidelines Section 15168(c)(4) states that a program EIR may be used with later activities. Section 15168(c)(4) states:

> Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

Accordingly, the City prepared an Environmental Checklist (**Appendix B**) to identify environmental issues that fall within the scope of the Program EIR and need not be reevaluated in this EIR. Eight resource issues were not analyzed further in this EIR because they either were fully within the scope of the Program EIR or had no potentially significant impacts. The rationale for eliminating these issues from further analysis is provided in Section 3.5. As a result, this EIR analyzes environmental issues that were found to have the potential for significant impacts on the environment and were not fully considered in the Program EIR.

3.5 Sections Eliminated from Further Analysis

Eight CEQA checklist resource topics have been eliminated from further analysis based on the nature and scope of the Proposed Project activities, either because of the absence of any potentially significant environmental impacts or because the Proposed Project would be consistent with previous evaluations under the Program EIR. Where appropriate, the Environmental Checklist identifies applicable mitigation measures from the Program EIR that would apply to the various environmental topics; these mitigation measures are also listed in Section 3.6 of this DEIR.

Based on the Environmental Checklist prepared for the Proposed Project (Appendix B) and supporting environmental analysis, and in accordance with Section 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. With implementation of the mitigation measures identified in this DEIR, no new or additional significant impacts related to these environmental resources would occur, compared to impacts disclosed in the Program EIR.

The Environmental Checklist is included in Appendix B. A brief summary and description of the resource topics dismissed from further evaluation is provided below.

3.5.1 Agriculture and Forestry Resources

There are no Williamson Act contracts on the Proposed Project sites.

According to the California Department of Conservation's map, "Stanislaus County Important Farmland 2010," the Site A property is designated Rural Residential and the Site B property is designated as Urban and Built-Up (California Department of Conservation 2015). Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to nonagricultural use for this project.

Site A is zoned as A-2-40 (General Agriculture District), which permits various uses, including (but not limited to) agricultural uses, single-family dwellings, mobile homes, buildings and appurtenances that are incidental or related to farming purposes, garage sales, and temporary agricultural service airports. According to Section 21.20.030 of the Stanislaus County Code, the A-2 district allows "Tier Three" uses that are not directly related to agriculture but may be necessary to serve the A-2 district. Specifically, public buildings and facilities for public utilities may be permitted on parcels zoned A-2, subject to permit approval by the Stanislaus County Planning Commission. The proposed facilities would likely meet the "Tier Three" criteria of a permitted use. As required by County Code, the City would apply for a use permit from Stanislaus County.

Site B is zoned as P-D (Planned Development) and therefore would not conflict with zoning for agricultural use. The Site A and Site B pipelines would be installed within road rights-of-way and therefore would not conflict with zoning for agricultural uses.

Therefore, the Proposed Project would not result in farmland conversion.

3.5.2 Geology, Soils, and Mineral Resources

As described in Section VI of the Environmental Checklist, the Proposed Project sites are underlain with soils suitable for the proposed tank and wells. The sites have sandy loam and loamy sand soils and a relatively low water table; thus, seismic-induced differential settlement, ground failure, or liquefaction would not be expected. There are no known faults in the project area. The project area lies within the central portion of Stanislaus County and is considered to be at "Moderate" risk for earthquake shaking potential. The Proposed Project would be required to comply with the most recent California Building Code seismic standards for construction.

Site A is underlain by soils with moderate susceptibility to erosion. Soils at site B have low to moderate susceptibility to erosion. The Proposed Project would reduce erosion and sedimentation potential to a less-than-significant level with the implementation of construction best management practices required as part of the permitting process for the National Pollutant Discharge Elimination System.

The proposed infrastructure would have no significant impact on the recoverability of any mineral deposits in the vicinity of the project sites.

The Proposed Project sites are located in an area that is relatively flat with only minor changes in topography; landslides and lateral spreading are not likely to occur on either of the proposed sites. Construction-related ground-disturbing or excavation activities could alter the soil stability at the construction locations. Excavation and trenching for the transmission pipelines may create unstable slopes during construction. The City would implement **Mitigation Measure GEO-1** from the Program EIR to reduce these impacts to a less-than-significant level.

The Proposed Project includes the installation of production wells and extraction of groundwater resources. Groundwater withdrawal has the potential to result in subsidence and/or collapse during a seismic event and may be potentially significant. Analysis of groundwater resources and the Proposed Project's potential risk of land subsidence or collapse are addressed in detail in Chapter 9, *Groundwater*, of the DEIR.

3.5.3 Hazards and Hazardous Materials

At Sites A and B, most of the equipment to be installed would be electrical, but may contain small amounts of oils, lubricants, or other hazardous substances. Backup generators on site would use diesel fuel, which would be transported to the site, stored on site, and disposed of from time to time. On-site containment is required for the chlorinator and in case of diesel fuel spills and would be implemented as part of project design.

Phase I Environmental Site Assessments were conducted at Site A and Site B in 2012 (ATC Associates 2012a, 2012b). Three underground storage tank (UST) sites were reported in the vicinity of Site A, none of which are reported as having impacts on Site A. Other potential sources of hazardous materials at Site A include asbestos-containing materials and lead-based paint within the residential buildings. Abatement of asbestos-containing materials and lead-based materials during any demolition of existing buildings would be supervised by a contractor certified by the California Occupational Safety and Health Administration and would be conducted in a manner compliant with federal, state, and local regulations. The homestead is served by an existing septic tank and leach lines located just south of the main residence. Removal or abandonment of the treatment system would be conducted in accordance with local and state regulations to prevent any potential release of or worker exposure to waste material or contaminated soils.

At Site B, a database query reported one 1,000-gallon gasoline UST and one 500-gallon gasoline UST at the property for agricultural uses. No files, reports of releases, or violations were identified at the property or addresses near Site B. There are no records of hazardous materials sites or hazardous cleanup sites along St. John Road and the proposed pipeline alignment.

In summary, Phase I Environmental Site Assessments conducted at Sites A and B did not identify any documented hazardous materials storage areas, hazardous materials cleanup sites, or leaking USTs that may affect the project sites. Demolition of existing buildings and wastewater treatment systems would be conducted in accordance with local and state regulations. However, the Proposed Project could result in direct and indirect impacts from a release of hazardous materials at a known contaminated site.

There are no public or public-use airports near the project sites. Additionally, there are no wildlands near the site. Therefore, there is no impact on wildfires.

Installation of distribution pipelines may require temporary lane closures in the vicinity of the sites. Implementation of a traffic management plan would be included as part of the City's Standard Construction Procedures.

In conclusion, the Proposed Project could result in direct and indirect impacts from a release of hazardous materials at a known contaminated site. The City would implement **Mitigation Measures HAZ-1 and HAZ-2** from the Program EIR to reduce this impact to a less-than-significant level.

3.5.4 Hydrology and Water Quality

Several topics in Section IX of the Environmental Checklist were dismissed, as summarized below; however, the Proposed Project's potential impacts on groundwater are fully evaluated in the EIR.

Water quality could be affected by construction of the tank, pipelines, and water wells or by a possible accident involving fuel spills, but secondary containment and the location of the site away from the Stanislaus River and other water bodies would reduce the potential for water quality impacts, as compared to the impacts analyzed in the Program EIR.

The Proposed Project would not alter the course of any stream or river, but would change the existing drainage patterns at the project sites. Proposed facilities at Site A would result in an increase of impervious surfaces and could, therefore, increase the amount of runoff or otherwise change patterns of drainage and infiltration. Site A includes construction of a stormwater retention basin to capture and infiltrate stormwater runoff from the project site. The basin would be designed with the appropriate capacity to receive rainfall runoff and water from the water storage tank, if it were to fail. Runoff from new impervious surfaces proposed at Site B would be retained on site.

The Proposed Project would involve grading, excavation, trenching, and other construction-related activities that leave soils exposed to erosion. During construction, runoff at the sites would be controlled through implementation of a stormwater pollution prevention plan as required under the National Pollutant Discharge Elimination System; after construction, the project sites would be flat, and loss of topsoil and soil erosion would not be substantial. At Site A, the proposed stormwater retention basin and berm slopes may be susceptible to erosion; however, the Proposed Project includes planting vegetation on the berms and stabilizing the slopes of the retention basin with hydroseeding or planted with drought-tolerant plants.

The Proposed Project does not involve the construction of housing and the site does not lie within the 100-year floodplain.

The Proposed Project would occur outside the 100-year floodplain, so risk of flood damage to the proposed infrastructure is consistent with the degree of risk assumed in the Program EIR. Furthermore, there would be no change in the risk of flooding from dam failure as compared to the risk throughout the area. Finally, the Proposed Project would not substantially alter any existing drainage pattern or change a watercourse such that flood hazards are increased, and is consistent with the degree of risk analyzed in the Program EIR.

3.5.5 Population and Housing

At Sites A and B, the proposed wells and tank in the Del Rio area would increase the local water supply and water pressure, which would, in turn, allow greater development in the Del Rio plan area, which has not yet been fully built out. The new facilities are proposed to address existing deficiencies in the water delivery system; the amount of water that would be produced by these wells is not expected to facilitate growth greater than that anticipated to occur with the development of the Del Rio planning area. This impact was disclosed in the Program EIR and no mitigation was proposed to reduce the impact; the impact of this specific project is consistent with the impact disclosed in the Program EIR. Because population growth induced by the Proposed Project would occur only within the bounds of planned growth, the Proposed Project would not contribute to unplanned growth. All growth would be consistent with that contemplated in the Program EIR, and therefore this issue is considered less than significant.

No people or housing would be displaced as a result of construction or operation of the proposed well and tank.

3.5.6 Public Services

The Proposed Project would have no significant impacts on public services. The Program EIR did not identify an impact and thus did not identify mitigation measures. No new or additional significant impacts have been identified for the Proposed Project relative to this topic.

Construction of the Proposed Project would employ construction workers at the project sites, who would likely come from the regional labor force. While some construction workers could temporarily relocate from other areas, the project would not result in a substantial increase in the local population. During construction, potential incidents could require the involvement of local law enforcement, fire protection, or emergency services. However, such increases in incidents are not anticipated to be of a magnitude that would adversely affect response times or other performance objectives of these public services. No need for additional schools or public facilities or physical modifications to schools or other public facilities would result from the Proposed Project.

Furthermore, during the EIR scoping period, the Stanislaus Union School District submitted a comment letter stating that the school district had no comments or concerns with the Proposed Project (Stanislaus Union School District 2015). The Pacific Gas and Electric Company submitted a comment letter during the scoping period stating that the agency had no comments or concerns regarding the Proposed Project (Pacific Gas and Electric Company 2015). Therefore, the Proposed Project is anticipated to have a less-than-significant impact on public services.

3.5.7 Recreation

No significant impacts on recreation were identified in the Program EIR; therefore, it contained no mitigation measures.

Construction and operation of the proposed wells and tank are not expected to have any impact on the use or quality of parks. Furthermore, this project would create no demand for new or expanded parks or other recreational facilities.

3.5.8 Transportation and Traffic

At Sites A and B, a maximum of 31 daily one-way vehicle trips (worker commute trips, haul trips, and vendor trips) would occur during trenching, the most traffic-intensive phase of construction on the individual projects (see Table 2-1 in Chapter 2, *Project Description*). If trenching and jack/bore activities take place simultaneously, a total of 48 daily, one-way vehicle trips could result for that 20-day period. During operation of the wells and tank, City staff would visit the facilities once each week-day (i.e., five round trips each week) for inspection and maintenance.

At Site A, construction activities would temporarily increase emergency response times due to lane narrowing or lane closures to allow the installation of approximately 2,500 linear feet of water transmission pipeline in St. John Road from the site to the intersection with Country Club Drive. At Site B, construction activities would temporarily increase emergency response times due to lane narrowing or lane closures to allow the installation of approximately 500 linear feet of water transmission pipeline in McHenry Avenue and Stewart Road to the intersection with Grove Pointe Drive. However, these impacts were disclosed in the Program EIR and no greater impacts would be expected to occur as a result of the Proposed Project. The City's Standard Construction Procedures would be implemented during construction; these include preparing a traffic control plan, public notification, and preconstruction meetings. Adherence to the City's Standard Construction Procedures would ensure a less-than-significant impact, consistent with the Program EIR.

At Sites A and B, there would be no continuous demand for parking for maintenance staff. Any needed parking would be accommodated on site.

Neither Site A nor Site B is located near any airport or airstrip or the infrastructure that would have an effect on air traffic due to any of its features. This is consistent with the analysis in the Program EIR. Furthermore, the construction of the tank, wells, and associated infrastructure would result in no significant changes to the affected roadways or traffic on them after construction is complete. The project does not conflict with plans or policies for non-automobile transportation.

The Program EIR did not identify an impact and thus did not identify mitigation measures. No new or additional significant impacts have been identified for the Proposed Project relative to this topic.

3.5.9 Utilities and Service Systems

The purpose of the Proposed Project is to extract groundwater supplies. Both Sites A and B would help diversify water supply and improve reliability, consistent with the Program EIR. The Proposed Project would not directly affect surface water supplies or surface water rights. The potential impact of the Proposed Project on groundwater supplies is fully evaluated in Chapter 9, *Groundwater,* of this DEIR. Aside from the issue of groundwater supply, other topics in Section XVII of the Environmental Checklist are less than significant, as described below.

The proposed new water supply infrastructure at Sites A and B would not directly result in a substantial increase in the demand for stormwater drainage or wastewater treatment facilities. Surface runoff is expected to be minimal, as noted in the discussion of hydrology

and water quality. Impacts from this project are expected to be consistent with those disclosed in the Program EIR.

Any solid waste resulting from construction and maintenance of the proposed well and tank would be disposed of at the Fink Road Landfill, if it cannot be recycled, as disclosed in the Program EIR. The Fink Road Landfill is expected to have adequate capacity to serve the very limited need expected to result from this project and no significant impact is anticipated.

All relevant federal, state, and local statutes and regulations would be complied with and no impact is expected to occur.

No new or additional significant impacts have been identified for the Proposed Project relative to this topic.

3.6 Program EIR Mitigation Measures Applied to the Project

CEQA Guidelines Section15168(c)(3) states that "[a]n agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program." In compliance with this requirement, all appropriate mitigation measures from the Program EIR shall be incorporated into the Proposed Project. Urban Area General Plan policies and Master EIR mitigation measures shall be made part of the Proposed Project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. Applicable mitigation measures are listed below for those topics not evaluated in detail in this DEIR, as referenced above, and for topics receiving detailed evaluation in this DEIR; applicable mitigation measures from the Program EIR are also included in the relevant topical chapter of this DEIR. These mitigation measures are also listed in the Mitigation Monitoring and Reporting Program (MMRP) included with this DEIR (**Appendix H**).

3.6.1 Agriculture and Forestry Resources

None.

3.6.2 Geology, Soils, and Mineral Resources

Sites A and B

Mitigation Measure GEO-1: Conduct project-specific geotechnical investigation prior to construction.

During project design, project-specific geotechnical investigations and reports will be prepared by registered engineers to detect site conditions that could result in liquefaction, construction on expansive soils, or other potential hazards and to identify appropriate design requirements that would prevent damage to structures. Site-specific geological data and recommendations by a registered engineer will be incorporated into project design, thereby reducing any impacts due to liquefaction.

3.6.3 Hazards and Hazardous Materials

Sites A and B

Mitigation Measure HAZ-1: Prepare a risk assessment prior to construction activity.

Prior to the commencement of construction activities, the City or its contractor will prepare a risk assessment and establish procedures to address the identification, excavation, handling, and disposal of hazardous materials in accordance with ASTM Standard 1527-05, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and the EPA "All Appropriate Inquiries" standards and practices (40 CFR 312). An environmental database search of regulatory-listed hazardous materials sites contained in local, regional, state, and federal databases for the program site and within a 0.5-mile radius of the site will be performed by a qualified professional as part of this assessment. If contaminated soil or groundwater is encountered, the City will notify the appropriate local environmental management agencies and local fire departments. The City will ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations. All recommendations in the risk assessment will be implemented by the City and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to adverse conditions on the program site as a result of discovering existing sources of contamination.

Mitigation Measure HAZ-2: Control contamination resulting from previously unidentified hazardous waste materials.

Prior to the onset of construction, all construction workers will be trained in the identification of potentially contaminated soil and water, including the characteristics of potential contamination, such as discolored soil, oils or sheens on water, and unusual odors. In the event that hazardous materials are encountered during construction, all construction activities in the area of the discovery will stop, and the City or its contractors will conduct hazardous materials investigations to identify the nature and extent of contamination and evaluate potential impacts on program construction. If necessary, the City or its contractors will implement remediation measures consistent with all applicable local, state, and federal codes and regulations. Construction will not resume until remediation is complete. If waste disposal is necessary, the City will ensure that all hazardous materials removed during construction are handled and disposed of by a licensed waste-disposal contractor and are transported by a licensed hauler to an appropriately-licensed and permitted disposal or recycling facility, in accordance with local, state, and federal requirements.

3.6.4 Hydrology and Water Quality

None.

3.6.5 Population and Housing

None.

3.6.6 Public Services

None.

3.6.7 Recreation

None.

3.6.8 Transportation and Traffic

None.

3.6.9 Utilities and Service Systems

None.

Chapter 4
Aesthetics

4.1 Overview

This chapter describes the existing visual and aesthetic resources within the potentially affected area and pertinent local, state, and federal plans and policies regarding the protection of visual and scenic resources. The potential impacts on scenic resources, public views of scenic vistas, visual character of the potentially affected area, and light and glare effects from construction and operation of the Proposed Project are evaluated. Mitigation measures are proposed to address the impacts found to be significant.

Visual character, visual quality, and visual sensitivity are three terms used throughout this chapter. Visual character is the unique set of landscape features that combines to make a view, including native landforms, water, and vegetation patterns, as well as built features such as buildings, roads, and other structures. Visual quality is the intrinsic appeal of a landscape or scene due to the combination of natural and built features in the landscape. Natural and built features combine to form unique perspectives with varying degrees of visual quality, which is rated in this analysis as high, moderate, or low. Visual sensitivity reflects the level of interest or concern that viewers have for a particular visual resource with visual quality taken into account. Visual sensitivity is a measure of how noticeable proposed changes might be in a particular setting and is determined based on the distance from a viewer, the contrast of the proposed changes, and the duration that a particular view would be available to viewers. For example, areas such as scenic vistas, parks, trails, and scenic roadways typically have a high visual quality and visual sensitivity because these locales are publicly protected and appear natural, view durations are typically long, and close-up views are more commonly available.

4.2 Regulatory Setting

No federal regulations are applicable to aesthetics in relation to the Proposed Project.

4.2.1 State Laws, Regulations, and Policies

California Scenic Highway Program

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California (California Department of Transportation [Caltrans] 2015). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways. There are no state-designated scenic highways near the Proposed Project site.

4.2.2 Local Laws, Regulations, and Policies

Stanislaus County General Plan 2015

The *Stanislaus County General Plan 2015* Conservation/Open Space Element (2016) acknowledges the scenic value of the county's open space lands and need for preserving these lands for scenic purposes. The general plan includes the following goal, policy, and implementation measure concerning protection of scenic views or aesthetic resources:

Goal One: Encourage the protection and preservation of natural and scenic areas throughout the County.

Policy Two: Assure compatibility between natural areas and development.

Del Rio Community Plan

The *Del Rio Community Plan* (Stanislaus County 1992), which was incorporated in the *Stanislaus County General Plan*, does not identify specific policies or regulations related to preservation of scenic views or aesthetic resources.

4.3 Environmental Setting

4.3.1 Regional Setting

The community of Del Rio is characterized by agricultural uses, open space, residential development, the Del Rio Golf and Country Club, and the Stanislaus River, which borders the community to the north. The Stanislaus River is the primary body of water in Del Rio. Numerous riparian trees and shrubs line the river corridor. The overhead electrical power lines and poles located along roads in Del Rio also contribute to the region's visual character. The topography of Del Rio, including the Proposed Project site, is relatively flat.

4.3.2 Project Vicinity

Visual Character and Quality of the Proposed Project Site

Site A is situated in the southern part of Del Rio and Site B is located in the eastern part of the community. The visual character and quality of both sites are described in the following paragraphs. **Figure 4-1** provides a key to photographs of Sites A and B and the project vicinity from several vantage points. Photographs presented in **Figures 4-2 and 4-3** show the agricultural and residential character of the sites and surrounding areas. Photographs of the existing sites are also presented in the top images of **Figures 4-4, 4-5, and 4-6.**

Site A is located immediately southeast of the Ladd Road/St. John Road intersection. The approximately 4-acre site is bounded by a Modesto Irrigation District canal to the south, Union Pacific Railroad tracks to the west, and agricultural uses and residential uses to the north and east (see Figure 4-2, Photo 3). The northeastern portion of Site A that fronts Ladd Road is currently occupied by a single-family residence, which consists of a house, garage, and outbuildings (see Figure 4-2, Photos 1 and 2; Figure 4-4, Photo 7). Approximately 22 trees are present on the site. The remaining portion of the site is undeveloped land covered with

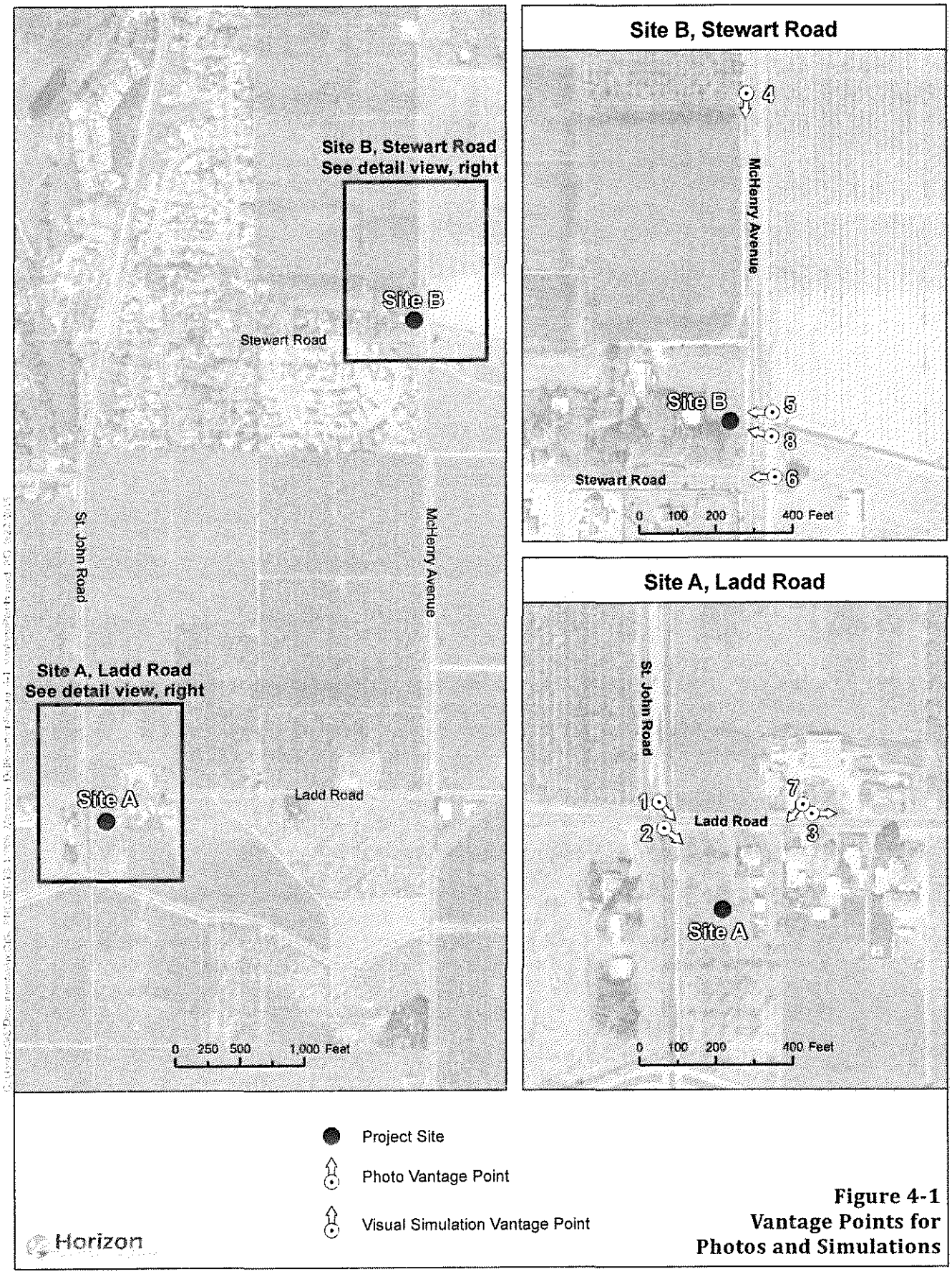

Figure 4-1
Vantage Points for Photos and Simulations

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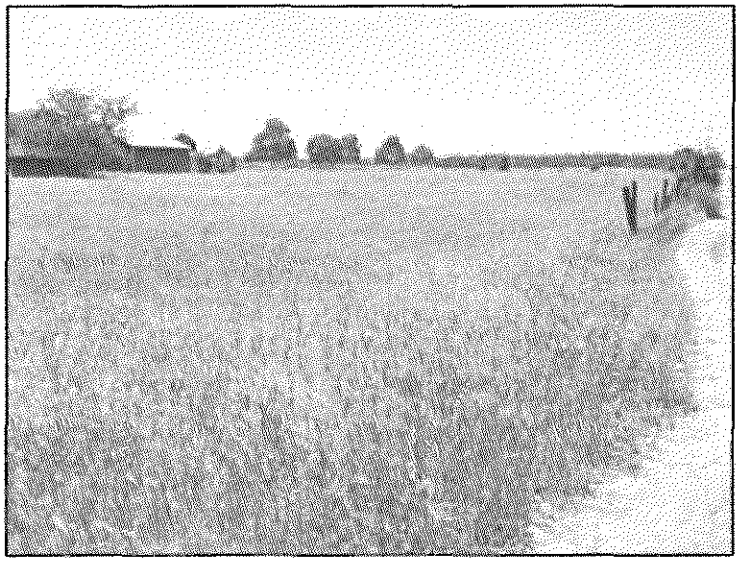
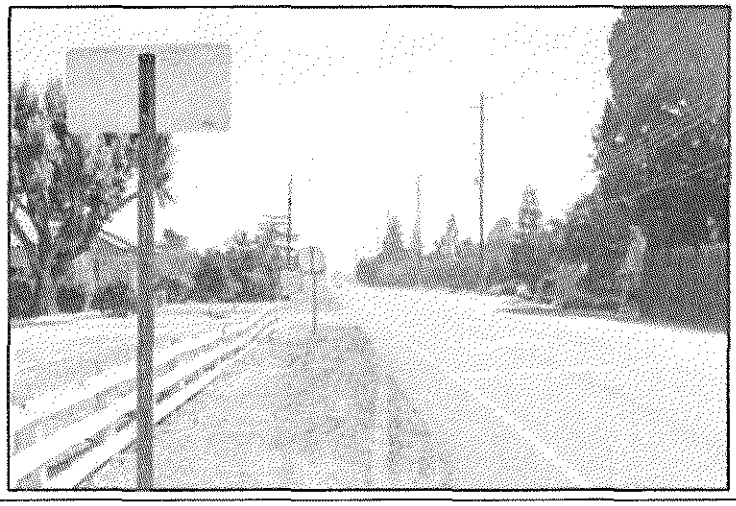
Photo 1: View of Site A looking southeast from the St. John Road and Ladd Road intersection.	
Photo 2: View of Site A looking southeast from northwestern corner of site (near St. John Road and Ladd Road intersection).	
Photo 3: View of land uses east of Site A from Ladd Road.	

Horizon

Figure 4-2
Views of Site A and Surrounding Area

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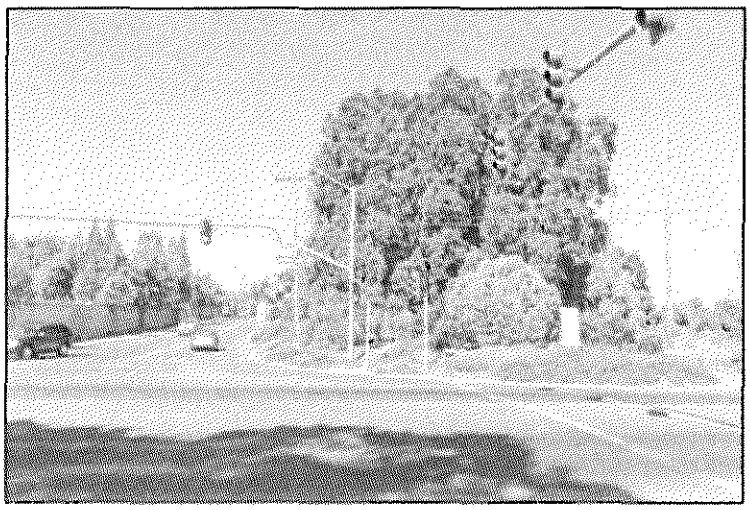
Photo 4: View of Site B looking south from McHenry Avenue.	
Photo 5: View of Site B looking west from McHenry Avenue.	
Photo 6: View of McHenry Avenue and Stewart Road intersection looking west.	

Horizon

Figure 4-3
Views of Site B and Surrounding Area

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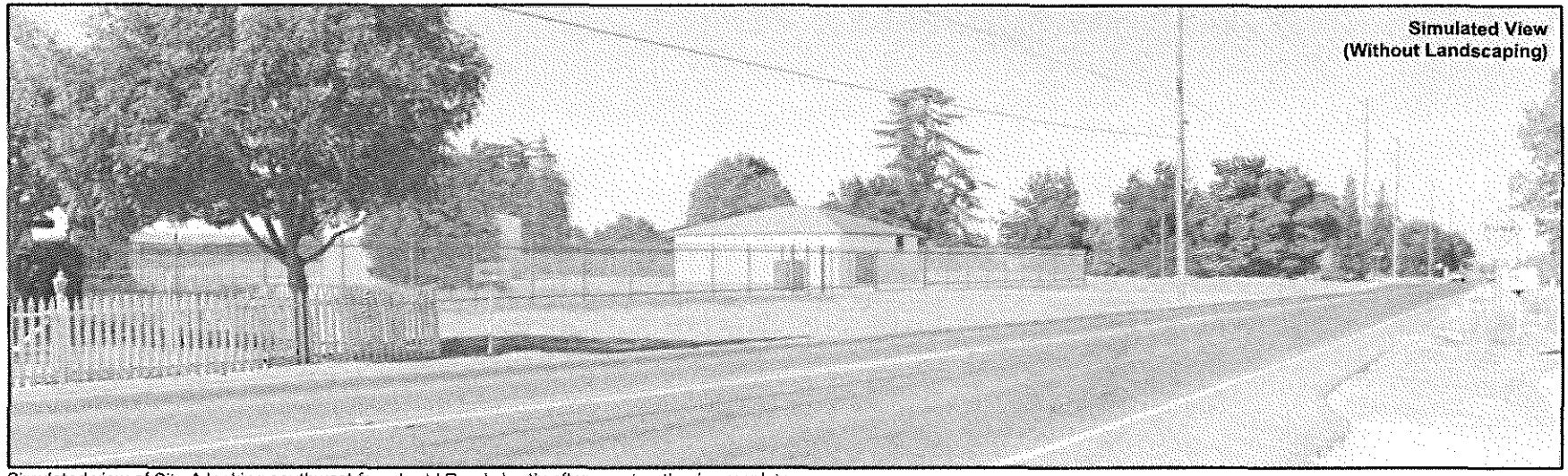
Photo 7. Existing view of Site A looking southwest from Ladd Road.



Simulated view of Site A looking southwest from Ladd Road shortly after construction is complete.

Source: ICF, 2015

Horizon WATER and ENVIRONMENT

Figure 4-4: Existing and Simulated Views of Site A in the Short Term

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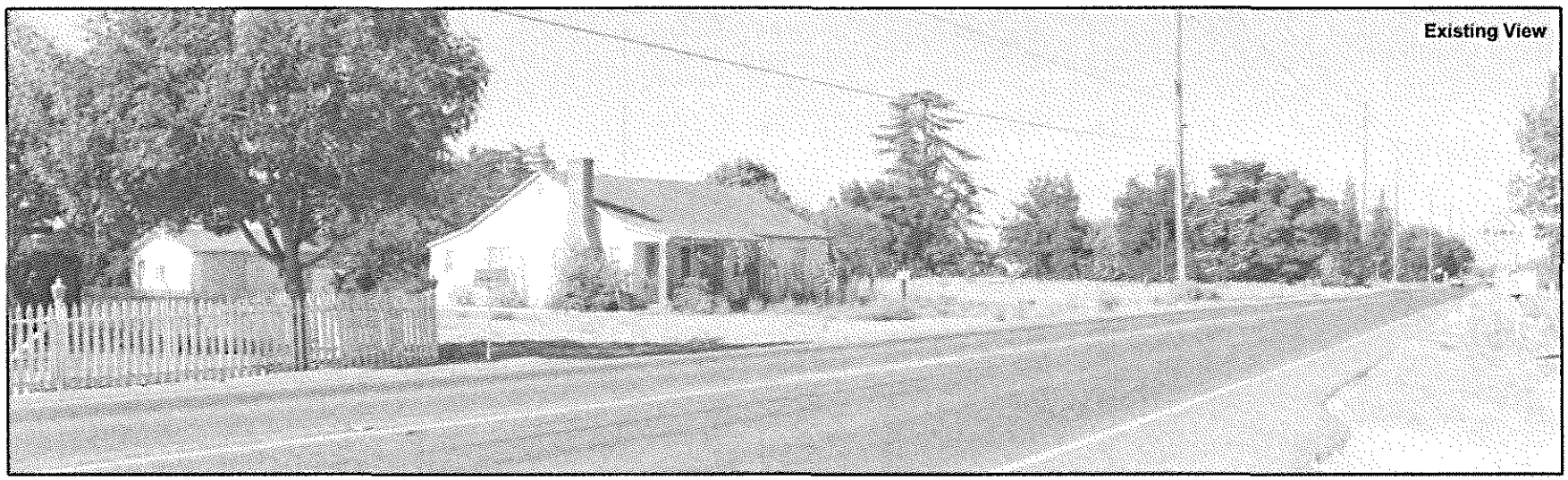

Photo 7. Existing view of Site A looking southwest from Ladd Road.

Simulated view of Site A looking southwest from Ladd Road in the long-term.

Source: ICF, 2015

Horizon WATER and ENVIRONMENT

Figure 4-5: Existing and Simulated Views of Site A in the Long Term

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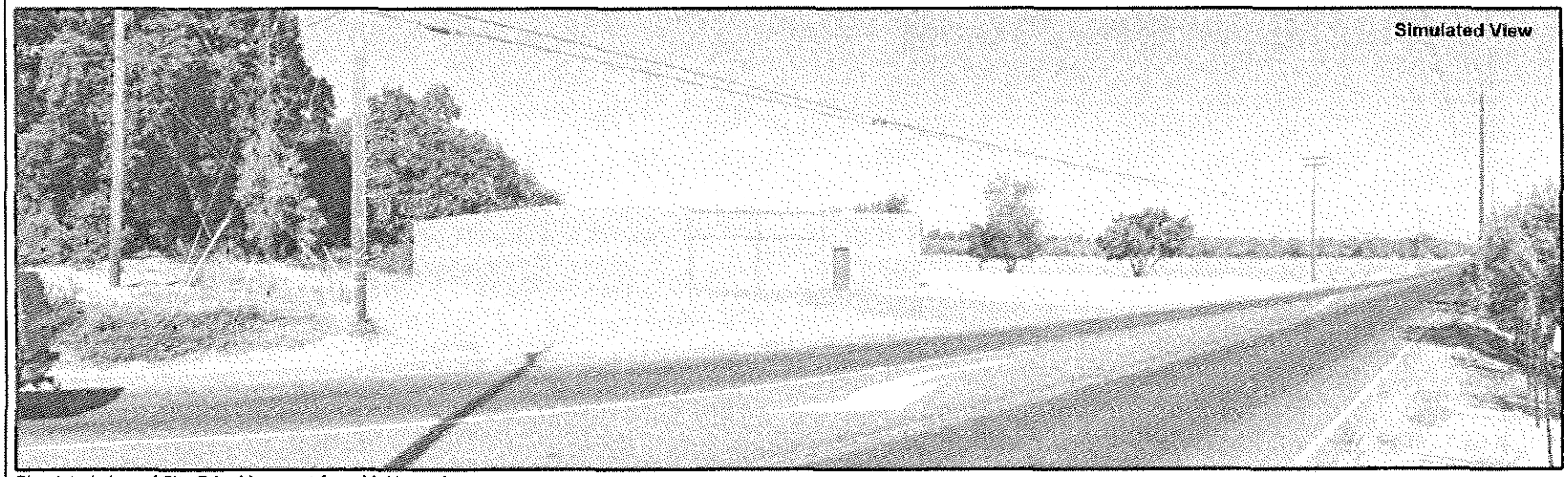
Photo 8. Existing view of Site B looking west from McHenry Avenue.



Simulated view of Site B looking west from McHenry Avenue.

Source: ICF, 2015

Horizon WATER and ENVIRONMENT

Figure 4-6: Existing and Simulated Views of Site B

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grasses and ruderal vegetation. Mature trees border the western side of the site and overhead electrical transmission lines and wooden utility poles are located along the northern side of Site A and Ladd Road. Site A is largely characterized by the surrounding fallow fields and orchards and single-family homes. Aside from the trees present on the northeastern corner of the site, there are no features of special visual concern. However, given that most of the site is undeveloped and given the openness of surrounding land uses, the visual quality is considered moderate.

Site B is located at the northwest corner of the McHenry Avenue/Stewart Road intersection. The site encompasses approximately 0.4 acre. Land uses surrounding Site B include single-family residences and outbuildings to the west and south, agricultural lands used to grow grains and orchards to the north and east, and a fruit stand to the southeast. The site is currently vacant and undeveloped, with the exception of a few overhead power lines and utility poles (see Figure 4-3, Photos 4 and 5; Figure 4-5, Photo 8). Similar to Site A, Site B is largely characterized by the nearby agricultural fields and residential development to the west. As shown in Figure 4-3 (Photos 5 and 6) and Figure 4-6, mature trees (including an oak tree) are situated to the south and west of Site B. While there are no particular features of visual interest present on the site, because of the site's undeveloped condition and openness, and the agricultural nature of the surrounding lands to the east, the visual quality of Site B is considered moderate.

Light and Glare

Nighttime lighting is sometimes necessary to provide and maintain safe, secure, and attractive environments. Light that falls beyond the intended area of illumination is referred to as "light trespass." The most common cause of light trespass is spillover light, which occurs when a lighting source illuminates surfaces beyond the intended area, such as when building security lighting or parking lot lights shine onto neighboring properties. During nighttime hours, spillover light can adversely affect light-sensitive uses such as residences. Both light intensity and fixtures can affect the amount of any light spillover. Modern, energy-efficient fixtures that face downward, such as shielded light fixtures, are typically less obtrusive than older, upward-facing light fixtures.

Glare is caused by light reflections from pavement, vehicles, and building materials such as reflective glass, polished surfaces, or metallic architectural features. During daylight hours, the amount of glare depends on the intensity and direction of sunlight.

Existing lighting is sparse on and around Sites A and B. The sparse lighting on the two sites is largely due to the fact that both sites are mostly undeveloped and surrounded by agricultural and residential land uses. The most notable lighting source nearby is from the subdivisions north of Site A and the subdivision west of Site B. There are no significant sources of glare in the vicinity of Sites A and B.

Scenic Vistas, Highways, and Corridors

A scenic vista is generally defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. There are no scenic vistas or state-designated scenic highways or scenic corridors in the vicinity of Sites A and B.

Viewer Sensitivity

Viewer sensitivity is another consideration in assessing the effects of visual change. Sensitivity is a function of factors such as the visibility of resources in the landscape, proximity of viewers to the visual resource, elevation of viewers relative to the visual resource, frequency and duration of views, number of viewers, and types and expectations of individuals and viewer groups.

Viewer Groups

Viewer groups in the vicinity of the project site and their sensitivity to visual changes are described below. Viewer groups with visual access to the project site include residents and recreationists.

Residents

In general, as a viewer group, residents have a heightened sensitivity to the surrounding viewshed because their views are of high frequency and long duration. Residents also have an expectation of a consistent setting around their properties.

Site A is immediately visible from several residences bordering the site to the west, northeast and east on Ladd Road. Photo 7 in Figure 4-4 is a representative view of Site A from the residence northeast of the site. As previously described, existing views of Site A from the residences adjacent to Site A include the single-family home, outbuildings, trees, and grass-covered land north of the buildings.

Site B is partially visible from the adjacent property on Stewart Road south of the site. The residence at this property may have partial views of Site B from the backyard, although the mature trees and fencing likely screen views of the site.

Recreationists

Other viewers of the Proposed Project site include pedestrians and bicyclists, who typically have a heightened sensitivity to the surrounding viewshed. Although these roads are not expected to be highly used by pedestrians and bicyclists, this viewer group cannot be discounted entirely. Views from the perspective of recreationists would be moderately short. This viewer group is likely accustomed to the working agricultural landscape, residential uses, and open space that are present throughout the Del Rio area. For these reasons, this viewer group is expected to have a moderate visual sensitivity to views in the vicinity of Sites A and B.

4.4 Impact Analysis

4.4.1 Methodology

This section evaluates potential impacts on visual resources that could occur during construction and operation of the Proposed Project. The visual analysis is based on review of maps and evaluations of aerial and ground-level photographs of the Proposed Project sites.

Visual effects of the Proposed Project were assessed based on the Proposed Project's potential to substantially alter scenic resources or to degrade the visual character of the sites. The evaluation of temporary or short-term visual impacts considers whether construction activities could substantially degrade the existing visual character or quality of the sites or surrounding areas, as well as the duration over which any such changes would occur. Because of their short-term nature, construction activities occurring in an area for less than 1 year are typically considered to have a less-than-significant effect on visual quality. However, activities occurring in an area for more than 1 year have been evaluated for potentially significant visual impacts.

Because construction activities would be limited to daytime hours (between 7:00 a.m. and 5:00 p.m.), no nighttime construction or associated lighting would be required. As such, no effects related to nighttime construction lighting would occur. The impact analysis below focuses instead on evaluating permanent effects associated with new sources of light or glare.

Actions with long-term visual effects, such as constructing new or altered structures, grading roads, removing trees, and introducing new sources of light and glare, could permanently alter the landscape in a manner that could affect the visual character or quality of the area, depending on the perspective of the viewer. To determine impact potential, the assessment considers the visual sensitivity of the Proposed Project sites and surrounding areas.

4.4.2 Criteria for Determining Significance

Based on Appendix G of the CEQA Guidelines and professional expertise, it was determined that the Proposed Project would result in a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The Proposed Project would not be visible from any known nearby scenic vistas. Therefore, construction and operation of the Proposed Project would not have a substantial effect on a scenic vista.

As described in Section 4.4.1, the Proposed Project facilities would not be located near any state-designated scenic highway or scenic corridor. Therefore, there would be no impact on scenic resources located along a scenic highway or corridor.

4.4.3 Environmental Impacts

Impact AES-1: Substantial Degradation of the Visual Character or Quality of the Site and its Surroundings from Project Construction (Less than Significant with Mitigation)

Site A Construction Activities

At Site A, construction activities associated with the water storage tank, pump station building housing a production well and booster pumps, pipeline installation, stormwater retention basin, security fencing, landscaping, and other ancillary improvements would be visible from Ladd Road and the Ladd Road/St. John Road intersection. In general, construction activities at this site would include clearing and grubbing, demolition of the existing house and outbuildings, excavation, import and placement of fill, pipeline installation, backfilling, placement of concrete foundation, and tank and building construction. Large equipment such as bulldozers, backhoes, cranes, excavators, graders, pavers and rollers, and well drilling equipment would be required for various project components within the site.

Pipeline installation work would extend from the St. John Road/Country Club Drive intersection to the St. John Road/Ladd Road intersection, totaling approximately 2,500 linear feet. Although the exact location of staging areas has not yet been determined, it is anticipated that staging areas would be accommodated within Site A and within the right-of-way or in vacant lots.

Direct views of construction activities for the water tank, pump station building, and other proposed components at Site A would be available from Ladd Road and the Ladd Road/St. John Road intersection (see Figure 4-2, Photos 1 and 2). Residences located northeast and east of the site on Ladd Road would have views of Site A construction activities throughout the approximately 15-month construction period. These residences would notice the operation of construction equipment and the presence of staging materials, construction vehicles, and construction workers. Any pedestrians and bicyclists using these roads would also have short-duration views of these construction activities.

Site B Construction Activities

At Site B, construction activities associated with the production well and pump, facility walls and gate, and transmission pipeline would be visible from McHenry Avenue. As with Site A, large equipment, including bulldozers, backhoes, cranes, excavators, graders, and pavers, would be used at Site B, and this equipment would be visible from McHenry Avenue. Pipeline installation work would extend from the well to the existing City distribution pipelines along McHenry Avenue (approximately 190 feet), then extend west for 760 feet along Stewart Road, terminating at the intersection of Stewart Road and Grove Pointe Way.

Residences adjacent to Site B may have partial close-up views of construction activity throughout the duration of the construction period; however, the property's existing fence and mature trees would largely screen views of the construction activities.

Conclusion

Overall construction is expected to last approximately 15 months. Throughout this period, construction activities at Sites A and B, pipeline installation work along St. John Road, and materials and equipment in staging areas would be visible from St. John Road, Ladd Road, and McHenry Avenue. Nearby residents and any pedestrians or bicyclists using these public roads would have views of the work areas throughout the 15-month construction period. While these views would be primarily limited to adjacent residents and recreationists and would not affect any designated scenic resources, the visual character of the two sites and the surrounding areas would be substantially degraded during the construction period. While CEQA does not consider impacts on private views to be significant, given that publicly accessible views from nearby roads would be temporarily degraded, this impact is considered potentially significant. Implementation of **Mitigation Measures AES-1 (Locate Staging Areas Away from Public Areas) and AES-2 (Screen Staging and Construction Areas),** which have been modified from mitigation measures identified in the Program EIR, would reduce this impact to a less-than-significant level.

Mitigation Measure AES-1: Locate Staging Areas Away from Public Areas.

Construction staging areas for equipment, personal vehicle parking, and material storage shall be sited as far as possible from residences, major roadways, and public areas. The City contract specifications shall require that staging areas be identified in the documents prepared by construction contractors and subject to approval by the City. The City shall not approve staging areas that are not sited as described above.

Mitigation Measure AES-2: Screen Staging and Construction Areas.

The construction contract shall specify that staging areas be located where opportunities for screening with existing topography and vegetation will be maximized. Security fencing placed around staging and construction areas shall include slats or other screening sufficient to hide the area from the passing public. Screens used for this purpose shall be of an earth tone or other appropriate neutral color.

Impact AES-2: Long-term Adverse Effects on the Visual Character or Quality of the Site and its Surroundings during Operation (Less than Significant)

Once constructed, the Proposed Project pipelines and wells at Sites A and B would be underground and would not be visible. These project components would not be visible and would have no impact on the visual character or quality of the site and surrounding area. However, other structures would be built on the site, such as the proposed water storage tank, pump station building, and other ancillary improvements. The impacts of these structures are described below.

Site A

Figure 4-4 presents an existing image of Site A looking southwest from Ladd Road and a simulated image that depicts the proposed water storage tank, pump station building, and other ancillary improvements shortly after project construction is complete. Figure 4-5

shows the same existing image of Site A as presented in Figure 4-4 and includes a simulated image of the proposed facilities in the long term (approximately 10-12 years after construction is complete).

As shown in the bottom images of Figures 4-4 and 4-5, the water storage tank would be set back from Ladd Road near the central portion of the site, and the pump station building would be located near the northwestern corner of the site but also set back from the roadway edge; the Ladd Road frontage would consist of the paved driveway, fencing, and landscaping. An approximately 2-foot-high undulating berm would be constructed on the west and east sides of the site. Coast redwoods would be planted on top of the berms to help screen views of the site from adjacent residences. Over time, landscaping along the western, eastern, and northern sides of the site would screen views of the tank and building.

Proposed Project components that would be publicly visible include the following:

- **Water storage tank** – The water storage tank would be up to 20 feet tall (above ground) and approximately 55 feet in diameter. The exterior of the tank would consist of non-reflective earth tones and have a sloped roof.

- **Pump station building** – The pump station building would be approximately 40 feet wide by 50.5 feet long and 21 feet tall. The pump station building would have a stucco finish and an earth tone exterior.

- **Other ancillary features** – Site A would have 8-foot-tall concrete masonry or wrought-iron fencing topped with no-climb points and three strands of barbed wire along the Ladd Road frontage. Ladd Road frontage would include 9-foot-tall vehicular and pedestrian access gates. The rest of the site would be enclosed by an 8-foot-tall, 1-inch chain-link fence with security wire.

- **Landscaping** would be installed along the Ladd Road frontage to screen views of the tank from this roadway. Landscaping would be tiered such that the low ground shrubs would be planted in the foreground (closest to Ladd Road), with medium-sized shrubs and taller screening trees in the backdrop in front of the wrought-iron gate. Based on the draft landscaping plan developed for the Proposed Project (North Star Engineering Group 2013), trees that may be planted on the site include Chinese tallow, coast redwoods, and cherry laurel trees. Note that this selection of plants is preliminary; plants would be chosen based on their proven drought tolerance. The groundcover depicted in the bottom image of Figure 4-5 also includes cotoneaster and floral shrubs that would provide low-level screening. Vegetated undulating soil berms would be constructed on the eastern and western sides of the site, and screening trees would be planted along these berms. Slopes of the stormwater retention basin would be hydroseeded or planted with drought-tolerant plants.

Interim Effects

Shortly after project construction is complete, primary views of Proposed facilities at Site A would be available from Ladd Road and the southern end of St. John Road. The Proposed Project would replace an existing house, outbuilding, and approximately 15 trees, introducing quasi-industrial uses to a predominantly agricultural and residential area. More specifically, the proposed water storage tank, pump station building, retention basin, and berms would convert vacant portions of the site to quasi-industrial facilities. Fencing and

landscaping would be installed where the existing house currently resides. As proposed, landscaping trees would take time to grow and mature. Shortly after construction is complete, the water storage tank, pump station building, and fencing would be visible to adjacent residents and any recreationists passing by the site (see bottom image of Figure 4-4). Four existing trees (12- to 18-inch diameter) would remain on site and, as shown in Figure 4-4, would partially screen views of the tank from Ladd Road. The berms on the east and west sides of the property would also partially screen views of the tank from adjacent residences. As such, the proposed tank and building would constitute a substantial visual change in comparison to existing conditions and the surrounding agricultural and residential land uses. Given the site's moderate visual quality and general lack of any prominent scenic resources on site, and because the proposed berms and trees left on site would help screen views of the new facilities, the Proposed Project's interim effects on the site and surrounding area's visual character and visual quality would be less than significant.

Long-term Effects

Over time, the proposed shrubs and trees would grow and mature and the visual conditions at Site A would incrementally improve compared to the site's appearance immediately after construction. The photosimulation shown in Figure 4-5 presents visual conditions approximately 10-12 years after planting of the floral shrubs, cotoneaster, Chinese tallow, coast redwoods, and cherry laurel trees. The tree and plant species selected for the landscaping plan have relatively fast growth rates and require low maintenance. Coast redwood trees, for instance, have relatively fast growth rates with height increases of sometimes more than 24 inches per year (Arbor Day Foundation 2015). As such, within the first 5-6 years after project construction, the coast redwoods planted along the berms on the western and eastern sides of Site A would screen adjacent residential views of the lower portions of the tank and building. Within this same timeframe, other trees and shrubs planted along the site's frontage would also screen the lower portions of the new facilities. In the long term (approximately 10 years after construction), these trees and shrubs would screen the majority of the water storage tank and pump station building from Ladd Road. Given that the existing site is mostly vacant (with the exception of the existing house, garage, and outbuilding) and that the Proposed Project involves establishing many more trees and shrubs than are currently present, the Proposed Project would result in a beneficial effect on the visual character and quality of the site.

Site B

Figure 4-6 shows an existing view and a simulated view of the proposed 12-foot-tall concrete wall and 24-foot-wide gate surrounding the well and pump facilities at Site B from McHenry Avenue. The facility wall would be constructed of concrete blocks painted in an earth-tone tan color. The wall would be approximately 75 feet long and 65 feet wide. LED lighting, security cameras, and alarms would be installed outside of the building. A paved driveway connecting to McHenry Avenue would also be visible from McHenry Avenue. No trees would be removed and no landscaping is proposed at the site, aside from hydroseeding or planting of the retention basin slopes.

Interim Effects

Once construction at Site B is complete, the facility wall and gate would introduce a quasi-industrial facility on the currently vacant site and into a rural and residential setting. Any bicyclists or recreationists traveling on McHenry Avenue would have short-duration views of

the facility. The residence west of the site may have partial views of the new building, but the presence of mature trees south and west of the site would largely screen views of the new facility. Given the site's moderate visual quality and the lack of any prominent scenic resources on or near the site, the proposed building would not result in an adverse effect on the visual character of the site or surrounding area. The interim effect would be less than significant.

Long-term Effects

The long-term effects on the site and the surrounding area's visual character and visual quality would be similar to those described above under "Interim Effects." This impact would be less than significant.

Impact AES-3: Permanent Sources of Substantial Light or Glare (Less than Significant)

As described in Chapter 2, *Project Description*, the buildings at both sites would be constructed of concrete block material with an earth tone exterior and the tank at Site A would have a non-reflective paint on the outside. As such, the Proposed Project would not generate any substantial permanent sources of glare.

Site A

Currently, the house on Site A has an outdoor porch light near the front entrance. Once project construction is complete, outdoor security lighting would be installed throughout the site. Exterior lighting would be on poles using full cut-off LED fixtures and downward and internally directed, to the extent feasible, to reduce excess light or glare. Lights on poles would be equipped with motion sensors and would turn on only if motion is detected in the vicinity of the buildings and water storage tank Outdoor lighting near the tank would have different control settings (e.g., Hi and Low). The lowest light setting would be used most of the time to minimize light trespass on adjacent properties; during periods of nighttime maintenance and repair work, the City may activate the high setting to achieve illumination levels necessary to complete maintenance/repair work safely. When outdoor lighting is active, these lights may be partially visible to nearby residents and from Ladd Road and St. John Road. Over time, landscaping at Site A would help screen views of lighting at the site.

Site B

There is no existing lighting on Site B. Similar to Site A, outdoor security lighting would be installed throughout Site B. Exterior lighting would be on poles using full cut-off LED fixtures and downward and internally directed, to the extent feasible, to reduce excess light or glare. Lights on poles would be equipped with motion sensors and would turn on only if motion is detected in the vicinity of the buildings. When outdoor lighting is active, these lights may be partially and temporarily visible to nearby residents to the south. The mature trees south and west of the site would largely screen views from adjacent residents.

Conclusion

At both sites, trees and vegetation would help screen views of any outdoor lighting when activated. In addition, exterior lighting would be directed downward, would operate only

when motion is detected, and would not generate a substantial source of light. Therefore, visual impacts related to permanent sources of light or glare would be less than significant.

4.4.4 Cumulative Impacts

Impact AES-4: Cumulative Aesthetic Impacts (Less than Significant)

The Program EIR (City of Modesto 2010) concluded that there would be no cumulative impacts regarding aesthetics. Since publication of that document and based on a current review of Stanislaus County Planning Department's website, no other projects are planned in the immediate vicinity of Sites A or B that could create a significant cumulative impact related to aesthetics in combination with the Proposed Project. As such, consistent with the conclusions disclosed in the Program EIR, there would be no cumulative aesthetic impact to which the Proposed Project could contribute.

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Chapter 5
Air Quality

5.1 Overview

This chapter describes the existing setting for air quality emissions in the project area, which is located in the San Joaquin Valley Air Basin (SJVAB). This chapter also describes federal, state, and local laws, regulations, and policies relevant to protection of air quality as they relate to the Proposed Project. The potential impacts on air quality as a result of construction and operation of the Proposed Project are evaluated.

5.2 Regulatory Setting

The Proposed Project is subject to air quality regulations developed and implemented at the federal, state, and local levels. Plans, policies, and regulations that pertain to air quality are discussed in this section.

5.2.1 Federal Laws, Regulations, and Policies

Clean Air Act

At the federal level, the Clean Air Act (CAA) governs air quality in the United States and is implemented by the U.S. Environmental Protection Agency (USEPA). USEPA is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for atmospheric pollutants. It regulates emission sources that are under the exclusive authority of the federal government, such as aircraft, ships, non-road engines, and certain types of locomotives. USEPA also has jurisdiction over emissions sources outside state waters (outer continental shelf) and establishes various emissions standards for vehicles sold in states other than California; California has received a waiver to establish emission standards lower than the federal standards. As part of its enforcement responsibilities, USEPA requires each state with "nonattainment[1]" areas to prepare and submit a state implementation plan (SIP) that demonstrates the means to attain the NAAQS before the deadline mandated by USEPA. The SIP must integrate federal, state, and local plan components and regulations and identify specific measures to reduce pollution, using a combination of performance standards and market-based programs, within the timeframe identified in the SIP. A maintenance plan must be prepared for each former nonattainment area that subsequently demonstrates compliance with the standards.

The CAA also contains regulations dealing with operating permits for large industrial and commercial sources that release pollutants into the air. Operating permits contain

[1] Nonattainment areas are air basins, counties, or regional areas that have been designated as exceeding federal or state ambient air quality standards.

information on which pollutants are being released, the quantity that may be released, and what kinds of steps the source's owner or operator must take to reduce pollution.

Non-road Emission Regulations

USEPA has adopted emissions standards for different types of non-road engines, equipment, and vehicles. For non-road diesel engines, USEPA has adopted multiple tiers of emission standards.

USEPA signed a final rule on May 11, 2004, introducing the Tier 4 emission standards, to be phased in between 2008 and 2015 (69 CFR 38957–39273, June 29, 2004). The Tier 4 standards require that emissions of particulate matter (PM) and oxides of nitrogen (NO_X) be further reduced by about 90 percent. Such emission reductions can be achieved through the use of control technologies, including advanced exhaust gas after-treatment. To enable sulfur-sensitive control technologies in Tier 4 engines, USEPA also mandated reductions in sulfur content in non-road diesel fuels. In most cases, federal non-road regulations also apply in California, which has only limited authority to set emission standards for new non-road engines. The CAA preempts California's authority to control emissions from new farm and construction equipment less than 175 horsepower (CAA Section 209[e][1][A]) and requires California to receive authorization from USEPA for controls over other off-road sources (CAA Section 209[e][2][A]).

5.2.2 State Laws, Regulations, and Policies

California Clean Air Act

Responsibility for attaining and maintaining air quality standards in California is divided between the California Air Resources Board (CARB) and regional air quality districts. Areas of control for the regional districts are set by CARB, which divides the state into air basins. The California Clean Air Act (CCAA) requires nonattainment areas to achieve and maintain the health-based California Ambient Air Quality Standards (CAAQS) by the earliest practicable date. The act is administered by CARB at the state level and by local air quality management districts at the regional level; the air districts are required to develop plans and control programs for attaining the state standards. Unlike the federal CAA, the CCAA does not set precise attainment deadlines. Instead, the CCAA establishes increasingly stringent requirements for areas that will require more time to achieve the standards.

CARB is responsible for ensuring implementation of the CCAA, meeting state requirements of the federal CAA, and establishing the CAAQS. The state standards are generally more stringent than the federal standards and incorporate additional standards for sulfate (SO_4), hydrogen sulfide (H_2S), vinyl chloride, and visibility-reducing particles. CARB sets emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications.

Statewide Truck and Bus Regulations

On December 12, 2008, CARB approved a new regulation to substantially reduce emissions of diesel particulate matter (DPM), NO_X, and other pollutants from existing on-road diesel vehicles operating in California. The regulation requires affected trucks and buses to meet

performance standards and requirements between 2011 and 2023. Affected vehicles included on-road, heavy-duty, diesel-fueled vehicles with a gross vehicle weight rating greater than 14,000 pounds. The regulation was updated in 2011 and 2014 with revisions that provide more compliance flexibility and reflect the impact of the economic recession on vehicle activity and emissions. Heavy-duty trucks used in Proposed Project activities would be required to comply with this regulation.

In-use, Off-road Diesel Vehicle Regulation

In 2007, CARB adopted a regulation to reduce DPM and NO_X emissions from in-use, off-road, heavy-duty diesel vehicles in California. The regulation imposes limits on vehicle idling and requires fleets to reduce emissions by retiring, replacing, repowering, or installing exhaust retrofits to older engines. In December 2010, major amendments were made to the regulation, including modifications to the compliance dates for performance standards and establishing requirements for compliance with verified diesel emission control strategy technologies that reduce PM and/or NO_X emissions.

Heavy-duty Vehicle Inspection Program

The heavy-duty vehicle inspection program requires heavy-duty trucks and buses to be inspected for excessive smoke and tampering and for compliance with engine certification labels. Any heavy-duty vehicle (i.e., a vehicle with a gross vehicle weight rating greater than 6,000 pounds) traveling in California, including vehicles registered in other states and foreign countries, may be tested. Tests are performed by CARB inspection teams at border crossings, California Highway Patrol weigh stations, fleet facilities, and randomly selected roadside locations. Owners of trucks and buses found to be in violation are subject to penalties starting at $300 per violation. Heavy-duty trucks used for Proposed Project activities would be subject to the inspection program.

Heavy-duty On-board Diagnostic System Regulations

In 2004, CARB adopted regulations requiring on-board diagnostic (OBD) systems on all 2007 and later model year heavy-duty engines and vehicles (i.e., vehicles with a gross vehicle weight rating greater than 14,000 pounds) in California. CARB subsequently adopted a comprehensive OBD regulation for heavy-duty vehicles model years 2010 and beyond. The heavy-duty OBD regulations were updated in 2010, 2013, and 2016 with revisions to enforcement requirements, testing requirements, and implementation schedules. Heavy-duty trucks used for Proposed Project activities would be required to comply with the heavy-duty OBD regulatory requirements.

California Standards for Diesel Fuel Regulations

State regulations require diesel fuel with sulfur content of 15 parts per million (ppm) or less (by weight) to be used for all diesel-fueled vehicles that are operated in California. The standard also applies to non-vehicular diesel fuel, except for diesel fuel used solely in locomotives or marine vessels. The regulations also contain standards for the aromatic hydrocarbon content and lubricity of diesel fuels.

Airborne Toxic Control Measures

CARB regulates toxic air contaminants (TACs) by requiring implementation of various airborne toxic control measures (ATCMs), which are intended to reduce emissions associated with toxic substances.

ATCM to Limit Diesel-fueled Commercial Motor Vehicle Idling

On October 20, 2005, CARB approved an ATCM to limit idling of diesel-fueled commercial motor vehicles. This regulation, which followed previous idling ATCMs, consists of new engine and in-use truck requirements, as well as idling emission performance standards. The regulation requires 2008 and newer model year heavy-duty diesel engines to be equipped with a nonprogrammable engine shutdown system that automatically shuts down the engine after 5 minutes of idling or, optionally, meets a stringent NO_X idling emission standard (30 grams per hour). The regulation also is applicable to the operation of in-use trucks, requiring operators of sleeper berth–equipped trucks with both in-state and out-of-state registration to shut down their engines manually when idling more than 5 minutes at any location within California, beginning in 2008. Vehicles subject to this regulation are diesel-fueled commercial vehicles with a gross vehicle weight rating greater than 10,000 pounds. There are exceptions to this regulation; for example, ready-mix concrete trucks, which require the engine to be on in order to operate, are not required to comply with this regulation. Trucks used for vendor delivery of materials for Proposed Project activities would be required to comply with the commercial vehicle idling regulatory requirements.

Portable Engine ATCM

The California Portable Engine ATCM is designed to reduce the PM emissions from portable diesel-fueled engines rated at 50 brake horsepower or larger. This regulation requires that an owner's fleet of portable engines meet emission standards that reduce the amount of PM emissions over time.

Portable Equipment Registration Program

The statewide Portable Equipment Registration Program (PERP) establishes a system to uniformly regulate portable engines and portable engine–driven equipment units. After being registered in this program, engines and equipment units may operate throughout the state without the need to obtain permits from individual air districts. Owners or operators of portable engines and certain types of equipment can voluntarily register their units under this program. Operation of registered portable engines may still be subject to certain district requirements for reporting and notification. Engines with less than 50 brake horsepower are exempt from this program. Some of the engines used for the Proposed Project may operate under PERP.

TAC Regulations

In addition to ATCMs, TACs are controlled under several different regulations in California, including the Tanner Air Toxics Act, Air Toxics Hot Spots Information Act, and AB 2588: Air Toxics "Hot Spots" Information and Assessment Act. In addition, Proposition 65 (the Safe Water and Toxic Enforcement Act of 1996) requires the state to publish a list of chemicals known to cause cancer or birth defects or other reproductive harm. Proposition 65 requires

businesses to notify Californians about substantial amounts of chemicals in the products they purchase or that are released into the environment.

5.2.3 Local Laws, Regulations, and Policies

At the local level, responsibilities of air quality districts include overseeing stationary-source emissions, approving permits, maintaining emissions inventories, maintaining air quality monitoring stations, overseeing agricultural burning permits, and reviewing air quality–related sections of environmental documents under CEQA. The air quality districts are also responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws, as well as for ensuring that the NAAQS and CAAQS are met.

Local governments are essential partners in the effort to reduce air pollutant emissions. The local governments have influence through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations.

San Joaquin Valley Air Pollution Control District

SJVAPCD has local air quality jurisdiction over the Proposed Project and in other counties under its jurisdiction. SJVAPCD's recommended CEQA thresholds are outlined in its *Guidance for Assessing and Mitigating Air Quality Impacts* (SJVAPCD 2015a). SJVAPCD has adopted attainment plans to address ozone and PM.

1-Hour Ozone

Although USEPA revoked its 1979 1-hour ozone standard in June 2005, many planning requirements remain in place, and the SJVAB must still attain this standard before CAA Section 185 fees (which are required when attainment is not reached) can be rescinded. SJVAPCD's most recent 1-hour ozone plan, the 2013 Plan for the Revoked 1-hour Ozone Standard (SJVAPCD 2013), demonstrated attainment of the 1-hour ozone standard by 2017. In July 2016, USEPA made a final determination that the SJVAB has attained the 1-hour ozone NAAQS based on the most recent 3-year data period (2012–2014) of sufficient, quality-assured, and certified data (SJVAPCD 2016a). For the SJVAB to be officially designated as an attainment area, SJVAPCD must verify that attainment is due to permanent and enforceable emission reductions and prepare a maintenance plan.

8-Hour Ozone

SJVAPCD's far-reaching 2007 Ozone Plan demonstrates attainment of USEPA's 1997 8-hour ozone standard by 2023. USEPA approved the 2007 Ozone Plan effective April 30, 2012. The district has prepared a 2016 Ozone Plan to address USEPA's 2008 8-hour ozone standard, which the SJVAB must attain by 2032 (SJVAPCD 2016b). This extremely stringent standard is nearing the SJVAB's naturally occurring background concentrations of ozone. The 2016 plan identifies that, without mobile sources transitioning to near-zero emission levels through the implementation of transformative measures such as ultra-low tailpipe emissions standards (which SJVAPCD does not have the authority to implement), attainment of the federal standards is not possible (SJVAPCD 2016b).

PM_{10}

PM is a complex mixture of extremely small particles and liquid droplets, made up of multiple components, including acids, organic chemicals, metals, and soil or dust particles. Particles that are smaller than 10 micrometers in diameter (PM_{10}) are typically found near roadways and around dusty industrial sites. Based on PM_{10} measurements from 2003-2006, USEPA found that the SJVAB has reached attainment of federal PM_{10} standards. On September 21, 2007, the SJVAPCD Governing Board adopted the 2007 *PM_{10} Maintenance Plan and Request for Redesignation*, which demonstrates that the SJVAB will continue to meet the PM_{10} standard. USEPA approved the document and, on September 25, 2008, the SJVAB was redesignated to attainment/maintenance (SJVAPCD 2016c).

$PM_{2.5}$

Fine particles ($PM_{2.5}$) are less than 2.5 micrometers in diameter and are found in smoke and haze. Changes in the federal $PM_{2.5}$ air quality standard (in 1997, 2006, and 2012) and recent drought conditions in California have resulted in the development of multiple $PM_{2.5}$ air quality plans by SJVAPCD. The 2008 and 2015 $PM_{2.5}$ Plans have been prepared to achieve attainment of USEPA's first $PM_{2.5}$ standard, set in 1997. The attainment deadline for the 1997 standard has been delayed to 2020 (SJVAPCD 2015b).

USEPA lowered the $PM_{2.5}$ standard in 2006. Although SJVAPCD's 2012 $PM_{2.5}$ Plan showed attainment of this standard by 2019, USEPA reclassified SJVAPCD to serious nonattainment for the 2006 $PM_{2.5}$ standard in January 2015, and SJVAPCD must prepare a revised plan to address this nonattainment. In addition, SJVAPCD must prepare a separate plan to address another $PM_{2.5}$ standard issued by USEPA in 2012 and USEPA's determination that the SJVAB is a moderate nonattainment area for the 2012 federal $PM_{2.5}$ standard. SJVAPCD continues to work with USEPA on issues surrounding these plans, including USEPA implementation updates (SJVAPCD 2015b).

SJVAPCD Rules

The Proposed Project may be subject to the following district rules. These rules have been adopted by SJVAPCD to reduce emissions throughout the SJVAB:

- **Rule 2201 – New and Modified Stationary-Source Review Rule** applies to all new stationary sources and all modifications to existing stationary sources subject to SJVAPCD permit requirements that, after construction, emit or may emit one or more pollutants regulated by the rule.
- **Rule 3135 – Dust Control Plan Fees** requires the applicant to submit a fee in addition to a dust control plan. The purpose of this rule is to recover SJVAPCD's cost for reviewing these plans and conducting compliance inspections.
- **Rule 4101 – Visible Emissions** prohibits emissions of visible air contaminants into the atmosphere and applies to any source operation that emits or may emit air contaminants.
- **Rule 4102 – Nuisance** applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the

project creates a public nuisance, it could be in violation of this rule and subject to SJVAPCD enforcement action.

- **Rule 4641 – Cutback, Slow-Cure, and Emulsified Asphalt, Paving, and Maintenance Operations** applies to the manufacture and use of cutback asphalt, slow-cure asphalt, and emulsified asphalt for paving and maintenance operations.

- **Rule 4701 – Internal Combustion Engines—Phase 1** limits the emissions of NO_X, carbon monoxide (CO), and volatile organic compounds (VOCs) from internal combustion engines. These limits are not applicable to standby engines as long as they are used fewer than 200 hours per year (e.g., for testing during non-emergencies).

- **Rule 4702 – Internal Combustion Engines—Phase 2** limits the emissions of NO_X, CO, and VOCs from spark-ignited internal combustion engines.

- **Regulation VIII – Fugitive PM_{10} Prohibitions** is a series of rules (Rules 8011–8081) designed to reduce PM_{10} emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, and other activities.

- **Rule 9510 – Indirect Source Review** is intended to reduce a project's impact from indirect sources such as on-road and off-road vehicles on air quality through project design elements or mitigation by payments of applicable off-site mitigation fees. Compliance with Rule 9510 is designed to reduce construction exhaust NO_X and PM_{10} emissions by 20 percent and 45 percent, respectively. Compliance with Rule 9510 is designed to reduce operational emissions of NO_X and PM_{10} emissions by 33.3 percent and 50 percent, respectively. This rule is only applicable to certain development projects that exceed size requirements at buildout (e.g., 25,000 square feet of light industrial space).

- **Rule 9410 – Employer-Based Trip Reduction** requires large employers to establish an Employer Trip Reduction Implementation Plan, which is a set of measures that encourages employees to use alternative transportation and ridesharing for their commutes.

Fugitive Dust Measures (Regulation VIII)

The Proposed Project would also be required to implement the mandatory control measures listed in Table 2 of the SJVAPCD's Mitigation Measures guidance document (SJVAPCD 2016d) to reduce fugitive dust emissions. These measures are not considered mitigation measures under CEQA because they are required by law.

The Regulation VIII requirements (some of which are not applicable to the Proposed Project) are listed below:

- All disturbed areas, including storage piles, which are not being actively used for construction purposes, will be effectively stabilized for dust emissions using water or a chemical stabilizer/suppressant, or covered with a tarp or other suitable cover or vegetative ground cover.

- All on-site unpaved roads and off-site unpaved access roads will be effectively stabilized for dust emissions using water or a chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities will be effectively controlled of fugitive dust emissions by utilizing an application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building will be wetted during demolition.
- All materials transported off site will be covered or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container will be maintained.
- All operations will limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, piles will be effectively stabilized to prevent fugitive dust emissions utilizing sufficient water or a chemical stabilizer/suppressant.
- Within urban areas, trackout will be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day will prevent carryout and trackout.

Stanislaus County General Plan 2015

The *Stanislaus County General Plan 2015* Conservation/Open Space Element (2016) identifies air quality–related goals and policies. These would contribute to reduced criteria pollutant emissions and improved regional air quality by requiring all development projects to include reasonable air quality mitigation measures, reducing motor vehicle emissions, and increasing public awareness of air quality problems and solutions.

Del Rio Community Plan

The *Del Rio Community Plan* includes goals and policies related to preventing adverse impacts on air quality through development-related policies for the protection of air resources (Stanislaus County 1992). Specifically, Goal 3 of the Community Plan would be relevant to the Proposed Project:

Goal Three: Further development in the Del Rio area should be planned to ensure that adverse impacts on services and utilities, schools, transportation and circulation, agriculture, water, and air quality are appropriately mitigated.

5.3 Environmental Setting

5.3.1 Regional Setting

San Joaquin Valley Air Basin

The SJVAB is the southern half of California's Central Valley and is approximately 250 miles long and averages 35 miles wide. The SJVAB is bounded by the Sierra Nevada to the east, the Coast Ranges to the west, and the Tehachapi Mountains to the south. The SJVAB contains all of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, and Tulare Counties, as well as a portion of Kern County.

The area has an inland Mediterranean climate that is characterized by warm, dry summers and cool winters. Summer high temperatures often exceed 100 degrees Fahrenheit (°F), averaging in the low 90s in the northern valley and the high 90s in the southern portion.

Although marine air generally flows into the basin from the Bay-Delta region, the surrounding mountain ranges restrict air movement through and out of the valley. Wind speed and direction influence the dispersion and transportation of pollutants; the greater the wind flow, the lower the accumulation. The vertical dispersion of air pollutants in the SJVAB is limited by the presence of persistent temperature inversion, leading to higher concentrations of emitted pollutants (SJVAPCD 2015a).

Precipitation and fog tend to reduce pollutant concentrations. Ozone (O_3) is formed when chemical compounds such as VOCs and NO_X (collectively known as ozone precursors) react with sunlight. Clouds and fog block the solar radiation for the ozone-forming reaction. Annual precipitation in the San Joaquin Valley decreases from north to south, averaging approximately 20 inches in the north, 10 inches in the central portion, and less than 6 inches in the south (SJVAPCD 2002). In the Del Rio/Modesto area of the SJVAB, the average annual precipitation is approximately 12 inches (Western Regional Climate Center 2016).

5.3.2 Project Vicinity

The project sites are located within the jurisdiction of SJVAPCD. Land uses immediately adjacent to Site A include residential sites and agricultural lands to the east, Union Pacific railroad tracks, a Modesto Irrigation District canal, and Ladd Road. At Site B, adjacent land uses include single-family residences, a fruit stand, and agricultural parcels.

5.3.3 Air Pollutants

Carbon Monoxide

CO is an odorless, colorless gas that is highly toxic. CO is formed by the incomplete combustion of fuels and is emitted directly into the air. Ambient CO concentrations normally are considered a localized effect and typically correspond closely to the spatial and temporal distributions of vehicular traffic, forming pollutant "hot spots." CO concentrations are also influenced by wind speed and atmospheric mixing. Under inversion conditions, CO concentrations may be distributed more uniformly over an area to some distance from vehicular sources. CO binds with hemoglobin, the oxygen-carrying protein in blood, and

reduces the blood's capacity for carrying oxygen to the heart, brain, and other parts of the body. At high concentrations, CO can cause heart difficulties in people with chronic diseases, impair mental abilities, and cause death.

Nitrogen Oxides

NO_X is a family of gaseous nitrogen compounds and are precursors to the formation of ozone and PM. The major component of NO_X, nitrogen dioxide (NO_2), is a reddish-brown gas that is toxic at high concentrations. NO_X results primarily from the combustion of fossil fuels under high temperature and pressure. Fuel combustion, primarily from on-road and off-road motor vehicles and industrial sources, is the major source of this air pollutant.

Volatile Organic Compounds

VOCs are hydrocarbon compounds that exist in the ambient air. VOCs contribute to the formation of smog and/or may themselves be toxic. VOC emissions are a major precursor to the formation of ozone.

Ozone

Ozone is a reactive gas consisting of three oxygen atoms. In the troposphere (the lowest region of the atmosphere), it is produced by a photochemical process involving the sun's energy. It is a secondary pollutant that is formed when NO_X and VOC (known as ozone precursors) react in the presence of sunlight. Ozone at the earth's surface causes numerous adverse health effects and is a pollutant regulated by state and federal air quality agencies. It is a major component of smog. In the stratosphere, however, ozone exists naturally and shields the Earth from harmful incoming ultraviolet radiation. High concentrations of ground-level ozone can adversely affect the human respiratory system and aggravate cardiovascular disease and many respiratory ailments. Ozone also damages natural ecosystems such as forests and foothill communities, agricultural crops, and human-made materials such as rubber and plastics.

Particulate Matter

PM is a complex mixture of extremely small particles and liquid droplets. PM is made up of multiple components, including acids, organic chemicals, metals, and soil or dust particles. The size of particles in PM is directly linked to the particles' potential for causing health problems. PM_{10} is of concern because these particles pass through the throat and nose and are deposited in the thoracic region of the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. $PM_{2.5}$ penetrates even more deeply into the thoracic and alveolar regions of the lungs.

Sulfur Dioxide

Sulfur dioxide (SO_2) is a colorless, irritating gas with a "rotten egg" smell formed primarily by the combustion of sulfur-containing fossil fuels. Suspended SO_2 particles contribute to the poor visibility that occurs in the SJVAB and are a component of PM_{10}.

Lead

Lead (Pb) is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been mobile and industrial sources. The health effects of lead poisoning include loss of appetite, weakness, apathy, and miscarriage. Lead poisoning can also cause lesions of the neuromuscular system, circulatory system, brain, and gastrointestinal tract.

In the past, gasoline-powered automobile engines were a major source of airborne lead through the use of leaded fuels. Since the use of leaded fuel has been mostly phased out, ambient concentrations of lead have decreased dramatically.

Hydrogen Sulfide

Hydrogen sulfide (H_2S) is associated with geothermal activity, oil and gas production and refining, sewage treatment plants, and confined animal feeding operations. H_2S is extremely hazardous in high concentrations and can cause death.

Sulfates

Sulfates are the fully oxidized, ionic form of sulfur. Sulfates occur in combination with metal and/or hydrogen ions. In California, emissions of sulfur compounds result primarily from the combustion of petroleum-derived fuels (e.g., gasoline and diesel fuel) that contain sulfur. This sulfur is oxidized to SO_2 during the combustion process and subsequently converted to sulfate compounds in the atmosphere. The conversion of SO_2 to sulfates is comparatively rapid and complete in urban areas of California due to regional meteorological features.

CARB's sulfate standard is designed to prevent aggravation of respiratory symptoms. Effects of sulfate exposure at levels that exceed the standard include decreased ventilatory function, aggravation of asthmatic symptoms, and increased risk of cardiopulmonary disease. Sulfates are particularly effective in degrading visibility and, because they are usually acidic, can harm ecosystems and damage materials and property.

Vinyl Chloride

Vinyl chloride is a colorless gas that does not occur naturally; it is formed when substances such as trichloroethane, trichloroethylene, and tetrachloroethylene are broken down. Vinyl chloride is used to make polyvinyl chloride (PVC), which is used in plastic products such as pipes, wire and cable coatings, and packaging materials.

Toxic Air Contaminants

TACs are air pollutants that may lead to serious illness or increased mortality, even when present in relatively low concentrations. Hundreds of different types of TACs exist, with varying degrees of toxicity. Many TACs are confirmed or suspected carcinogens or are known or suspected to cause birth defects or neurological damage. For some chemicals, such as carcinogens, no thresholds exist below which exposure can be considered risk free. Examples of TAC sources associated with the Proposed Project are fossil fuel combustion sources.

Sources of TACs include stationary sources, area-wide sources, and mobile sources. USEPA maintains a list of 187 TACs, also known as hazardous air pollutants. These hazardous air

pollutants are included on CARB's list of TACs along with additional chemicals identified as TACs in California (CARB 2016a). According to the *California Almanac of Emissions and Air Quality* (CARB 2013), many researchers consider diesel PM (DPM) to be a primary contributor to health risk from TACs because particles in the exhaust carry many harmful organics and metals, rather than being a single substance, as are other TACs. Unlike many TACs, outdoor DPM is not monitored by CARB because no routine measurement method exists. Using the CARB emission inventory's PM_{10} database, ambient PM_{10} monitoring data, and results from several studies, CARB has made preliminary estimates of DPM concentrations throughout the state (CARB 2016b).

5.3.4 Existing Air Quality Conditions

Air Monitoring Data

USEPA, CARB, and local air districts operate an extensive air monitoring network to measure progress toward attainment of the NAAQS and CAAQS. The closest air monitoring station to the project area is the Modesto 14th Street station. Data are also provided from the next closest station, the Turlock S. Minaret Street station, for pollutants that were not measured at the Modesto 14th Street station. **Table 5-1** shows the most recent 3 years (2013-2015) of available data.

Table 5-1. Air Monitoring Data for 2013-2015

Monitoring Station	Pollutant	Standard	2013		2014		2015	
			No. Exceed*	Maximum Concentration	No. Exceed*	Maximum Concentration	No. Exceed*	Maximum Concentration
Modesto 14th	Ozone	1-hr	0/0	0.088 ppm	0/1	0.103 ppm	0/5	0.111 ppm
Modesto 14th	Ozone	8-hr	2/13	0.082 ppm	12/24	0.090 ppm	16/24	0.093 ppm
Turlock S. Minaret Street	NO_2	1-hr	0/0	54 ppb	0/0	55 ppb	0/0	42 ppb
Turlock S. Minaret Street	NO_2	Annual		11		NA		9
Modesto 14th	PM_{10}	24-hr	0/57.71	98.8 µg/m³	0/37.6	127.7 µg/m³	0/31.1	90.3 µg/m³
Modesto 14th	PM_{10}	Annual		30.9 µg/m³		29.6 µg/m³		27.7 µg/m³
Modesto 14th	$PM_{2.5}$	24-hr	37.6/-	83.2 µg/m³	17/-	58.2 µg/m³	NA/-	46.4 µg/m³
Modesto 14th	$PM_{2.5}$	Annual		14.3 µg/m³		11.3 µg/m³		NA

Notes: hr = hour; NA = not available (insufficient or no data available); ppb = parts per billion; ppm = parts per million; µg/m³ = micrograms per cubic meter

*The first value represents the number of days on which the federal standard was exceeded. The second number represents the number of days on which the state standard was exceeded. No data were available in Stanislaus County during 2013-2015 for carbon monoxide, sulfur dioxide, and hydrogen sulfide.

Source: CARB 2016c

TACs in the Project Vicinity

In the project vicinity, the primary source of TACs is combustion of fossil fuels, in particular gasoline and diesel fuel, from both on-road and off-road vehicles.

Attainment Status

CARB and USEPA have established the CAAQS and NAAQS, respectively, in an effort to protect human health and welfare. Geographic areas are deemed to be in attainment if these standards are met or in nonattainment if they are not met. "Unclassified" areas are areas that cannot be classified on the basis of available information as meeting or not meeting the primary or secondary NAAQS for the pollutant. Nonattainment status is classified by the severity of the nonattainment problem. For ozone, these classifications are marginal, moderate, serious, severe, and extreme nonattainment. Nonattainment classifications for PM range from marginal to serious. **Table 5-2** shows the current attainment status for the NAAQS and CAAQS. The area is designated as nonattainment for federal and state ozone and $PM_{2.5}$ standards and as nonattainment for the state PM_{10} standard.

Table 5-2. Attainment Status of the State and Federal Ambient Air Quality Standards

Contaminant	Averaging Time	Concentration	State Standards Attainment Status1	Federal Standards Attainment Status2
Ozone (O_3)	1-hour	0.09 ppm	N	See footnote 3
	8-hour	0.070 ppm	N	N, see footnote 3
Carbon Monoxide (CO)	1-hour	20 ppm	A	
		35 ppm		U/A
	8-hour	9.0 ppm	A	U/A
Nitrogen Dioxide (NO_2)	1-hour	0.18 ppm	A	
		0.100 ppm[4]		U/A
	Annual arithmetic mean	0.030 ppm	A	
		0.053 ppm		U/A
Sulfur Dioxide (SO_2)	1-hour	0.25 ppm	A	
		0.075 ppm		U/A
	24-hour	0.04 ppm	A	
		0.14 ppm		U/A
	Annual arithmetic mean	0.030 ppm		U/A
Particulate Matter (PM_{10})	24-hour	50 $\mu g/m^3$	N	
		150 $\mu g/m^3$		A
	Annual arithmetic mean	20 $\mu g/m^3$	N	
	24-hour	35 $\mu g/m^3$		N

Contaminant	Averaging Time	Concentration	State Standards Attainment Status1	Federal Standards Attainment Status2
Fine Particulate Matter ($PM_{2.5}$)	Annual arithmetic mean	12 $\mu g/m^3$	N	N
Sulfates	24-hour	25 $\mu g/m^3$	A	
Lead[5]	30-day average	1.5 $\mu g/m^3$	A	
	Calendar quarter	1.5 $\mu g/m^3$		U/A
	Rolling 3-month average	0.15 $\mu g/m^3$		U/A
Hydrogen Sulfide (H_2S)	1-hour	0.03 ppm	U	
Vinyl Chloride[5] (chloroethene)	24-hour	0.010 ppm	A	
Visibility-reducing Particles	8 hour (10:00 to 18:00 PST)	See footnote 6	U	

A – attainment
N – nonattainment
ppm – parts per million
PST – Pacific Standard Time
U – unclassified
$\mu g/m^3$ – micrograms per cubic meter

Notes:

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter – PM_{10}, and visibility-reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour, or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe carbon monoxide standard is 6.0 ppm, one-half the national standard and two-thirds the state standard.
2. National standards shown are the primary standards designed to protect public health. National air quality standards are set by USEPA at levels determined to be protective of public health with an adequate margin of safety. National standards other than for ozone, particulates, and those based on annual averages are not to be exceeded more than once per year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the three-year average of the 4th highest daily concentrations is 0.075 ppm (75 parts per billion) or less. The 24-hour PM_{10} standard is attained when the three-year average of the 99th percentile of monitored concentrations is less than 150 $\mu g/m^3$. The 24-hour $PM_{2.5}$ standard is attained when the three-year average of 98th percentiles is less than 35 $\mu g/m^3$. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the three-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the three-year average of annual averages spatially averaged across officially designed clusters of sites falls below the standard.
3. The national 1-hour ozone standard was revoked by USEPA on June 15, 2005. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. However, the attainment status has not yet been updated based on this revised 8-hour standard. It is likely that the region will remain in nonattainment.
4. To attain this standard, the three-year average of the 98th percentile of the daily maximum 1-hour average at each monitoring station within an area must not exceed 0.100 ppm (effective January 22, 2010).
5. CARB has identified lead and vinyl chloride as toxic air contaminants with no threshold level of exposure below which there are no adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
6. Statewide Visibility-Reducing Particle Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

Sources: CARB 2016d, USEPA 2016, SJVAPCD 2012

5.3.5 Sensitive Receptors

Sensitive receptors are those segments of the population most susceptible to poor air quality: children, the elderly, and individuals with serious pre-existing health problems affected by air quality (e.g., asthma) (CARB 2005). Examples of locations that contain sensitive receptors are residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities. Residences include houses, apartments, and senior living complexes. Medical facilities can include hospitals, convalescent homes, and health clinics. Playgrounds include play areas associated with parks or community centers.

Sites A and B are generally surrounded by agricultural lands and residences. Apart from residences, other sensitive receptors are located more than a mile from the project sites. The nearest schools to the project sites are Stanislaus Elementary School, 1.9 miles southwest of Site A and 2.75 miles southwest of Site B; and Rio Altura Elementary School, 3.0 miles east of Site A and 2.3 miles southeast of Site B. The nearest medical facilities to Sites A and B include Valley Wound Healing Center Inc. (approximately 1.9 miles south of Site A) and the Riverbank Community Health Center (approximately 2.6 miles southeast of Site B). The daycare and assisted living facilities nearest to the sites are Cia's Day Care (approximately 1.1 miles [Site A] and 2.1 miles [Site B]) and Graceful Living at Riverbank (approximately 2.7 miles [Site A] and 2.6 miles [Site B]). There are no parks in the Del Rio area; Safreno Park, approximately 2.3 and 2.6 miles southeast of Sites A and B, respectively, is the nearest park to the project sites.

5.4 Impact Analysis

5.4.1 Methodology

This section evaluates whether construction and operation of the Proposed Project and its actions would result in significant impacts related to air quality and odors, and if the Proposed Project would comply with applicable air quality plans.

As recommended by SJVAPCD, the California Emission Estimator Model (CalEEMod), version 2013.2.2, was used to quantify criteria pollutant emissions from the Proposed Project's construction and operation activities. CalEEMod incorporates numerous default assumptions and CARB emission factors for on-road and off-road vehicles (EMFAC 2013 and In-Use Off-Road Equipment Inventory Model 2011, respectively). Below is a brief summary of the CalEEMod site-specific inputs used to estimate emissions from the Proposed Project. Further CalEEMod inputs and outputs are available in **Appendix C.** Worker trips were assumed to be the default of 16.8 miles one-way, and material hauling trips were assumed to be 20 miles one way. An exception to the material hauling trip distances was for the pipeline construction activities, which were assumed to only require material hauling of 2 miles one way from staging sites. Material exported was assumed to be 88 cubic yards for the site preparation phase and 264 cubic yards for the grading phase.

The Proposed Project is assumed to take approximately 15 months to construct, beginning in 2017 and completed in 2018. The anticipated duration of each project construction phase and the anticipated number of potential worker and construction-related trips are provided in **Table 2-1** in Chapter 2, *Project Description*. It was assumed that pipeline construction

activities (for both trenching and jack/bore) could overlap with building construction activities. All other phases were assumed to be sequential rather than overlapping.

The equipment anticipated to be used during each construction phase is detailed in Appendix C and summarized in Chapter 2. The equipment was mapped to an appropriate CalEEMod equipment type and default horsepower and load factors were utilized.

Regarding operational emissions, vehicle trips to the site would be limited to those needed for maintenance and inspection of the project facilities. It was assumed that one (round-trip) worker trip would be required per weekday. The pumps would be electricity-driven, and electricity was assumed to be supplied by Modesto Irrigation District. No criteria pollutants are associated with electricity use. Emissions from the two emergency generators were estimated using CalEEMod based on an assumed use of 1 hour per day for 20 days per year.

Odor-related impacts were evaluated qualitatively by considering potential project-related odor sources, potential duration of any odor emissions, and the proximity of odor sources to sensitive receptors.

To determine whether the Proposed Project is consistent with existing air quality plans, the analysis examines whether the Proposed Project is consistent with relevant general or specific plans upon which the air quality plans are based and any specific measures contained in the air quality plans that may relate to the Proposed Project.

5.4.2 Criteria for Determining Significance

Based on Appendix G of the CEQA Guidelines, the Proposed Project would have a significant impact with regard to air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard established by USEPA or CARB, or contribute substantially to an existing or projected air quality violation;
- Expose sensitive receptors to substantial air pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

SJVAPCD Thresholds of Significance

SJVAPCD has developed thresholds of significance for criteria pollutants based on the mass emissions generated during construction, operation of stationary sources, and operation of non-stationary sources. Those projects with mass emissions less than the thresholds of significance would not create additional violations of pollutants and are considered to be consistent with the applicable air quality plans. **Table 5-3** shows the mass emission thresholds applicable to activities in the SJVAB.

Table 5-3. SJVAPCD CEQA Significance Thresholds

Pollutant	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-permitted Equipment and Activities
	Emissions (tons per year)		
CO	100	100	100
NOX	10	10	10
VOC	10	10	10
SOX	27	27	27
PM10	15	15	15
PM2.5	15	15	15

Source: SJVAPCD 2016e.

According to SJVAPCD's guidance, impacts of operational and construction emissions are considered to be less than significant if fugitive dust (PM_{10} and $PM_{2.5}$) emissions are below the significance levels listed above. In addition, SJVAPCD Regulation VIII requires all projects that involve earthmoving or travel on unpaved roads to implement fugitive dust control measures. Implementation of these control measures would be sufficient to reduce PM_{10} and $PM_{2.5}$ impacts to a level considered less than significant.

The following quantitative TAC thresholds of significance are identified in the *Guidance for Assessing and Mitigating Air Quality Impacts* (SJVAPCD 2015a), with implementation of the latest revisions to SJVAPCD's risk management policy (SJVAPCD 2016f) also serving as revisions to the CEQA thresholds:

- Probability of contracting cancer for the Maximally Exposed Individual (MEI) exceeds 20 in 1 million, or
- Ground-level concentrations of non-carcinogenic TACs result in a Hazard Index greater than 1 for the MEI.

Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically operating within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations. Chronic and cancer-related health effects estimated over short periods are uncertain. Cancer potency factors are based on animal lifetime studies or studies of workers with long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from exposure that would last only a small fraction of a lifetime. Some studies indicate that the dose rate may change the potency of a given dose of a carcinogenic chemical. In others words, a dose delivered over a short period may have a different potency than the same dose delivered over a lifetime (Office of Environmental Health Hazard Assessment [OEHHA] 2015). Given that the construction period for the Proposed Project, which is approximately 15 months, would not involve the use of substantial quantities of construction equipment, a qualitative analysis was determined to be the appropriate level of detail required to determine the impact of potential TAC emissions. For operational TAC emissions, the facility is required to be below the health

effects quantitative thresholds in order to obtain the required operating permits consistent with SJVAPCD regulations regarding permitted sources. For construction and operation, health risks from TACs were evaluated by identifying the Proposed Project's potential to generate TAC emissions and determining whether sensitive receptors could be affected by those emissions.

Small Project Analysis Level

SJVAPCD has established screening levels based on project types (land use) and sizes (e.g., square footage, housing units). Projects below these sizes are considered to have emissions below the numeric thresholds of significance for criteria pollutants. The Proposed Project is categorized as General Light Industrial Land Use. Projects that are at or below these criteria would result in less-than-significant impacts:

- Industrial land uses: result in vehicle trips of 1,506 trips/day;
- General light industrial land uses: construct 510,000 square feet.

As stated in Chapter 2, Project Description, the Proposed Project would construct less than 510,000 square feet (or approximately 11.7 acres) of general light industrial land uses, and, therefore, falls within SJVAPCD's screening criteria for a small project. Although not required by SJVAPCD due to the project's small size, estimated construction- and operation-related emissions are provided in this chapter because they were readily available from modeling performed for Chapter 8, *Global Climate Change.*

5.4.3 Environmental Impacts

Impact AIR-1: Construction Emissions of Criteria Pollutants and Precursors (Less than Significant)

The Proposed Project's construction activities would emit criteria pollutants from the combustion of fossil fuels by heavy equipment, worker vehicles, vendor vehicles, and haul trucks. In addition, ground-disturbing activities could potentially emit particulate matter. Construction emissions associated with the Proposed Project were estimated using CalEEMod with the assumptions specified above and in Appendix C. These emissions are compared to the CEQA significance thresholds shown in **Table 5-4.**

Table 5-4. Estimated Project Construction Emissions

	Emissions (tons per year)							
Year	CO	NO_X	VOC	SO_X	Exhaust PM_{10}	Fugitive PM_{10}	Exhaust $PM_{2.5}$	Fugitive $PM_{2.5}$
2017	3.77	5.42	0.59	0.0057	0.32	0.17	0.30	0.083
2018	0.36	0.47	0.068	0.0006	0.03	0.0063	0.028	0.0017
Total	4.13	5.89	0.66	0.0063	0.35	0.18	0.33	0.085
SJVAPCD Significance Threshold	100	10	10	27	15		15	
Exceed Threshold?	No	No	No	No	No		No	

Based on comparison to the significance thresholds, all pollutants are well below the construction emission thresholds. As explained above, those projects with mass emissions less than the thresholds of significance would not create additional violations of pollutants. In addition, the Proposed Project would be required to implement all dust control measures needed to meet SJVAPCD requirements, so fugitive dust emissions of PM_{10} and $PM_{2.5}$ are considered less than significant. Compliance with SJVAPCD's required dust control measures would not be considered a mitigation measure under CEQA because implementation of these measures is required under Regulation VIII. Implementation of these measures, as well as the enhanced control measures, is already required under the Program EIR. Therefore, this impact would be **less than significant**.

Impact AIR-2: Local Community Risks and Hazards During Construction (Less than Significant)

The closest sensitive receptors to the Proposed Project's construction activities consist of several single-family residences located adjacent to the roadways along the pipeline alignments or adjacent to the project sites. The pollutants of concern that would affect sensitive receptors are PM_{10} and $PM_{2.5}$ contained in fugitive dust and DPM from construction equipment. The control of particulates and fugitive dust is discussed above in Impact AIR-1, and SJVAPCD Regulation VIII would be implemented during construction activities to minimize exposure to fugitive dust. The construction period for the Proposed Project, which is approximately 15 months, would not involve the use of substantial quantities of construction equipment and thus would not emit substantial quantities of DPM. Given the uncertainty of estimating chronic health effects over a short period described in the methodology section, health effects from construction were not quantified. Implementation of best management practices would reduce the amount of construction emissions to the extent feasible through a combination of use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. These construction practices would ensure that health effects from construction of the Proposed Project are minimized for nearby sensitive receptors. Thus, the Proposed Project would not pose long-term or substantial health risks to nearby residents and workers in the vicinity of

the project sites. The impact on sensitive receptors from fugitive dust and other pollutants would be **less than significant**.

Impact AIR-3: Operational Emissions of Criteria Pollutants and Precursors (Less than Significant)

The Proposed Project would emit criteria pollutants during its operation from inspection- and maintenance-related worker vehicle trips, assumed to be limited to one round-trip per weekday, and the periodic operation of each site's standby emergency generator during maintenance and testing. SJVAPCD's small project analysis level guidance states that general industrial activities generating fewer than 1,506 trips per day are assumed to have a less-than-significant impact on air quality, and criteria pollutant emissions associated with these activities would not need to be quantified. The Proposed Project's activities would result in a fraction of this truck trip significance threshold, and these limited maintenance trips would not be expected to conflict with or obstruct implementation of the local air district's air quality plans or increase criteria pollutant emissions above the significant thresholds. In addition, although not necessary to be quantified, the Proposed Project's emissions were estimated using CalEEMod (**Table 5-5**) and would be substantially less than SJVAPCD's operational significance thresholds. Therefore, this impact would be **less than significant**.

Table 5-5. Estimated Project Operational Emissions

	Emissions (tons per year)							
Year	CO	NO_X	VOC	SO_X	Exhaust PM_{10}	Fugitive PM_{10}	Exhaust $PM_{2.5}$	Fugitive $PM_{2.5}$
Annual Emissions	0.025	0.048	0.014	0.00011	0.0014	0.00065	0.0014	0.00017
SJVAPCD Significance Threshold	100	10	10	27	15		15	
Exceed Threshold?	No	No	No	No	No		No	

Impact AIR-4: Local Community Risks and Hazards During Operation (Less than Significant)

DPM from worker vehicle or truck exhaust and each site's standby emergency generator represents the primary health risk from operation of the Proposed Project. Truck exhaust would only be emitted during maintenance and pipeline inspection activities, which are anticipated to be minimal. Given the small number of operation-related trips and because CARB regulations limit diesel truck idling to 5 minutes or less, the Proposed Project would not expose any nearby residents or other sensitive receptors to substantial health risks from truck exhaust during Proposed Project operation. The standby emergency generators would operate only under emergency situations and for periodic testing (up to an assumed 1 hour, 20 days per year). The emergency generators would be a permitted source under SJVAPCD regulations, which require implementation of Best Available Control Technology (BACT) standards and require that health risks are minimized such that sensitive receptors are not

exposed to substantial health risks. The permit approval process for the standby emergency generators ensures that risk to nearby sensitive receptors is less than the threshold of significance of 20 in a million. Given the minimal number of truck trips and permit requirements for the emergency generators with respect to health risks, the impacts to the health of sensitive receptors would be **less than significant**.

Impact AIR-5: Odor Emission Generation (Less than Significant)

Construction activities for the Proposed Project would not result in the generation of permanent or long-term objectionable odors. Odors associated with the intermittent operation of diesel-powered equipment might be detected by nearby sensitive receptors, but these odors would be of short duration and would not affect a substantial number of people. Soil excavated or brought up from well construction activities may contain organic material that is decaying, which may create an objectionable odor. The intensity of the odor perceived by a receptor depends on the distance of the receptor from the construction activity and the amount and quality of the exposed soil material. The locations of the construction activities would be limited and in a rural area not located near a large number of receptors. Exposed soil would be either quickly reused on-site or hauled and disposed of properly off-site. Thus, any odor that could be produced would be short-term and temporary. Therefore, this impact would be **less than significant**.

Impact AIR-6: Consistency with Applicable Air Quality Plans (Less than Significant)

The Proposed Project is located in the SJVAB, which is currently designated as a nonattainment area for federal and state ozone and $PM_{2.5}$ standards and state PM_{10} standards. SJVAPCD has developed Air Quality Attainment Plans (AQAPs) and prepares associated triennial updates. AQAPs present comprehensive strategies to reduce VOCs, NO_X, PM_{10}, and $PM_{2.5}$ emissions from stationary, area, mobile, and indirect sources. VOC and NO_X are the principal precursor pollutants that cause the formation of ozone, the nonattainment pollutant commonly known as smog. Strategies in the AQAPs include the adoption of rules and regulations; enhancement of CEQA participation; implementation of a new and modified indirect source review program; adoption of local air quality plans; and stationary, mobile, and indirect-source control measures. The Proposed Project is consistent with all strategies outlined in the AQAPs and would not impede implementation of the plans. The Proposed Project would not modify land uses from those anticipated in the *Stanislaus County General Plan* or the SJVAPCD AQAPs for long-range air quality planning and would not directly facilitate further growth. The Proposed Project would result in construction of pipelines, water tanks, groundwater wells, and a pump station building to the extent necessary to meet current growth projections incorporated into the plans. Specific air quality impacts related to criteria pollutants are discussed in impacts AIR-1 and AIR-3. The Proposed Project would comply with SJVAPCD regulations. Therefore, the Proposed Project would not conflict with or obstruct the SJVAPCD AQAPs and the impact would be **less than significant**.

5.5.1 Cumulative Impacts

Impact AIR-7: Cumulative Impact on Air Quality (Significant and Unavoidable)

The SJVAB is currently designated as a nonattainment area for federal and state ozone and $PM_{2.5}$ standards, and state PM_{10} standards. Past, present, and probable future projects would have a significant cumulative impact on air quality in the project area. No single project would be sufficient in size, by itself, to result in nonattainment of the regional air quality standards. Construction of the Proposed Project would result in emissions of ozone precursors (ROG and NO_X), $PM_{2.5}$, and PM_{10} below the significance thresholds for project-level impacts established by SJVAPCD. The Program EIR acknowledged that cumulative impacts of construction-related emissions of PM_{10} and ozone precursors would be significant and unavoidable, and the Proposed Project would contribute to this impact, albeit minimally. Although, given the low emissions, short duration, and intermittent operation during construction, SJVAPCD thresholds indicate that the level of air pollutants emitted by the Proposed Project would not cause any new violations, the Proposed Project could contribute to an existing violation when combined with other projects in the area. Therefore, the Proposed Project's contribution to construction-related emissions would be cumulatively considerable and this impact would be **significant and unavoidable.**

Operation of the Proposed Project's standby emergency generators and maintenance-related vehicle trips would result in a net increase in emissions of ROG, NOX, and PM10. Given that these emissions are estimated to be substantially lower than SJVAPCD's thresholds of significance, and would be consistent with existing growth plans and new source review permits, the emissions are unlikely to contribute to any new violations or contribute substantially to any air quality violation. The standby emergency generators would be used for a limited amount of time (up to 1 hour a day for 20 days per year), and health impacts associated with TACs would be below the thresholds of significance as required during permitting. Because impacts from TACs are localized, the thresholds of significance for TACs have been established at such a conservative level, and the risks would be below this level, they are not considered to be cumulatively significant. Sources permitted consistent with requirements of SJVAPCD's New Source Review (e.g., emergency generators) are considered to not be individually significant and are not cumulatively significant. While the non-permitted operational emissions are minimal from occasional maintenance vehicle trips, the vehicle trips may combine with other increased trips in the area and other Program activities to result in an increase in pollutants and was concluded as such in the Program EIR. Given the low emissions and intermittent operation of the generators and maintenance trips, SJVAPCD thresholds indicate that the level of air pollutants emitted by the Proposed Project would not cause any new violations. The Proposed Project could, however, contribute to an existing violation when combined with other projects in the area. Therefore, the incremental contribution of the Proposed Project would be cumulatively considerable, and this impact would be **significant and unavoidable.**

Chapter 6
Biological Resources

6.1 Overview

This chapter discusses the potential for the Proposed Project to affect biological resources and natural communities, and the special-status plant and wildlife species that may utilize these habitats. Specifically, this section: (1) discusses federal, state, and local regulations relevant to vegetation and wildlife resources that may be affected by the Proposed Project; (2) describes the existing environmental setting in the Proposed Project area; (3) identifies plant and wildlife species potentially affected by the Proposed Project; and (4) proposes avoidance, minimization, and compensation measures to reduce potentially significant impacts to satisfy the requirements of CEQA.

6.2 Regulatory Setting

This section describes laws and regulations at the federal, state, and local level that may apply to the Proposed Project.

6.2.1 Federal Laws, Regulations, and Policies

Clean Water Act Section 404

The Clean Water Act (CWA) is the primary federal law that protects the quality of the nation's aquatic habitats involving surface waters, including lakes, rivers, and coastal wetlands.

CWA Section 404 regulates the discharge of dredged and fill materials into waters of the United States (waters of the U.S.), which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the aforementioned waters (33 CFR Section 328.3). Areas typically not considered jurisdictional waters include non-tidal drainages, irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions (33 CFR Part 328). Activities involving placement of fill into jurisdictional waters of the U.S. are regulated by the U.S. Army Corps of Engineers (USACE) through permit requirements, which also require state water quality certification in compliance with Section 401 of the CWA.

Endangered Species Act

The Endangered Species Act (ESA) of 1973 (16 USC Sections 1531–1544) provides for conservation of species that are endangered or threatened throughout all or a significant portion of their range, as well as the protection of habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for implementing the ESA. In general, USFWS manages land and freshwater species, whereas NMFS manages marine and anadromous species. As defined by Section 3 of

the ESA, "endangered" refers to species that are "in danger of extinction within the foreseeable future throughout all or a significant portion of its range," whereas "threatened" refers to "those animals and plants likely to become endangered within the foreseeable future throughout all or a significant portion of their ranges."

Section 7

ESA Section 7 requires federal agencies to consult with USFWS or NMFS, or both, before performing any action (e.g., funding a program or issuing a permit) to ensure that federal actions do not jeopardize the continued existence of a species or destroy or adversely modify critical habitat (defined below). Authorization to take (also defined below) an endangered or threatened species can be obtained through Section 7 consultation. USFWS and/or NMFS may issue a Biological Opinion (BO) with an incidental take statement to the federal agency issuing a permit or approval for a Proposed Project. The federal consulting agency then incorporates the BO and incidental take statement into any authorization or permits.

Section 10

ESA Section 10 provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in "take" of endangered or threatened species, subject to specific conditions. A habitat conservation plan must accompany an application for an incidental take permit.

Critical Habitat

When a species is proposed for listing as endangered or threatened under the ESA, USFWS or NMFS must consider whether there are areas of habitat that are essential to the species' conservation. Those areas may be proposed for designation as "critical habitat." Under CWA Section 7, all federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its designated critical habitat. These requirements apply only to federal agency actions, and only to habitat that has been designated. Critical habitat requirements do not apply to citizens engaged in activities on private land that do not involve a federal agency. For experimental populations designated pursuant to CWA Section 10(j), critical habitat may be designated for "essential" experimental populations, but may not be designated for "nonessential" experimental populations.

Take

Section 9 of the ESA and its implementing regulations prohibit the "take" of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term "take" to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC Section 1532).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC Part 703) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union (now Russia) and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects

migratory birds, their occupied nests, and their eggs (16 USC 703, 50 CFR 21, 50 CFR 10). Most actions that result in taking of, or the permanent or temporary possession of, a protected species constitute violations of the MBTA. The act also prohibits destruction of occupied nests. The Migratory Bird Permit Memorandum, dated April 15, 2003, clarifies that destruction of most unoccupied bird nests (without eggs or nestlings) is permissible under the MBTA; exceptions include nests of federally listed threatened or endangered migratory birds, bald eagles (*Haliaeetus leucocephalus*), and golden eagles (*Aquila chrysaetos*). USFWS is responsible for overseeing compliance with the MBTA.

On December 8, 2004, the U.S. Congress passed the Migratory Bird Treaty Reform Act (Division E, Title I, Section 143 of the Consolidated Appropriations Act, 2005, PL 108–447), which excludes all migratory birds non-native or human-introduced to the U.S. or its territories. It defines a native migratory bird as a species present within the U.S. and its territories as a result of natural biological or ecological processes. USFWS published a list of the bird species excluded from the MBTA on March 15, 2005 (70 FR 12710).

Executive Order 13112: Invasive Species

Executive Order (EO) 13112 directs all federal agencies to prevent and control introductions of invasive non-native species in a cost-effective and environmentally sound manner to minimize their impacts on economics, ecology, and human health. As directed by this EO, a national invasive species management plan guides federal actions to prevent, control, and minimize invasive species and their impacts (National Invasive Species Council 2008). To support implementation of this plan, USACE released a memorandum describing the U.S. Army Corps of Engineers Invasive Species Policy (USACE 2009). This policy includes addressing invasive species effects in the impact analyses for civil works projects.

6.2.2 State Laws, Regulations, and Policies

California Environmental Quality Act and CEQA Guidelines

CEQA (PRC Section 21000 et seq.) and the CEQA Guidelines (PRC Section 15000 et seq.) regulate environmental review in California. CEQA Guidelines Section 15065 requires that a lead agency shall determine whether a project may have a significant effect on the environment and shall require an EIR to be prepared for the project if there is substantial evidence, in light of the whole record, that the project has the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, and/or substantially reduce the number or restrict the range of an endangered, rare, or threatened species.

CEQA Guidelines Section 15380 defines the terms "species," "endangered," "rare," and "threatened" as they pertain to CEQA. Section 15380 also provides a greater level of consideration for state-listed or federally listed species, and for any species that can be shown to meet the criteria for listing but has not yet been listed. The criteria for considering a species endangered, rare, or threatened under CEQA are as follows:

- When its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors; or

- Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

- The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as defined in the ESA.

Species that meet the criteria listed above are often considered Species of Special Concern by the California Department of Fish and Wildlife (CDFW). The designation "Species of Special Concern" is administrative and carries no formal legal status. Generally, Species of Special Concern should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined in CEQA Guidelines Section 15380. That said, some older lists of Species of Special Concern were not developed using criteria relevant to CEQA, and the information used in generating those lists is out of date. Therefore, the current circumstances of each unlisted Species of Special Concern must be considered in the context of Section 15380 criteria, and these species should not automatically be assumed to be rare, threatened, or endangered.

California Fish and Game Code

The California Fish and Game Code (Fish & G. Code) establishes CDFW (Fish & G. Code Section 700) and states that the fish and wildlife resources of the state are held in trust for the people of the state by and through CDFW (Fish & G. Code Section 711.7[a]). Fish and Game Code Section 1802 states that CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. All licenses, permits, tag reservations, and other entitlements for the take of fish and game authorized by the Fish and Game Code are prepared and issued by CDFW (Fish & G. Code Section 1050[a]).

Other sections of the Fish and Game Code describe protection for specific types of wildlife. For example, Fish and Game Code Sections 3503, 3513, and 3800 (and other sections and subsections) protect native birds, including their active or inactive nests and eggs, from all forms of take. Raptors (i.e., eagles, falcons, hawks, and owls) and their nests are specifically protected in California under Fish and Game Code Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Certain species are designated as fully protected under Fish and Game Code Sections 3511 (birds), 5515 (fish), 4700 (mammals), and 5050 (amphibians), and it is illegal to take these species. Non-game mammals are also protected by Fish and Game Code Section 4150.

Sections 1900-1913 – Native Plant Protection Act

The Native Plant Protection Act (NPPA) of 1977 (Fish & G. Code Sections 1900-1913) directs CDFW to carry out the California State Legislature's intent to "preserve, protect and enhance rare and endangered plants in this state." The NPPA authorizes the California Fish and Game Commission to designate plants as "endangered" or "rare" and prohibits "take" of any such plants, except as authorized in limited circumstances.

CDFW and the California Native Plant Society (CNPS), a non-governmental organization, jointly maintain California Rare Plant Rank (CRPR) lists. These lists include plant species of concern in California. Vascular plants included on these lists are defined as follows:

List 1: Plants considered extinct or extirpated in California

List 1B: Plants that are rare, threatened, or endangered in California and elsewhere

List 2: Plants that are rare, threatened, or endangered in California, but more common elsewhere

List 3: Plants about which more information is needed – review list

List 4: Plants of limited distribution – watch list

Plants appearing on Lists 1 and 2 are, in general, considered to meet the CEQA Guidelines Section 15380(b) criteria, and adverse effects on these species may be considered significant. Impacts on plants that are on Lists 3 and 4 are also considered during CEQA review; however, because these species are typically not as rare as those on Lists 1 and 2, impacts on them are less frequently considered potentially significant.

Sections 2050 -2098 – California Endangered Species Act

The California Endangered Species Act (CESA) (Fish & G. Code Sections 2050–2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under the CESA as endangered or threatened, or that would result in the destruction or adverse modification of habitat essential to the continued existence of those species, if reasonable and prudent alternatives are available that would avoid a jeopardy finding.

Section 2080 of the Fish and Game Code prohibits the take of any species that is state listed as endangered or threatened, or designated as a candidate for such listing. "Take" is defined by Section 86 of the Fish and Game Code as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" an individual of a listed species. Under the CESA, CDFW may issue an incidental take permit authorizing the take of listed and candidate species when that that activity is incidental to an otherwise lawful activity, subject to specified conditions.

6.2.3 Local Laws, Regulations, and Policies

Stanislaus County General Plan 2015

Stanislaus County has identified the following goals and policies in the Conservation/Open Space Element of the *Stanislaus County General Plan 2015* (2016) that are relevant to the Proposed Project:

Goal One: Encourage the protection and preservation of natural and scenic areas throughout the County.

Policy Three: Areas of sensitive wildlife and plant life (e.g., vernal pools, riparian habitats, flyways and other waterfowl habitats, etc.) including habitats and plant species

listed in the General Plan Support Document or by state or federal agencies shall be protected from development and/or disturbance.

Policy Four: Protect and enhance oak woodlands and other native hardwood habitat.

Goal Ten: Protect fish and wildlife species of the County.

Policy Twenty-nine: Habitats of rare and endangered fish and wildlife species, including special status wildlife and plants, shall be protected.

Stanislaus County does not have a tree protection ordinance, and the Del Rio community plan does not identify any tree protection/replacement requirements.

6.3 Environmental Setting

The following sections describe the environmental setting for biological resources near the Proposed Project sites. For the purposes of this chapter, the study area includes Sites A and B, as well as their respective proposed pipelines (Figure 2-1). Adjacent areas outside of the study area are also described when Proposed Project activities could potentially impact biological resources in these areas. A reconnaissance-level biological survey and investigation for the presence of jurisdictional waters in the study area was conducted by Horizon Water and Environment on May 4, 2016. This survey consisted of walking the entirety of Sites A and B, walking their associated pipeline alignments, and observing adjacent habitats, which could provide potential habitat for sensitive wildlife. The USFWS IPaC Report and CNDDB results are provided in **Appendix D.**

6.3.1 Regional Setting

The study area is situated in the northwestern portion of the San Joaquin Valley, in Stanislaus County, near the community of Del Rio. Terrain in the study area is flat or very gently sloped, with elevations approximately 100–110 feet above mean sea level (msl).

Land uses in the vicinity of the study area are primarily residential, agricultural, transportation, and recreational (e.g., Del Rio Golf and Country Club). The Stanislaus River is approximately 0.75 mile north of Site B and 1.3 miles north of Site A.

6.3.2 Project Vicinity

The following section provides descriptions of biological communities in the study area. Wildlife typically associated with these biological communities is also described below.

Site A and Proposed Pipeline Alignment

Site A consists of a fallow field with a residence, outbuildings clustered on the north end of the property, and a paved driveway (Figure 2-2). Land uses surrounding Site A include residences to the east and north, an abandoned railroad line and residences to the west, and an irrigation canal on the southern border of the property.

The proposed alignment of the Site A pipeline is confined to the existing road right-of-way of Ladd Road and St. John Road (Figure 2-1). Several houses are located in proximity to the pipeline alignment along Ladd Road at the southern end of the alignment. St. John Road is surrounded by almond (*Prunus dulcis*) orchards to the west and an abandoned railroad line and hayfields to the east. Residences are located at the intersection of St. John Road and Country Club Drive, the northern extent of the proposed pipeline, and a hayfield is located to the east of the intersection.

Biological communities present include annual grassland, developed/ruderal, orchard, and hayfields, which are described in the following sections. A Modesto Irrigation District canal runs along the south boundary of the site but is not within Site A.

Annual Grassland

The vast majority of Site A is a fallow field composed of various annual grass and forb species. Non-native grasses present include rip-gut brome (*Bromus diandrus*), Italian rye grass (*Festuca perennis*), foxtail barley (*Hordeum murinum*), and rattail fescue (*Festuca myuros*).

Wildlife that could potentially use this habitat include California vole (*Microtus californicus*), California ground squirrel (*Otospermophilus beecheyi*), pocket gopher (*Thomomys* spp.), western fence lizard (*Sceloporus occidentalis*), common garter snake (*Thamnophis sirtalis*), and Burrowing Owl (*Athene cunicularia*). Raptors may forage in this area. Several small burrows were observed in the field, but no evidence of use by Burrowing Owls (e.g., white-wash, feathers) was observed.

Developed/Ruderal

Developed upland habitat at Site A includes a residence with a garage, outbuildings, and a paved driveway. Some non-native annual grasses, such as rip-gut brome, are present. Forbs present include cudweed (*Pseudognaphalium luteoalbum*). Several fruit trees, as well as an ornamental tree and several ornamental shrubs, are planted around the house and outbuildings. Small fan palms (*Washingtonia* sp.) are sprouting in pavement cracks behind the house. Several trees, including five large sycamores (*Platanus* sp.), overhang the fence from the adjacent property east of Site A. Native oaks are present in several locations on the site. Two interior live oaks (*Quercus wislizeni*) are present between the outbuildings, and smaller saplings are scattered along the fence lines. Two small coast live oaks (*Quercus agrifolia*) are located along the west fence line. Trees in the study area may provide nesting habitat for various passerines and possibly raptors. Although oaks are present on the site, the habitat does not have the landscape character or biological integrity of an oak woodland that would require its protection as a sensitive natural community.

Most of the residential parcels bordering the Proposed Project have trees that may be suitable for bird nesting.

Along the Site A pipeline alignment, immediately to the east of St. John Road, is a planted line of trees and railroad tracks between the road and adjacent hayfields. Planted trees include a mix of native and non-native species, such as coast live oak, valley oak (*Quercus lobata*), coast redwood (*Sequoia sempervirens*), fan palm, Chinese pistachio (*Pistacia chinensis*), maple (*Acer* sp.), and weeping willow (*Salix babylonica*). This planted area has been mulched, and the understory consists of planted African daisy (*Osteospermum* sp.) at the base of some trees, as

well as sparse herbaceous weeds such as prickly lettuce (*Lactuca serriola*) and sow thistle (*Sonchus oleraceus*).

Developed/ruderal habitat in the study area provides relatively limited habitat value for special-status wildlife, with the exception of large trees on adjacent parcels. These trees could provide nesting habitat for raptors. However, urban/suburban–adapted bird species, such as House Finch (*Haemorhous mexicanus*), Dark-eyed Junco (*Junco hyemalis*), and House Sparrow (*Passer domesticus*), could use this habitat. Bats could roost in structures that have exterior openings, such as the garage or shed.

Orchard

St. John Road is bordered by an almond orchard to the west. The understory of the almond orchard is largely devoid of vegetation, except for small patches of Bermuda grass (*Cynodon dactylon*). Species such as American crow (*Corvus brachyrhynchos*) and side-blotched lizard (*Uta stansburiana*) can occur in this habitat type.

Hayfields

Cultivated hayfields are present to the east of St. John Road. Hayfields provide seasonal resources for wildlife such as Red-winged Blackbird (*Agelaius phoeniceus*), gopher, and gopher snake (*Pituophis catenifer*) (California Department of Fish and Game [CDFG] 1988). Raptors may forage in these areas.

Site B and Proposed Pipeline Alignment

Site B is located approximately 0.8 mile northeast of Site A (Figure 2-1). The site is adjacent to residential development and orchards (Figure 2-1). Natural communities present on the Site B property include annual grassland and native and ornamental trees and shrubs.

The proposed alignment of the Site B pipeline is confined to the existing road right-of-way of McHenry Avenue and Stewart Road. Along the proposed pipeline alignment, a developed residential community and ornamental plantings are dominant, with orchards to the east.

Annual Grassland

The eastern portion of Site B is largely flat and consists of a grassland composed of the non-native grasses foxtail barley, Italian rye grass, rattail fescue, and rescue grass (*Bromus catharticus*). The non-native forb broad leaf filaree (*Erodium botrys*) and the native forbs common fiddleneck (*Amsinckia intermedia*) and bedstraw (*Galium aparine*) are also present. Wildlife species that may use this area are similar to those identified for the annual grassland habitat in Site A.

Native and Ornamental Trees and Shrubs

As the land slopes up to the west, the habitat type changes. Loquat trees (*Eriobotrya japonica*) line the fence on the western boundary of the site. The area bordering the fence is fairly disturbed and supports understory species such as English ivy (*Hedera helix*), periwinkle (*Vinca major*), miner's lettuce (*Claytonia perfoliata*), and ornamental poppies (*Papaver somniferum*). A small brush pile in the western portion of the site could provide cover for various passerines and small mammals. A very large live oak is present to the south of the

site, and an incense cedar (*Calocedrus decurrens*) is adjacent to the property. These trees could provide bird nesting habitat.

Orchard

East of the proposed pipeline alignment along McHenry Avenue is an almond orchard, with similar habitat as that described for the almond orchard along the Site A pipeline alignment.

Developed

Developed habitat dominates the Site B proposed pipeline alignment. At the intersection of McHenry Avenue and Stewart Road are a variety of ornamental shrub plantings. Small ornamental trees have been planted along the road. Residential properties are located to the north and south of Stewart Road up to the proposed pipeline's terminus at Grove Point Way, and these properties have a variety of landscape plantings. Many of these properties have large trees, including California sycamore (*Platanus racemosa*), Peruvian pepper tree (*Schinus molle*), several conifers, and various oaks, which could provide nesting habitat for various passerines and possibly urban-adapted raptors.

6.3.3 Special-status Species

Special-status plant and wildlife species refers to those species that meet one or more of the following criteria:

- Species that are listed as threatened or endangered under the ESA (50 CFR Section 17.12 for listed plants, 50 CFR Section 17.11 for listed animals);
- Species that are candidates for possible future listing as threatened or endangered under the ESA (76 FR 66370);
- Species that are listed or proposed for listing by the State of California as threatened or endangered under the CESA (14 CCR Section 670.5);
- Plants listed as rare under the California Native Plant Protection Act of 1977 (Fish & G. Code Section 1900 et seq.);
- CRPR List 1 and 2 species;
- Species that meet the definitions of rare or endangered under CEQA (CEQA Guidelines Section 15380); or
- Animals fully protected in California (Fish & G. Code Sections 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Background information on special-status plant and wildlife species with the potential to occur in the study area was compiled from numerous sources, including, but not limited to, the following:

- USFWS Information for Planning and Conservation (IPaC) report for the study area (USFWS 2016) and

- California Natural Diversity Database (CNDDB) query for the twelve U.S. Geological Survey (USGS) 7.5-minute quadrangles within and adjoining the Proposed Project, including Avena, Brush Lake, Ceres, Denair, Escalon, Manteca, Oakdale, Ripon, Riverbank, Salida, Waterford, and Westley (CDFW 2016).

Tables 6-1 and **6-2** list the special-status plant and wildlife species known to occur in the vicinity of the study area, and **Figure 6-1** shows the CNDDB occurrences of special-status plants and animals and designated critical habitat within a 5-mile radius of the study area.

The potential for special-status species to occur in the vicinity of the study area was evaluated according to the following criteria:

None: The area contains a complete lack of suitable habitat, the local range for the species is restricted, and/or the species is extirpated in this region.

Not expected: Suitable habitat or key habitat elements may be present but may be of poor quality or isolated from the nearest extant occurrences. Habitat suitability refers to factors such as elevation, soil chemistry and type, vegetation communities, microhabitats, and degraded/significantly altered habitats.

Possible: Suitable habitat or key habitat elements that potentially support the species are present.

Present: The species was observed directly or its presence was confirmed by diagnostic signs (e.g., tracks, scat, burrows, carcasses, castings, prey remains) during field investigations or in previous studies in the area.

Special-status Plants

No special-status plants or special-status plant habitat were observed during the reconnaissance survey. Based on site conditions and previous records of occurrences, no special-status plant species are anticipated to occur within the study area (Table 6-1). An extirpated CNDDB occurrence of Greene's tuctoria (*Tuctoria greenei*) is documented within 5 miles of the study area (**Figure 6-1**); however, this species occurs only in vernal pools, and no vernal pool habitat is present in the study area. Thus, this species would not occur in the study area.

Special-status Wildlife

Special-status bird species with the potential to occur at the two Proposed Project sites, are Tricolored Blackbird (*Agelaius tricolor*), Burrowing Owl (*Athene cunicularia*), and Swainson's Hawk (*Buteo swainsoni*). The reconnaissance survey did not observe these species in either the Site A or Site B study areas. These species are not known to occur at the project sites and are not expected to nest at the sites; however, they could potentially nest near the study area.

Table 6-1. Special-status Plant Species

Scientific/Common Name	Status (Federal/ State/CRPR)	Habitat	Potential to Occur in the Project Area
Atriplex cordulata var. cordulata heartscale	-/-/1B.2	Chenopod scrub, valley and foothill grassland, meadows. Alkaline flats and scalds in the Central Valley, sandy soils. 0-560 meters. Blooms April to October.	**None.** The sites lack suitable habitat for this species.
Atriplex minuscula lesser saltscale	-/-/1B.1	Chenopod scrub, playas, valley and foothill grassland. In alkali sink and grassland in sandy, alkaline soils. 20-100 meters. Blooms May to October.	**None.** The sites lack suitable habitat for this species.
Atriplex subtilis subtle orache	-/-/1B.2	Valley and foothill grassland. Alkaline soils. 40-100 meters. Blooms June to October.	**None.** The sites lack suitable habitat for this species.
Blepharizonia plumosa big tarplant	-/-/1B.1	Valley and foothill grassland. Dry hills and plains in annual grassland. Clay to clay-loam soils; usually on slopes and often in burned areas. 30-505 meters. Blooms July to October.	**None.** The sites lack suitable habitat for this species.
California macrophylla round-leaved filaree	-/-/1B.2	Cismontane woodland, valley and foothill grassland. Clay soils. 15-1,200 meters. Blooms March to May.	**None.** The sites lack suitable habitat for this species.
Caulanthus lemmonii Lemmon's jewelflower	-/-/1B.2	Pinyon and juniper woodland, valley and foothill grassland. 75-1,585 meters. Blooms February to May.	**Not expected.** The estimated natural range for this species does not include the Proposed Project area (CNPS 2016).
Clarkia rostrata beaked clarkia	-/-/1B.3	Cismontane woodland, valley and foothill grassland. North-facing slopes; sometimes on sandstone. 60-500 meters. Blooms April to May.	**None.** The sites lack suitable habitat for this species.
Eryngium racemosum Delta button-celery	-/SE/1B.1	Riparian scrub. Seasonally inundated floodplain on clay. 3-75 meters. Blooms June to October.	**None.** The sites lack suitable habitat for this species.
Eschscholzia rhombipetala diamond-petaled California poppy	-/-/1B.1	Valley and foothill grassland. Alkaline, clay slopes and flats. 30-625 meters. Blooms March to April.	**None.** The sites lack suitable habitat for this species.
Legenere limosa legenere	-/-/1B.1	Vernal pools. In beds of vernal pools. 1-880 meters. Blooms April to June.	**None.** The sites lack suitable habitat for this species.

Scientific/Common Name	Status (Federal/ State/CRPR)	Habitat	Potential to Occur in the Project Area
Neostapfia colusana Colusa grass	FT/SE/1B.1	Vernal pools. Usually in the bottoms of large or deep vernal pools; adobe soils. 5-125 meters. Blooms May to August.	**None.** The sites lack suitable habitat for this species.
Orcuttia inaequalis San Joaquin Valley Orcutt grass	FT/SE/1B.1	Vernal pools. 10-755 meters. Blooms April to September.	**None.** The sites lack suitable habitat for this species.
Puccinellia simplex California alkali grass	-/-/1B.2	Meadows and seeps, chenopod scrub, valley and foothill grasslands, vernal pools. Alkaline, vernally mesic. Sinks, flats, and lake margins. 1-915 meters. Blooms March to May	**None.** The sites lack suitable habitat for this species.
Sphenopholis obtusata prairie wedge grass	-/-/2B.2	Cismontane woodland, meadows and seeps. Open moist sites, along rivers and springs, alkaline desert seeps. 300-2,000 meters. Blooms April to July.	**None.** The sites lack suitable habitat for this species.
Tuctoria greenei Greene's tuctoria	FE/SR/1B.1	Vernal pools. Dry bottoms of vernal pools in open grasslands. 30-1,070 meters. Blooms May to September.	**None.** The sites lack suitable habitat for this species.

Status Legend

Federal:

FE = federally listed as endangered

FT = federally listed as threatened

- = no listing status

State:

SE = state listed as endangered

SR = state designated as rare

CRPR (California Rare Plant Rank):

1B = Plants Rare, Threatened, or Endangered in California and Elsewhere

2B = Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

Threat Ranks =

0.1 = Seriously threatened in California

0.2 = Moderately threatened in California

Table 6-2. Special-status Animal Species

Scientific/Common Name	Status (Federal/ State)	Habitat	Potential to Occur in the Project Area
Invertebrates			
Branchinecta conservatio Conservancy fairy shrimp	FE/-	Endemic to the grasslands of the northern two-thirds of the Central Valley; found in large, turbid pools. Inhabit astatic pools located in swales formed by old, braided alluvium; filled by winter/spring rains, last until June.	**None.** The sites lack suitable habitat for this species.
Branchinecta lynchi vernal pool fairy shrimp	FT/-	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	**None.** The sites lack suitable habitat for this species.
Desmocerus californicus dimorphus valley elderberry longhorn beetle	FT/-	Occurs only in the Central Valley of California, in association with blue elderberry (*Sambucus mexicana*). Prefers to lay eggs in elderberries 2-8 inches in diameter; some preference shown for "stressed" elderberries.	**None.** The sites lack suitable habitat for this species.
Lepidurus packardi vernal pool tadpole shrimp	FE/-	Inhabits vernal pools and swales in the Sacramento Valley containing clear to highly turbid water. Pools commonly found in grass-bottomed swales of unplowed grasslands. Some pools are mud-bottomed and highly turbid.	**None.** The sites lack suitable habitat for this species.
Amphibians and Reptiles			
Ambystoma californiense California tiger salamander	FT/ST, SSC	Central Valley distinct population segment (DPS) federally listed as threatened. Santa Barbara and Sonoma County DPS federally listed as endangered. Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	**None.** Site A provides suitable upland habitat. Site B lacks suitable habitat for this species. The closest extant CNDDB occurrence is 15 kilometers (9.3 miles) northeast of Site B and 16.1 kilometers (10 miles) northeast of Site A. Analysis of historical aerial imagery did not identify suitable aquatic habitat

Scientific/Common Name	Status (Federal/ State)	Habitat	Potential to Occur in the Project Area
			for this species within 2.1 kilometers (1.3 miles).
Emys marmorata western pond turtle	-/SSC	A thoroughly aquatic turtle of ponds, marshes, rivers, streams, and irrigation ditches, usually with aquatic vegetation, below 1,830 meters elevation. Need basking sites and suitable upland habitat (sandy banks or grassy open fields) up to 0.5 kilometer from water for egg-laying.	**None.** Site A lacks suitable habitat for this species. The irrigation canal south of Site A is not anticipated to provide suitable habitat, as it is concrete lined and lacks basking sites. Site B lacks suitable habitat.
Rana draytonii California red-legged frog	FT/SSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	**None.** Species has been extirpated from Central Valley floor (USFWS 2002).
Thamnophis gigas giant garter snake	FT/ST	Prefers freshwater marsh and low-gradient streams. Has adapted to drainage canals and irrigation ditches. This is the most aquatic of the garter snakes in California.	**None.** The sites lack suitable habitat for this species.
Birds			
Agelaius tricolor Tricolored Blackbird	-/SC, SSC	Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony.	**Possible.** This species may forage in nearby agricultural fields, but is not anticipated to nest in the study area, although it may nest nearby. Colonies have been observed approximately 5.6 kilometers (3.5 miles) north of Site B (6.9 kilometers [4.3 miles] north of Site A) and 10.5 kilometers (6.5 miles) east of Site B (10.9 kilometers [6.8 miles] east of Site A) (UC Davis 2016).

Scientific/Common Name	Status (Federal/ State)	Habitat	Potential to Occur in the Project Area
Athene cunicularia Burrowing Owl	-/SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably the California ground squirrel.	**Possible.** Potentially suitable habitat is present at Site A, and there are two CNDDB occurrences within 8 kilometers (5 miles) of the sites (CDFW 2016). Site B is not anticipated to provide suitable habitat due to the lack of burrows observed at the site.
Buteo swainsoni Swainson's Hawk	-/ST	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	**Possible.** Potentially suitable foraging habitat is present at both sites, and there is a CNDDB occurrence within 1.8 kilometers (1.1 miles of Site B) (within 2.9 kilometers [1.8 miles] of Site A) (CDFW 2016). This species is not anticipated to nest at the sites, but may nest in the vicinity.
Coccyzus americanus occidentalis Western Yellow-billed Cuckoo	FT/SE	Riparian forest nester along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	**None.** The sites lack suitable habitat for this species.
Icteria virens Yellow-breasted Chat	-/SSC	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 3 meters (10 feet) of ground.	**None.** The sites lack suitable habitat for this species.
Melospiza melodia Song Sparrow ("Modesto" population)	-/SSC	Emergent freshwater marshes, riparian willow thickets, riparian forests, and vegetated irrigation. Inhabits cattails (*Typha* spp.), bulrush (*Schoenoplectus* spp.) and other sedges; also known to frequent tangles bordering sloughs.	**None.** The sites lack suitable habitat for this species.

Scientific/Common Name	Status (Federal/ State)	Habitat	Potential to Occur in the Project Area
Vireo bellii pusillus Least Bell's Vireo	FE/SE	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 610 meters (2,000 feet). Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, *Baccharis*, mesquite.	**None.** The sites lack suitable habitat for this species.
Fish			
Hypomesus transpacificus Delta smelt	FT/SE	Sacramento–San Joaquin River Delta. Seasonally in Suisun Bay, Carquinez Strait and San Pablo Bay. Seldom found at salinities > 10 parts per thousand; most often at salinities < 2 parts per thousand.	**None.** Study area is out of range of the species.
Mylopharodon conocephalus hardhead	-/SSC	Low to mid-elevation streams in the Sacramento–San Joaquin River drainage. Also present in the Russian River. Clear, deep pools with sand-gravel-boulder bottoms and slow water velocity. Not found where exotic centrarchids predominate.	**None.** The sites lack suitable habitat for this species.
Oncorhynchus mykiss irideus steelhead – Central Valley DPS	FT/-	Populations in the Sacramento and San Joaquin Rivers and their tributaries.	**None.** The sites lack suitable habitat for this species.
Mammals			
Corynorhinus townsendii Townsend's big-eared bat	-/CS, SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls and ceilings. This species generally roosts in caves, abandoned mines, and occasionally buildings and is extremely sensitive to human disturbance (Pierson and Rainey 1998).	**Not expected.** Buildings at Site A provide marginally suitable habitat for this species; as this species is so sensitive to human disturbance, it is not anticipated to roost in these buildings. Site B lacks suitable habitat. The closest CNNDDB occurrence is 15 kilometers (9.3 miles) southeast of Site A (15.8 kilometers [9.8 miles] southeast of Site B), in the Tuolumne River riparian corridor.

Scientific/Common Name	Status (Federal/ State)	Habitat	Potential to Occur in the Project Area
Eumops perotis californicus western mastiff bat	-/SSC	Many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	**Not expected.** Marginally suitable habitat is present in the study area.
Lasiurus blossevillii western red bat	-/SSC	Roosts primarily in trees, 0.6-12 meters (2-40 feet) above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	**Not expected.** Marginally suitable habitat is present in the study area. In the Central Valley, this species is strongly associated with riparian areas, especially with mature cottonwoods (*Populus* spp.) and sycamores (*Platanus racemosa*) (Pierson et al. 2006). The closest riparian areas are 1.9 kilometers (1.2 miles) from Site A and 1.1 kilometers (0.7 mile) from Site B.
Neotoma fuscipes riparia riparian (=San Joaquin Valley) woodrat	FE/SSC	Riparian areas along the San Joaquin, Stanislaus, and Tuolumne Rivers. Needs areas with mix of brush and trees. Needs suitable nesting sites in trees, snags, or logs.	**None.** The sites lack suitable habitat for this species.
Sylvilagus bachmani riparius riparian brush rabbit	FE/SE	Riparian areas on the San Joaquin River in northern Stanislaus County. Dense thickets of wild rose, willows, and blackberries.	**None.** The sites lack suitable habitat for this species.
Vulpes macrotis mutica San Joaquin kit fox	FE/ST	Annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose-textured sandy soils for burrowing and suitable prey base.	**None.** The sites lack suitable habitat for this species.

Status Legend

Federal:

FE = federally listed as endangered

FT = federally listed as threatened

- = no listing status

State:

SC = state candidate for listing as threatened or endangered

SE = state listed as endangered

SSC = California species of special concern

ST = state listed as threatened

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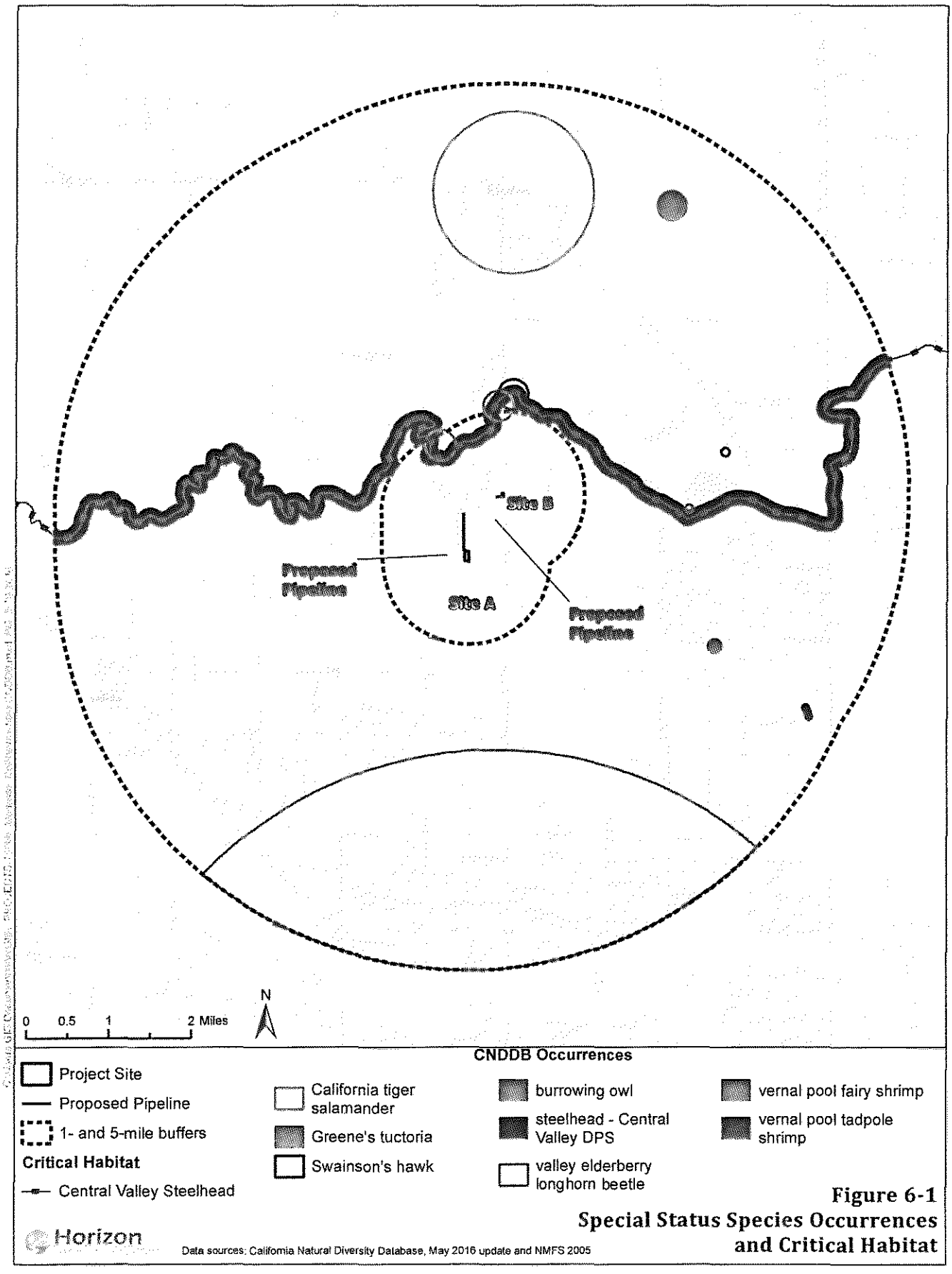

Figure 6-1
Special Status Species Occurrences and Critical Habitat

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6.4 Impact Analysis

6.4.1 Methodology

The Proposed Project may affect biological resources through direct or indirect disturbance, modification, or destruction of habitat that results in death, injury, or harassment of individuals or populations of plant or animal species, or that impedes or prevents the dispersal of individuals or populations of special-status species. Potential impacts on existing biological resources were evaluated by comparing the quantity and quality of habitats present in the study area under baseline conditions to anticipated conditions after implementation of the project activities. Direct and indirect impacts on special-status species were assessed based on the potential for the species or their habitat to be disturbed or enhanced by implementation of the Proposed Project.

In general, once construction is complete, operation and maintenance of the Proposed Project, as described in Chapter 2, would not disturb biological resources. Unless otherwise stated below, impacts associated with operation and maintenance are considered unlikely or less than significant, and are not discussed further.

Impacts on riparian habitat, federally protected wetlands, and wildlife corridors and potential conflicts with local policies or ordinances were evaluated in the Environmental Checklist (Appendix B) and found to be less than significant or to have no impact. These issues are not evaluated further in this EIR.

6.4.2 Criteria for Determining Significance

Based on Appendix G of the CEQA Guidelines, the Proposed Project would result in a significant impact on biological resources if it would:

- Have a substantial or potential adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS;
- Have a substantial or potential adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS;
- Have a substantial or potential adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, and coastal) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially or potentially with the movement of any wildlife species or with established wildlife corridors, or impede the use of native wildlife nursery sites; or
- Conflict with local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan (HCP) or Natural Community Conservation Plan.

The analysis considers both species and their habitats. A *less than significant* impact generally refers to a situation where there is a measurable impact, but the impact is not likely to result

in an adverse outcome for the survival or fitness of a particular species, or a widespread or long-lasting adverse effect on a natural community. Conversely, an impact would be considered *potentially significant* if it may substantially decrease the likelihood of survival or fitness of a particular species (e.g., substantial decrease in a local population size or extirpation), or result in widespread or long-lasting adverse effects on a natural community. For impacts found to be "potentially significant", mitigation measures are proposed. Any impact that remains significant after application of all feasible mitigation is considered *significant and unavoidable.*

6.4.3 Environmental Impacts

Impact BIO-1: Construction-related Loss of Occupied Burrowing Owl Habitat (Less than Significant with Mitigation)

Annual grasslands in the study area provide potentially suitable habitat for Burrowing Owl. Although some burrows were observed at Site A, no evidence of use by Burrowing Owls (e.g., whitewash, feathers) was observed; however, there is the potential for this species to occupy the site or for individuals to occur as transients. No burrows were identified at Site B, so this site is not anticipated to support Burrowing Owls. If Burrowing Owls are present at or within 250 feet of Site A, construction during the breeding season could result in the incidental loss of eggs or nestlings, or otherwise lead to nest abandonment. Raptors, including owls and their nests, are protected under both federal and state laws and regulations, including the MBTA and Fish and Game Code Section 3503.5. The loss, directly or indirectly through nest abandonment or reproductive suppression, of occupied Burrowing Owl habitat (or habitat known to have been occupied by owls during the nesting season within the past 3 years) or reductions in the number of this rare species within Stanislaus County would constitute a significant impact.

The Program EIR identified impacts on Burrowing Owl as potentially significant and identified Mitigation Measure BIO-8: *Avoid and Protect Burrowing Owls* and Mitigation Measure BIO-9: *Compensate for Loss of Burrowing Owl Habitat* to reduce impacts to Burrowing Owls to less than significant. These mitigation measures have been modified to reflect site conditions for the Proposed Project. With implementation of **Mitigation Measures BIO-1 (Avoid and Protect Burrowing Owls at Site A)** and **BIO-2 (Compensate for Loss of Burrowing Owl Habitat at Site A),** the potential for loss of Burrowing Owls would be **less than significant.**

Mitigation Measure BIO-1: Avoid and Protect Burrowing Owls at Site A.

Because some burrows that could be used by Burrowing Owls were noted during field surveys at Site A, and in conformance with federal and state regulations regarding the protection of raptors, the City shall hire a qualified biologist to conduct a preconstruction survey(s) for Burrowing Owls within a 250-foot buffer around the project site, in conformance with accordance with protocols established in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or current version), and prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action is warranted. However, if breeding or resident owls are located on or within 250 feet of Site A, the following measures shall be implemented.

- No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted following evaluation of eviction plans and receipt of formal written approval from CDFW authorizing the eviction.

- A 250-foot buffer, within which no new activity is permissible, shall be maintained between project activities and nesting Burrowing Owls. This protected area will remain in effect until August 31 or, at CDFW's discretion (based upon monitoring evidence), until the young owls are foraging independently.

Mitigation Measure BIO-2: Compensate for Loss of Burrowing Owl Habitat at Site A.

If a preconstruction survey finds that Burrowing Owls occupy Site A, and avoiding construction in occupied areas is not feasible, then the City shall implement habitat compensation on off-site mitigation lands, or shall purchase mitigation bank credits from a mitigation bank approved by CDFW. If mitigation credits are not purchased, habitat management lands comprising existing Burrowing Owl foraging and breeding habitat will be acquired and preserved. An area of 6.5 acres (the amount of land found to be necessary to sustain a pair or an individual owl) will be secured for each pair of owls or for an individual, in the case of an odd number of birds. Relocation of owls shall only be implemented during the non-breeding season. As part of an agreement with CDFW, the City shall provide CDFW with security for the performance of its mitigation duties in the form of funds that will:

- allow for the acquisition and preservation of 6.5 acres of habitat management lands for each pair of owls or unpaired resident single owl;

- provide initial protection and enhancement activities on the habitat management lands, potentially including such measures as fencing, trash cleanup, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW;

- establish an endowment for the long-term management of the habitat management lands; and

- reimburse CDFW for reasonable expenses incurred as a result of the approval and implementation of this agreement.

Impact BIO-2: Construction-related Loss of Swainson's Hawk Foraging Habitat (Less than Significant with Mitigation)

Swainson's Hawks are known to nest within 1.1 miles of Site B (within 1.8 miles of Site A) (CDFW 2016). The fallow field at Site A and the grassland at Site B provide potentially suitable foraging habitat for Swainson's Hawks. Project-related construction would result in the loss of up to 1.3 acres of potentially suitable foraging habitat at Site A and 0.1 acre of potentially suitable foraging habitat at Site B, resulting in a significant adverse effect on this state-designated threatened species through habitat modification.

The Program EIR identified loss of Swainson's Hawk foraging habitat as potentially significant and identified Mitigation Measure BIO-10: *Compensate for Loss of Swainson's Hawk Foraging Habitat* to reduce impacts to less than significant. This mitigation measure has been modified to reflect site condition for the Proposed Project. Implementation of **Mitigation Measure BIO-3 (Compensate for Loss of Swainson's Hawk Foraging Habitat)** would reduce this impact to a level that is **less than significant**.

Mitigation Measure BIO-3: Compensate for Loss of Swainson's Hawk Foraging Habitat.

To mitigate for the loss of potential Swainson's Hawk foraging habitat, the City shall provide off-site habitat management lands, as described in the CDFW protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), or by purchasing credits at a CDFW-approved Swainson's Hawk foraging habitat mitigation bank that covers the Proposed Project area, such as the Dutchman Creek Conservation Bank.

The City shall determine the final acreage of off-site management lands or mitigation bank credits to be provided based on the distance between the project area and the nearest active nest site, as stated in the CDFW protocol (CDFG 1994). Mitigation credits would follow the same ratio guidelines as off-site management lands. Prior to the grading of any site with potential foraging habitat, the City shall hire a qualified biologist to conduct protocol-level surveys to determine the location of the nearest active nest. Based on these surveys, the City shall compensate for losses in compliance with the protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), as follows:

- Projects within 1 mile of an active nest tree shall provide:
  - 1 acre of habitat management land for each acre of development authorized (1:1 ratio), at least 10% of which shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% protected by a conservation easement acceptable to CDFW on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk; or
  - 0.5 acre of habitat management land for each acre of development authorized (0.5:1 ratio), all of which shall be met by fee title acquisition or a conservation easement acceptable to CDFW that allows for the active management of the habitat for prey production on the habitat management lands.
- Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acre of habitat management land for each acre of urban development authorized (0.75:1 ratio). All habitat management lands protected under this requirement may be protected through fee title acquisition or conservation easement on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.

- Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acre of habitat management land for each acre of urban development authorized (0.5:1 ratio). All habitat management lands protected under this requirement may be protected through fee title acquisition or conservation easement acceptable to CDFW on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.

Management Authorization holders/project sponsors shall provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which shall be used for managing the habitat management lands). If mitigation credits are purchased, long term management would be the responsibility of the mitigation bank.

Impact BIO-3: Construction-related Impacts on Nesting Swainson's Hawks (Less than Significant with Mitigation)

Two CNDDB occurrences of Swainson's Hawk are known within 5 miles of the study area (CDFW 2016). Mature trees within 0.5 mile of the study area provide potentially suitable nesting habitat for Swainson's Hawk. Construction activities occurring within 1 mile of an active nest could result in sufficient disturbance to cause Swainson's hawk breeding pairs to abandon their nest or could otherwise harm eggs or nestlings. Because Swainson's Hawk is a state-listed threatened species, disturbance that causes Swainson's hawks to abandon their nest or results in the loss of reproductive effort would constitute a significant impact.

The Program EIR identified impacts to Swainson's Hawk as potentially significant and identified Mitigation Measure BIO-11: *Conduct Preconstruction Surveys for Swainson's Hawk Nests* to reduce impacts to less than significant. This mitigation measure has been modified to reflect site condition for the Proposed Project. Implementation of **Mitigation Measure BIO-4 (Conduct Preconstruction Surveys for Swainson's Hawk Nests)** would reduce this impact to a level that is **less than significant**.

Mitigation Measure BIO-4: Conduct Preconstruction Surveys for Swainson's Hawk Nests.

To ensure that nesting Swainson's Hawks will not be disturbed by construction activities, the City will hire a qualified ornithologist to conduct preconstruction surveys of the Proposed Project sites and adjacent areas within 1 mile of Sites A and B. No fewer than three surveys will be completed in at least each of the two survey periods immediately prior to project initiation, according to this schedule, based on *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee 2000):

- Survey Period I occurs from January 1 to March 20;
- Period II from March 20 to April 5;
- Period III from April 5 to April 20;

- Period IV from April 21 to June 10 (surveys are not recommended during this period because identification is difficult, as the adults tend to remain within the nest for longer periods of time); and
- Period V from June 10 to July 30.

If a nest site is found, no construction work shall commence until after the City engages in consultation with CDFW and CDFW-approved measures are implemented. As a performance standard, the measures implemented shall ensure that project initiation will not result in nest disturbance.

Impact BIO-4: Construction Disturbance of Tricolored Blackbird and Other Migratory Birds, Including Raptors (Less than Significant with Mitigation)

Table 6-2 lists the special-status bird species known to occur in the vicinity of the study area, and Figure 6-1 shows the CNDDB occurrences of special-status wildlife species within a 5-mile radius of the study area. The study area is unlikely to support nesting of special-status passerines because suitable habitat is lacking for special-status passerine species known to occur near the study area, although Tricolored Blackbirds may potentially nest near Site A (Table 6-2).

Many other migratory birds, including raptors, have the potential to nest in the vicinity of the Proposed Project sites. Raptors (e.g., kites, hawks, and owls) and other migratory birds and their nests are protected under both California Fish and Game Code Section 3503 (active bird nests) and the MBTA. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or could otherwise lead to nest abandonment. Trees in the study area, including those proposed for removal at Site A, could provide nesting habitat for birds protected under the MBTA. Loss of raptor and other migratory birds' eggs or nests, or any activities resulting in nest abandonment, would constitute a significant impact.

The Program EIR identified impacts to nesting birds as potentially significant and identified Mitigation Measure BIO-12: *Conduct Preconstruction Surveys for Nesting Birds* and Mitigation Measure BIO-13: *Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds* to reduce impacts to less than significant. These mitigation measures have been modified adjusted to reflect site condition for the Proposed Project. Implementation of **Mitigation Measures BIO-5 (Conduct Preconstruction Surveys for Nesting Birds)** and **BIO-6 (Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds)** would reduce this impact to a level of **less than significant.**

Mitigation Measure BIO-5: Conduct Preconstruction Surveys for Nesting Birds.

The City shall require that construction will be avoided during the nesting season (generally between February 1 and August 31), where practical. If construction activities cannot be avoided during the nesting season, a qualified biologist will conduct a preconstruction survey within 500 feet of the construction area to determine whether active nests are present on the site. The survey will be conducted no more than 30 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities can

commence without any further mitigation. If active nests are found, CDFW and USFWS will be notified and Mitigation Measure BIO-6 will be implemented.

Mitigation Measure BIO-6: Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds.

To avoid disturbing any active migratory bird nests, the City shall require that construction activities will be conducted during the non-breeding season for these species (generally between September 1 and January 31). If active nests are present on or adjacent to either of the Proposed Project sites, CDFW and USFWS will be notified. If active migratory bird nests are present and construction cannot be avoided during the breeding season, construction will not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the project applicant receives written authorization from CDFW and USFWS to proceed.

Impact BIO-5: Disturbance of Roosting Areas for Bats, including Special-status Bat Species (Less than Significant with Mitigation)

The four largest existing trees at Site A would be retained for the Proposed Project. Existing trees to be removed through construction of the Proposed Project provide marginally suitable roosting habitat for western red bat (California Species of Special Concern) and hoary bats (*Lasiurus cinereus*) (no listing status). The western red bat is strongly associated with mature riparian forests, although it has been detected roosting in orchards (Pierson et al. 2006). The hoary bat generally roosts in medium to large trees (Harris 1990), and only smaller trees would be removed at Site A. Due to the lack of their preferred habitat, western red bat and hoary bat are not expected to roost in trees at Site A. No trees would be removed from Site B.

Proposed construction activities would remove buildings at Site A that provide possible day and/or night roosts for non-special-status bats such as Brazilian free-tailed bat (*Tadarida brasiliensis*) and Yuma myotis (*Myotis yumanensis*). Townsend's big-eared bat is not expected to roost in the buildings, as this species is very sensitive to human disturbance and may abandon roost sites after a single human visit (Pierson and Rainey 1998) and the buildings at Site A have not been vacant for an extended period of time. No extensive survey of bat activity in the buildings at Site A was conducted; however, if bats are present, impacts from the removal of structures occupied by bats would be potentially significant.

Implementation of **Mitigation Measure BIO-7 (Protect Bat Colonies),** which requires seasonal work periods in active bat habitat and avoidance and minimization of disturbance, would reduce this impact to a level that is **less than significant with mitigation.**

Mitigation Measure BIO-7: Protect Bat Colonies.

The following measures shall be implemented to avoid and minimize impacts on bats:

- Prior to removal of structures, the City shall hire a qualified bat biologist familiar with bat biology and ecology to assess structures to be removed for potential, active bat habitat. If the biologist determines that bats are not actively occupying

the structures based on professional opinion following appropriate survey protocols, then the structures may be removed.

- For structures identified by the qualified biologist to be actively occupied by bats, removal of the structures shall not occur between April 15 and August 31 to avoid the bat maternity season,

- Demolition of structures shall be preceded by either humane eviction, phased dismantling, and/or deterrent methods to prevent direct mortality.

Impact BIO-6: Disturbance to or Displacement of Wildlife from Site Operations (Less than Significant)

Operation of the Proposed Project would generate noise, light, and an increased level of human activity at Sites A and B. Noise-generating pumps may operate during day and evening hours. Site A pumps would be housed in an enclosed building, which would reduce noise; Site B pumps would be surrounded by a wall, but no roof would be present, so noise levels may be higher than at Site A. (See Chapter 11, *Noise*, for further discussion of potential noise impacts and identified mitigation.) Sites A and B would have outside lighting in use at all times to provide security; however, impacts of lighting are anticipated to be less than significant. (See Chapter 4, *Aesthetics,* for further discussion of potential lighting impacts.) Operations are not anticipated to displace individuals from occupied habitat, however, or result in substantial adverse effects on special-status wildlife species with the potential to occur at the site; therefore, the impacts associated with noise, light, and human activity would be **less than significant**.

Impact BIO-7: Interfere with Wildlife Movement, Established Wildlife Corridors, or the Use of Native Wildlife Nursery Sites (Less than Significant with Mitigation)

The Proposed Project would be constructed primarily on disturbed and developed lands that do not function as important wildlife movement corridors. Disruption of nesting or breeding of special-status species would be minimized by conducting appropriate pre-construction surveys (as described in Impacts BIO-1 through BIO-5 and Mitigation Measures BIO-1 and BIO-4 through BIO-7). Therefore, impacts on wildlife movement would be **less than significant**.

Impact BIO-8: Conflict with Local Policies or Ordinances Protecting Biological Resources (Less than Significant with Mitigation)

The *Stanislaus County General Plan 2015* Conservation/Open Space Element (Stanislaus County 2016) establishes several policies (notably Goal One, Policies Three and Four, and Goal Ten, Policy Twenty-nine) to protect sensitive species, along with habitats such as vernal pools, riparian habitats, and oak woodlands. The Proposed Project does not conflict with any local policies protecting biological resources because no vernal pools, riparian habitats, or oak woodlands are present in the study area, based on field surveys conducted by a qualified biologist on May 4, 2016. Impacts of the Proposed Project on sensitive (i.e., special-status) species are discussed in Impacts BIO-1 through BIO-5 above. With implementation of

Mitigation Measures BIO-1 through BIO-7, impacts on sensitive species would be **less than significant**.

6.4.4 Cumulative Impacts

Impact BIO-9: Cumulative Biological Resource Impacts (Less than Significant with Mitigation)

Native plant and wildlife species in the Central Valley are at risk from competition with non-native species, ongoing loss of habitat, and other human activities. Habitat in the Central Valley has largely been converted to agriculture or other human uses, resulting in the local extirpation of several species that rely on sensitive habitats no longer present. Species that persist in this altered landscape (e.g., Swainson's Hawk, Tricolored Blackbird, and Burrowing Owl) are still at risk from cumulative impacts. The collective implementation of projects in the vicinity of the Proposed Project could degrade habitat and species viability from consequences such as disruption of wildlife migration corridors, displacement and fragmentation of habitats and species populations, and the introduction or promotion of non-native predators and competitors. This is a significant cumulative impact.

As described in Impacts BIO-1 through BIO-5, construction of the Proposed Project has the potential to adversely affect special-status wildlife species and/or their habitat. The Proposed Project's impacts on special-status wildlife would be reduced with implementation of Mitigation Measures BIO-1 and BIO-4 through BIO-7. These measures would require preconstruction surveys, avoidance and minimization measures, and other protective measures that would reduce construction-related disturbances on special-status species. Impacts due to loss of Burrowing Owl and Swainson's Hawk foraging habitat would be reduced with implementation of Mitigation Measures BIO-2 and BIO-3. Implementation of these measures would ensure that the Proposed Project's contribution to cumulative impacts on special-status species would not be considerable. With implementation of Mitigation Measures BIO-1 through BIO-7, the Proposed Project's contribution to this cumulative impact on biological resources would be reduced to a level that is **less than significant**.

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Chapter 7
Cultural Resources

7.1 Overview

This chapter describes potential impacts of the Proposed Project related to cultural and paleontological resources. Cultural resources include prehistoric and historic-era archaeological sites; tribal cultural resources (TCRs) or Traditional Cultural Properties (TCPs); and historic-era buildings, structures, landscapes, districts, and linear features. Prehistoric archaeological sites are places where Native Americans lived or carried out activities during the prehistoric period, which is generally defined as before the early 1800s in the Proposed Project area. Historic-era archaeological sites reflect the activities of people after initial exploration and settlement in the region during the early 1800s. Native American sites can also reflect the historic era. Prehistoric and historic-era sites may contain artifacts, cultural features, subsistence remains, and/or human burials. TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe.

Paleontological resources are the fossil remains of prehistoric flora and fauna, or traces of evidence of the existence of prehistoric flora and fauna. This chapter addresses the occurrence of paleontological resources within the Proposed Project area and the potential impact that construction activities and operation of the Proposed Project would have on scientifically important fossil remains, as identified in the CEQA Guidelines. The analysis presented in this chapter conforms to the Society of Vertebrate Paleontology criteria.

This chapter describes the regulatory setting associated with cultural and paleontological resources, the affected environment for these resources, project-related impacts on cultural and paleontological resources, and mitigation measures that would reduce these impacts.

7.2 Regulatory Setting

7.2.1 Federal Laws, Regulations, and Policies

The Proposed Project does not require any federal permits, and it is not located on federal lands; therefore, federal laws do not apply to the Proposed Project. The following laws are provided for context only.

National Historic Preservation Act

Projects that require federal permits, receive federal funding, or are located on federal lands must comply with 54 USC 306108, formally and more commonly known as Section 106 of the National Historic Preservation Act (NHPA). To comply with Section 106, a federal agency must "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places

[NRHP]." The implementing regulations for Section 106 are found in 36 CFR Part 800, as amended (2004).

The implementing regulations of the NHPA require that cultural resources be evaluated for NRHP eligibility if they cannot be avoided by an undertaking or project. To determine if a site, district, structure, object, and/or building is significant, the NRHP Criteria for Evaluation are applied. A resource is significant and considered a historic property when it:

A. Is associated with events that have made a significant contribution to the broad patterns of our history; or

B. Is associated with the lives of persons significant in our past; or

C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

D. Yields, or may be likely to yield, information important in prehistory or history.

In addition, 36 CFR Section 60.4 requires that, to be considered significant and historic, resources must also exhibit the quality of significance in American history, architecture, archaeology, engineering, or culture and must possess integrity of location, design, setting, materials, workmanship, feeling, and association.

Other "criteria considerations" need to be applied to religious properties, properties that are less than 50 years old, a resource no longer situated in its original location, a birthplace or grave of a historical figure, a cemetery, a reconstructed building, and commemorative properties. These types of properties are typically not eligible for NRHP inclusion unless the criteria for evaluation and criteria considerations are met.

For archaeological sites evaluated under criterion D, "integrity" requires that the site remain sufficiently intact to convey the expected information to address specific important research questions.

TCPs are locations of cultural value that are historic properties. A place of cultural value is eligible as a TCP "because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (Parker and King 1990, rev. 1998). A TCP must be a tangible property, meaning that it must be a place with a referenced location, and it must have been continually a part of the community's cultural practices and beliefs for the past 50 years or more.

7.2.2 State Laws, Regulations, and Policies

CEQA and CEQA Guidelines

Historical Resources

California cultural resources laws and regulations are embodied in CEQA (PRC Section 21000 et seq.) and the CEQA Guidelines (PRC Section 15000 et seq.), as well as other portions of the

Public Resources Code. CEQA requires that lead agencies determine whether their projects would have a significant effect on a unique archaeological resource or a historical resource under Sections 21083.2 and 21084.1, respectively. Section 15064.5(b) of the CEQA Guidelines notes that "a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment." Lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in the significance of a historical resource before they approve such projects.

Historical resources are those that are:

- listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (PRC Code Section 5024.1[d]);
- included in a local register of historical resources (PRC Section 5020.1[k]) or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g); or
- determined by a lead state agency to be historically significant.

Eligibility criteria for CRHR are set forth in PRC Section 5024.1(c). A resource is eligible for CRHR listing if it:

1. is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. is associated with the life of a person important in our past;
3. embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. has yielded, or may be likely to yield, information important in prehistory or history.

CEQA Guidelines Section 15064.5 also applies to unique archaeological resources, as defined in CEQA Section 21083.2(g). A unique archaeological resource implies an archaeological artifact, object, or site for which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

- Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information; or
- Has a special and particular quality, such as being oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource is an archaeological artifact, object, or site that does not meet the above criteria. Impacts on non-unique archaeological resources and resources that do not qualify as historical resources receive no further consideration under CEQA.

Under CEQA Guidelines Section 15064.5, a project potentially would have significant impacts if it would cause substantial adverse change in the significance of one of the following:

- a historical resource (i.e., a cultural resource eligible for CRHR listing);
- an archaeological resource (i.e., a unique archaeological resource that does not meet CRHR listing criteria); or
- human remains (i.e., where the project would disturb or destroy burials).

Section 15064.5 of the CEQA Guidelines also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed in PRC Section 5097.98.

Paleontological Resources

No state or local agency has specific jurisdiction over paleontological resources on private lands. A paleontological collecting permit is not required by any state or local agency to allow for the recovery of fossil remains discovered as a result of construction-related activities on state or private land in the project area; however, if a state agency were to acquire ownership of project lands, PRC Chapter 1.7 *Archaeological, Paleontological, and Historical Sites*, Section 5097.3, would apply. This section of the code specifies that surveys, excavations, or other operations as necessary on state lands may be undertaken to preserve or record paleontological resources.

As noted above, CEQA Section 21083.2 and CEQA Guidelines Section 15064.5 provide specific guidance on historical and unique archaeological resources and, under CEQA, resources called "historical resources" can be of historic or prehistoric age. It is possible that a paleontological resource could be determined to be a historical resource. Although CEQA does not define what constitutes "a unique paleontological resource," the criteria defining a unique archaeological resource could be applied to define a unique paleontological resource.

Tribal Cultural Resources

AB 52 was approved in September 2014 and went effect on July 1, 2015. This bill requires that state lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in CEQA Section 21084.2, specifies that a project that may cause a substantial adverse change in the significance of a TCR might have a significant effect on the environment. Also under AB 52, revisions to the CEQA Guidelines Appendix G Environmental Checklist went into effect on July 1, 2016, to include a consideration of substantial adverse change to TCRs.

TCRs are defined in CEQA Section 21074:

(a) "Tribal cultural resources" are either of the following:
   1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
      (a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(b) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs will be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs, and treating TCRs with "culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource...."

7.2.3 Local Laws, Regulations, and Policies

Stanislaus County General Plan 2015

Cultural resources are addressed in the *Stanislaus County General Plan 2015* (2016) in Chapter 3, the Conservation/Open Space Element. The policies and implementation measures pertinent to the Proposed Project are listed below.

Goal Eight: Preserve areas of national, state, regional and local historical importance.

Policy Twenty-four: The County will support the preservation of Stanislaus County's cultural legacy of archeological, historical, and paleontological resources for future generations.

3. The County shall work with the County Historical Society, and other organizations and interested individuals to study, identify and inventory archeological resources and historical sites, structures, buildings and objects.

4. The County will cooperate with the State Historical [sic] Preservation Officer to identify and nominate historical structures, objects, buildings and sites for inclusion under the [National] Historical [sic] Preservation Act.

5. The County shall utilize the California Environmental Quality Act (CEQA) process to protect archaeological, historic, or paleontological resources. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.

6. The County shall make referrals to the Office of Historic Preservation and the Central California Information Center as required to meet CEQA requirements.

7. The County will work with all interested individuals and organizations to protect and preserve the mining heritage of Stanislaus County.

Policy Twenty-five: "Qualified Historical Buildings" as defined by the State Building Code shall be preserved.

1. Whenever possible, the County Building Permits Division shall utilize the provisions of the State Building Code that allow historical buildings to be restored without damaging the historical character of the building.

Del Rio Community Plan

The Del Rio Community Plan is a focused planning policy and land use planning document that is part of the Stanislaus County General Plan (Stanislaus County 1992). The Del Rio Community Plan contains no specific goals or policies related to cultural or paleontological resources.

7.3 Environmental Setting

7.3.1 Prehistoric Setting

Very little archaeological work has been conducted in the Modesto area or in the San Joaquin Valley in general; therefore, the archaeology of the project area is understood within the prehistoric context developed for the Central Valley as a whole. Since the early 1930s, various schemes have been set forth by researchers to organize the archaeological data of California into a chronological framework. The Central Valley sequence established by Lillard, Heizer, and Fenenga in 1939 is particularly notable. Based on archaeological investigations in the lower Sacramento Valley, Lillard and colleagues divided human prehistory into three broad cultural horizons: Early, Middle, and Late. This chronology was first known as the Delta sequence and later became the basis of Richard Beardsley's Central California Taxonomic System (CCTS) (Moratto 1984:181). The system relies on the identification of characteristics such as burial patterns, shell bead types, stone tools, and the types of locations where the sites tend to occur. These traits and characteristics are used to identify an archaeological resource as belonging to a specific time period.

The CCTS has continued to undergo significant refinement but remains the framework within which California archaeologists explain cultural change. The general system is still widely used by archaeologists, but it has been expanded and revised to include economic and technological strategies, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods. The current chronology (Rosenthal et al. 2010:150) for central California archaeology includes:

- Paleo-Indian: 11,550–8550 B.C.
- Lower Archaic: 8550–5550 B.C.
- Middle Archaic: 5550–550 B.C.

- Upper Archaic: 550 B.C to 1100 A.D.
- Emergent: 1100 A.D. to Historic

The Paleo-Indian Period (11,550–8,550 B.C.) is generally characterized by big-game hunters occupying broad geographic areas. Archaeological deposits from the Paleo-Indian period are rarely found in the Central Valley, however, and those that have been identified have largely been discovered at the south end of the San Joaquin Valley near Tulare Lake. Post-depositional processes, mainly glacial outwash occurring at the end of the Pleistocene Epoch, either destroyed or deeply buried much of the existing evidence of human activity in the region from this period. As result, little is known about Paleo-Indian lifeways in the region (Moratto 1984:214).

Similar to the preceding period, the Lower Archaic Period (8550–5550 B.C.) is presumed to reflect a mobile population that continued to hunt big game. Few localities in the Central Valley are associated with this period, and those that have been found are largely isolated artifacts consisting of large wide-stemmed and leaf-shaped projectile points, along with flaked stone crescents. Only two sites with associated deposits of faunal and shell remains have been identified for the Lower Archaic Period, one at Buena Vista Lake in the southern San Joaquin Valley (Rosenthal et al. 2010:151-152) and one in Sacramento (Tremaine 2008). Some sites in the Sierra Nevada foothills from this period, however, indicate the use of milling equipment (hand stones and milling stones) to process seeds and nuts.

The Middle Archaic Period (5550–550 B.C.) indicates a shift to a more settled way of life that is reflected by substantial, though often deeply buried, archaeological sites with artifacts that are more elaborate in design, imply a more diverse subsistence regime, and indicate interregional trade. Sites are often situated along the major rivers and streams within the Central Valley, emphasizing a focus on riverine and marsh habitats. The Windmiller Tradition or Pattern, which was first identified in sites around the Sacramento–San Joaquin River Delta, is often considered representative of this period. Characteristic artifacts from this period include a variety of fish hooks and spears; large stemmed and leaf-shaped projectile points of obsidian and chert; shaped charmstones of alabaster, steatite, or marble; and a variety of *Haliotis* and *Olivella* shell ornaments and beads, respectively. Mortars and pestles, associated with acorn preparation, became commonplace by the middle of the period. The presence of ventrally and dorsally extended burials with a western orientation is particularly indicative of the Windmiller Pattern.

Increased sedentism and technological specialization are evidenced during the Upper Archaic Period (550 B.C to 1100 A.D.), as populations exploited more diverse resources and established trade relationships. Mortars and pestles became the primary ground stone implements, suggesting that acorns had become a more important dietary staple. Regional diversity in artifact styles, such as *Haliotis* shell ornaments, bone tools, and ground charmstones or plummets, became more pronounced; burial postures also varied.

Archaeological sites from the Emergent Period (A.D. 1100 to the historic period) indicate increased social complexity and the development of large, central villages with resident political leaders and specialized activity sites. Enhanced regional diversity in terms of artifact styles, housing, and interment methods is evident in the archeological record. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a variety of shell and stone beads and ornaments.

7.3.2 Ethnographic Setting

The Modesto area lies within the ancestral territory of the Northern Valley Yokuts. "Yokuts" is a term applied to a large and diverse group of people inhabiting the San Joaquin Valley and Sierra Nevada foothills of central California. The Northern Valley Yokuts inhabited a 40- to 60-mile-wide area straddling the San Joaquin River, south of the Mokelumne River, east of the Diablo Range, and north of the sharp bend that the San Joaquin River takes to the east-northeast near Mendota in Fresno County. The Southern Valley Yokuts inhabited the San Joaquin Valley south of the bend in the river. Although they were divided geographically and ecologically, the two groups have a common linguistic heritage (Wallace 1978:462).

The Northern Valley tribes closely resembled the Yokuts groups to the south, although there were some cultural differences. The northerners had greater access to salmon and acorns, two important dietary resources, and some of their religious practices reflected the influences of groups to their north, such as the Miwok. While inhumation was the usual practice in the southern valley, the Northern Valley Yokuts either cremated their dead or buried them in a flexed position (Wallace 1978:464, 468). A chief headed the tribal villages, which averaged around 300 people. Family houses were round or oval, sunken, with a conically shaped pole frame, and covered with tule mats. Each village also had a lodge for dances and other community functions, as well as a sweathouse (Wallace 1978:462-464).

The Northern Valley Yokuts built their riverside villages on elevated areas along the water's edge to avoid the spring floods, which were a result of heavy Sierra Nevada snow melts. Living beside rivers and streams provided plentiful river perch, Sacramento pike, salmon, and sturgeon. Hunting provided waterfowl such as geese and ducks, as well as terrestrial animals such as antelope, elk, and brown bear, although by all indications, fish constituted most of their diet. The surrounding woodland, grasslands, and marshes provided acorns, tule root, and seeds.

The Northern Valley Yokuts used bone harpoon tips for fishing, stone sinkers for nets, chert projectile points for hunting, mortars and pestles, scrapers, knives, and bone awl tools to procure and process food. Marine shells, procured from coastal tribes, were used for necklaces and other adornments, and marine shell beads sometimes accompanied the deceased. The Yokuts used tule reed rafts to navigate the waterways for fishing and fowling. They also manufactured intricate baskets for a variety of purposes, including storing, cooking, eating, winnowing, hopper mortars, the transport of food materials, and ritual. Very little is known of the Northern Valley Yokuts' clothing, but drawings of their tattoos show that they served not only as a decoration but also as a form of identity (Wallace 1978:464).

Initially, the Diablo Range served as a natural barrier against heavy recruitment of Native Californians by the Spanish, who established missions along the coast. By the early 19th century, however, Spanish and (later) Mexican missionaries began to explore the inner valleys in search of potential neophytes. The Yokuts resisted recruitment and California Indians from a variety of tribes sought refuge among the Yokuts after fleeing the missions. Introduced diseases, destruction of traditional resources from cattle grazing, and forced relocation took a heavy toll on the Northern Yokuts. Despite decades of hardship, many individuals who can trace their ancestry to the Northern Valley Yokuts continue to live and thrive in the Central Valley and throughout California and the United States.

7.3.3 Historic Setting

The historic era began in Stanislaus County when the first Spanish expedition entered the San Joaquin Valley in 1806 under the leadership of Gabriel Moraga. Traveling north and northwest through the region in search of possible mission sites, Moraga's party explored along what came to be known as the Stanislaus River. Moraga visited the area again in 1808 and 1810 (Kyle et al. 2002:516-517).

After Mexico gained its independence from Spain in 1822, two additional expedition forces entered the area; however, the purposes of their campaigns were no longer exploratory. Soldiers were sent into the Central Valley to recover stolen animals and punish hostile Indians in order to reduce the attacks upon coastal towns, missions, and ranchos.

Americans also began to enter the region during the Mexican period. In 1827 and 1828, Jedediah Smith entered the San Joaquin Valley through the Tejon Pass and trapped beavers along the San Joaquin, Kings, and other rivers and streams that flowed from the Sierra. Smith was followed by fellow trappers such as Peter Ogden, Ewing Young, Kit Carson, and Joseph Walker.

The first permanent European settlement may have occurred in Stanislaus County when two land grants were issued by the Mexican government in 1843. The first was the *Rancho El Pescadero* on the west side of the San Joaquin River near the border of what would eventually become San Joaquin County. The second was the *Rancheria del Río de Estanislao* located north of the Stanislaus River bordering Tuolumne County. Two additional land grants were issued the following year. These were the *Rancho del Puerto* and *Rancho Orestimba*, both of which were on the west side of Tuolumne County near Rancho Pescadero (eReferenceDesk 2016).

The City of Modesto came into being in 1870 when the Central Pacific Railroad announced that the location would be the end point of the next extension of the rail line as it progressed south through the Central Valley (Kyle et al. 2002:521). By the time the tracks were completed in November of that year, a viable town had already been established by entrepreneurs (City of Modesto 2016). Modesto residents were among California's first irrigation advocates, and by 1904 a system of canals had been constructed to allow more productive agriculture. During the 19th century, grain-growing was Stanislaus County's dominant agricultural activity. Stock-raising, dairy farming, fruit and nut orchards, and vegetable farming all became more important over time. When Prohibition ended in 1933, the Gallo brothers came to Modesto, bringing the wine business to the area on an industrial scale. In the 21st century, almonds and walnuts are the most lucrative local crops, although fruit, vegetables, livestock, and other agricultural products remain important. Modesto is still the most important town in the region and is the Stanislaus County seat.

The Del Rio area is a census-designated place in Stanislaus County that receives services from the City of Modesto. Until the mid-1940s, the area supported scattered farms and orchards. The Del Rio Country Club was founded along on south bank of the Stanislaus River in 1946 (Del Rio Country Club 2016). After this time, the area slowly began to grow as housing tracts were established west of the golf course, along Country Club Drive on the south side of the golf course, and east of St. John Road, which borders the country club on the east (USGS 2016). The current level of development in the Del Rio area was completed around 2002 (NETR Online 2016).

7.4 Impact Analysis

7.4.1 Methodology

All aspects of the cultural resources study for the Proposed Project were conducted in accordance with the U.S. Secretary of the Interior's Standards and Guidelines for Identification of Cultural Resources (48 CFR Parts 44720–44723). The cultural resources study for the Proposed Project study area included archival research, Native American outreach and consultation, a field study, and the evaluation of identified cultural resources to determine their eligibility for listing on the NRHP and CRHR.

The Proposed Project study area is comprised of the 4-acre parcel located at 718 Ladd Road (Site A), the 0.4-acre parcel located at the northwest corner of McHenry Avenue and Stewart Road (Site B), and the new transmission pipeline and connections planned for Ladd Road, St. John Road, Stewart Road, and McHenry Avenue, as depicted in **Figure 2-1** in Chapter 2, *Project Description*.

Archival Research

A records search for the Proposed Project study area was conducted by the Central California Information Center (CCIC) of the California Historical Resources Information System at California State University, Stanislaus, before initiating the field study. The purpose of the records search was to determine if the study area had previously been surveyed for cultural resources, and to identify any previously recorded cultural resources in, or within ½ mile of, the Proposed Project study area. The CCIC archival research included review of the California Inventory of Historic Resources, local historical inventories, historical literature, and historical maps including USGS topographic maps, General Land Office maps, and Rancho Plat Maps.

The records search indicated that two previous studies had included portions of the Proposed Project study area. These studies are listed in **Table 7-1**; another three studies had been conducted within the ½ mile search area. One of the studies, 07171, is listed in Table 7-1 because it directly borders the Proposed Project study area along St. John Road. The remaining two studies are farther removed from the study area and are not included.

The records search identified one previously recorded cultural resource immediately south of the Site A parcel. This resource, P-50-002155, is the Dr. Moore Canal. Constructed in 1911, the Dr. Moore Canal is a small, concrete-lined branch canal that diverts water from the Modesto Irrigation District Main Canal for local agricultural purposes before reconnecting with the Main Canal downstream (Morlet 2006). The site record for the Dr. Moore Canal evaluated the resource as being not eligible for listing in the NRHP or CRHR.

Table 7-1. Previously Conducted Cultural Studies That Included the Proposed Project Study Area

CCIC Report No.	Author	Date	Title	Comments
06802	S. Davis-King	2008	Negative Historical Resource Survey Report, McHenry Road Widening, Phase I – Ladd Road to Hogue Road, Stanislaus County, California	Linear survey along McHenry Avenue and adjacent to Site B
07171	C. K. Graham	2009	Proposed Abandonment of the McHenry Industrial Lead from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry, a total distance of 5.18 miles in San Joaquin and Stanislaus counties, California.	Linear survey along the abandoned Union Pacific Railroad line east of St. John Road, adjacent to the study area
07244	S. Waechter and M. Bunse	2007	North County Corridor Environmental Constraints Analysis: Cultural Resources	Literature search that included the area of Site A

The supporting documentation for the *Stanislaus County General Plan* (Stanislaus County 1987:3-51) does not identify any historical areas or points of historical interest in the Proposed Project study area.

A review of soils information (Natural Resources Conservation Service 2016) and geoarchaeological data (Rosenthal et al. 2004:76; 78-79) indicates that the soils within the project area (Delhi loamy sand, Hanford sandy loam, and Tujunga loamy sand) date from the late Pleistocene through the Holocene Epoch. These soils are considered to have moderate, high, and very high sensitivity ratings, respectively, for buried archaeological remains (Rosenthal et al. 2004:104). Proximity to the Stanislaus River increases the potential for buried resources.

Native American Coordination

A request was made to the California Native American Heritage Commission (NAHC) on April 20, 2016, to review its files for the presence of sacred sites at or near the Proposed Project study area. At the same time, requests were made for a list of individuals who might have concerns or have knowledge of traditional sites in the vicinity of the Project and for a separate list of tribes that have a traditional and cultural affiliation with the Proposed Project area for the purpose of consultation with regard to TCRs under PRC Section 21080.3.1. The NAHC responded on April 21, 2016, noting that no sacred sites are known to exist in the vicinity of the Proposed Project and providing a list of tribes for the purposes of PRC Section 21080.3.a consultation. After additional communication with the NAHC requesting a broader list of individuals who might have knowledge about the project area, the NAHC stated that the list provided for Section 21080.3.1 consultation was adequate. As a result, letters requesting information were sent to the individuals identified in **Table 7-2**. These individuals were contacted first by mail, then by phone. To date, those contacted have not voiced any concerns about the project.

Table 7-2. Native American Consultation

Contact	Tribe	Letter Date	Telephone Follow-up Date	Comments
Lois Martin, Chairperson	Southern Sierra Miwok Nation	June 10, 2016	June 27, 2016	Chairperson Martin noted that the project was out of their usual area of concern and she did not know of any resources in the project area. She noted, however, that work should stop if any cultural resources were discovered during construction.
Katherine Erolinda Perez, Chairperson	North Valley Yokuts Tribe	June 10, 2016	June 27, 2016	Left message on answering machine
Neil Peyron, Chairperson	Tule River Indian Tribe	June 10, 2016	June 27, 2016	Operator could not find letter in the mail log; Chairperson Peyron said it might have gone to the environmental coordinator and he would follow up with that person.

The City of Modesto also sent notification letters about the project, in accordance with PRC Section 21080.3.1(d), to the individuals listed in Table 7-2 on May 12, 2016. None of the contacted tribes requested consultation within the 30-day period prescribed under PRC Section 21080.3.1(b)(2).

All communications and correspondence with NAHC and Native American tribes are provided in **Appendix E**.

Field Studies

The Proposed Project study area was subjected to an intensive archaeological pedestrian survey on May 4, 2016, by a qualified archaeologist who meets the U.S. Secretary of the Interior's professional standards in archaeology ((48 FR 44738-44739; Appendix A to 36 CFR 61). During the pedestrian survey, the study area was inspected for the presence of archaeological materials, including prehistoric and historic-era habitation debris (e.g., stone tools or tool-manufacturing debris, glass fragments, tin cans), prehistoric features (e.g., hearths, house pits), and historic-era structural remains (e.g., house foundations, wells). Site A was surveyed in transects spaced at approximate 40-foot intervals. The much smaller Site B was surveyed at about 15-foot intervals. Although grasses covered much of both parcels, ground surface visibility ranged from fair to excellent. Both shoulders of St. John Road were surveyed to a distance of approximately 25 feet from the edge of pavement, where possible; ground surface visibility was excellent. The survey width along approximately the northern

1,200 feet of the west shoulder on St. John Road, the northern shoulder of Ladd Road, both sides of Stewart Road, and the west shoulder of McHenry Avenue was restricted by fencing, landscaping, and concrete sidewalks; however, the ground surface was examined wherever possible.

The architectural history field survey of Site A was performed by a qualified architectural historian who meets the U.S. Secretary of the Interior's professional standards in architectural history on May 4, 2016. Each building and structure of the farm complex on the property was examined and photographed. The buildings were recorded on California Department Parks and Recreation (DPR) 523 series forms.

The cultural resources technical report for the Proposed Project is included as Appendix E of this DEIR.

Results

Archaeological Resources

No archaeological resources were identified within the Proposed Project study area as the result of the archaeological field study.

Built Environment Resources

One rural property, consisting of a single-family home, a detached garage, a metal barn, and several outbuildings in disrepair, was identified within the Proposed Project study area and recorded on DPR forms (see Appendix E, Attachment 3). The resource is at 718 Ladd Road on the 4-acre parcel identified as Site A, which is the proposed location for a water storage tank and a pump station building (see Chapter 2, *Project Description*).

Research discovered that the house was constructed in 1946 by Joe Moreno, whose family continued to own the parcel until it was sold to the City of Modesto around 2010. Like many of his neighbors, Joe maintained a small orchard on his property until the early 2000s. Today the parcel is grass covered, with ornamental trees growing around the house and outbuildings.

The rectangular-plan house is 1,264 square feet with its main façade on Ladd Road. Its composition shingle roof is side-gabled with shed sections at the front and rear. It has the minimal eave overhang and exposed rafter tails of the Minimal Traditional style, a style that was popular for inexpensive houses beginning in the Great Depression and extending until about 1950. Cladding is stucco, and windows of several sizes are fitted with vinyl replacement sash. The projecting partial porch is supported by three square brick columns. The front door is near the center of the main elevation. It is sheltered by the porch roof and accessed by a set of concrete steps that lead from the driveway to the east side of the house. It is fitted with a metal screen security door. A brick chimney is present on the east elevation. A secondary entrance at the rear is fitted with a partially glazed wood door and accessed by a set of concrete steps. An awning at the southeast corner of the house appears to have been removed, and the door is sheltered by a few inches of eave overhang. A smaller wood-panel door west of the rear entrance is at grade and appears to house a water heater.

The rear yard has areas paved in concrete and asphalt as well as bare dirt. The garage is southeast of the house, and is also side-gabled and clad in stucco. Its single-vehicle opening

has a metal roll-up door. A similar, single-vehicle door to the west has been partially enclosed, and a partially glazed wood-panel door has been installed. A secondary personnel entrance is present on the east elevations, and aluminum slider windows are visible at the east, south, and west. Photographs of the structures are included in the DPR forms in Appendix E.

The Moreno property was evaluated for eligibility for listing in the NRHP and the CRHP, as follows:

- Criterion A/1: 718 Ladd Road is not associated with events that have made a significant contribution to the broad patterns of local, regional, or national history. Therefore, the building is not eligible to the NRHP or CRHR under Criterion 1/A.
- Criterion B/2: 718 Ladd Road is not associated with the lives of persons important to local, state, or national history, and therefore is not eligible to the NRHP or CRHR under Criterion B/2.
- Criterion C/3: 718 Ladd Road is a common example of dwelling constructed in the 1940s. It lacks architectural significance and is therefore not eligible to the NRHP or CRHR under Criterion C/3.
- Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 718 Ladd Road does not appear to be a principal source of important information in this regard.

In sum, the property at 718 Ladd Road does not appear to be eligible for listing on either the NRHP or the CRHR.

Tribal Cultural Resources

Outreach to local Native American tribes for general information and concerns about the Proposed Project has not identified any TCRs. Similarly, consultation under PRC Section 21080.3 has not revealed the presence of TCRs in the Proposed Project study area.

Paleontological Resources

As noted in Chapter 9, *Groundwater,* the Proposed Project area is underlain by Pleistocene alluvial deposits consisting of poorly sorted gravel, sand, silt, and clay that are more than 400 feet thick. These materials in the Central Valley are known to contain a variety of fossils, including extinct horses, mammoths, and giant ground sloth. Other animals noted are marine-living animals such as marine turtles, shark teeth, and sea urchins (Sierra College 2016).

Directly below the alluvial deposits is the Mehrten Formation, which was deposited during the Miocene to Pliocene Epochs. The Mehrten Formation is composed of sandstone, breccia, conglomerate, tuff, siltstone, and claystone, some of which are known to contain both botanical and vertebrate fossils (Marchand and Wagner 1980). Fossils of giant tortoise have been found in Mehrten Formation deposits at Turlock and Modesto Reservoirs located southeast of the Project site (Biewer et al. 2016).

7.4.2 Criteria for Determining Significance

Based on Appendix G of the CEQA Guidelines, the Proposed Project would result in a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature; or
- Disturb any human remains, including those interred outside of dedicated cemeteries.
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020(k), or
  - A resource determined by the lead agency, in its discretion, and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

CEQA does not establish criteria for determining the significance of paleontological resources. Appendix G of the State CEQA Guidelines and the standard guidelines for assessment and mitigation of adverse impacts on paleontological resources set forth by the Society of Vertebrate Paleontology (2010) were used to establish three categories of sensitivity: high, low, and undetermined. Areas that consist of rock units that have yielded vertebrate or significant invertebrate, plant, or trace fossils are considered to have a high potential for containing paleontological resources.

7.4.3 Environmental Impacts

Impact CUL-1: Potential for a Substantial Adverse Impact on Historical Resources (No Impact)

No cultural resource within the Proposed Project study area has been determined to be eligible for inclusion in the CRHR or otherwise eligible as a significant historic resource under CEQA standards, and, thus, defined as an historical resource. As a result, there would be **no impact** on historical resources.

Impact CUL-2: Potential for a Substantial Adverse Impact on Archaeological Resources from Construction (Less than Significant with Mitigation)

An archaeological survey was conducted of the Proposed Project site, and no archaeological resources were found; however, archaeological remains could be buried with no surface manifestation. Drilling of the production and monitoring wells, installation of water pipelines, construction of structures to house the wells and pumps at Sites A and B, or excavation of the stormwater detention basin at Site A could uncover buried archaeological deposits. Should a previously undiscovered resource be found during construction and be determined eligible for inclusion in the CRHR, and should Proposed Project activities have the potential to render the resource ineligible for inclusion in the CRHR, the impact would be potentially significant. Implementation of **Mitigation Measure CR-1 (Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources)** would reduce any impacts on CRHR-eligible archaeological sites accidentally uncovered during construction to a level that is less than significant.

> **Mitigation Measure CR-1: Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.**
>
> Not all cultural resources are visible on the ground surface. As a result, before initiation of ground-disturbing activities, the City or its designee shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present at the Proposed Project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of the Interior's professional standards. Training shall be required during each phase of construction to educate new construction personnel.
>
> If any cultural resources, including structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains, are encountered during Proposed Project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and the City will be contacted.
>
> All cultural resources uncovered during construction within the Proposed Project site shall be evaluated for eligibility for inclusion in CRHR. Resource evaluations shall be conducted by individuals who meet the U.S. Secretary of the Interior's professional standards in archaeology, history, or architectural history, as appropriate. If any of the resources meet the eligibility criteria identified in PRC Section 5024.1 or CEQA Guidelines Section 21083.2(g), mitigation measures will be developed and implemented in accordance with CEQA Guidelines Section 15126.4(b) before construction resumes.
>
> For a TCR or any resources eligible for listing in the CRHR that would be significantly adversely affected by the Proposed Project construction, additional mitigation

measures shall be implemented. Mitigation measures for archaeological resources may include (but are not limited to) avoidance; incorporation of sites within parks, greenspace, or other open space; capping the site; deeding the site into a permanent conservation easement; or data recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies and, as appropriate, interested parties such as Native American tribes. Native American consultation is required if an archaeological site is determined to be a TCR. Implementation of the approved mitigation is required before resuming any construction activities with the potential to affect identified eligible resources at the site.

Impact CUL-3: Potential to Directly or Indirectly Destroy a Unique Paleontological Resource or Site, or Unique Geological Feature (Less than Significant with Mitigation)

Production and monitoring wells excavated for the Proposed Project would reach depths of up to 600 feet deep. Research indicates that the alluvial soils that underlie the site have the potential to contain terrestrial and marine fossils; the deeper Mehrten Formation could also contain fossils. As a result, it is possible that fossils could be encountered during construction. Should fossils be discovered during construction and be determined to be a unique paleontological resource or site, and should Proposed Project activities have the potential to destroy the resource, the impact would be potentially significant. Implementation of **Mitigation Measure CR-2 (Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary)** would reduce any impacts on unique paleontological resources or sites accidentally uncovered during construction to a level that is **less than significant.**

Mitigation Measure CR-2: Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary.

Paleontological resources are not necessarily visible on the ground surface. As a result, before initiation of ground-disturbing activities, construction crews shall receive training about the kinds of paleontological materials that could be present at the Proposed Project site and the protocols to be followed should such materials be uncovered during construction. Training shall be conducted by a professional paleontologist. Training shall be required during each phase of construction to educate new construction personnel.

If any items of paleontological interest are discovered during construction, work shall be suspended immediately within 50 feet of the discovery site, or to the extent needed to protect the site, and the City shall be notified.

Any discovery of paleontological resources during construction shall be evaluated by the qualified paleontologist. If it is determined that the Proposed Project could damage a unique paleontological resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City. Work shall not be resumed until authorization is received

from the City and any recommendations received from the qualified paleontologist are implemented.

Impact CUL-4: Potential for Disturbance of Human Remains, including Those Interred Outside of Dedicated Cemeteries (Less than Significant with Mitigation)

No human remains were identified at the Proposed Project site as a result of background research or the field survey. The potential for human remains to be identified on the site during construction is considered low, although their presence cannot be entirely discounted. Implementation of **Mitigation Measure CR-3 (Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code)** would reduce impacts on any human remains discovered during construction to a level that is **less than significant**.

Mitigation Measure CR-3: Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.

If human remains are discovered during construction activities, the requirements of Section 7050.5 of the California Health and Safety Code shall be followed. Potentially damaging excavation shall halt on the Proposed Project site within a minimum radius of 100 feet of the remains and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). In accordance with the provisions of PRC Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The City or its designee shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect.

Impact CUL-5: Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource (Less than Significant with Mitigation)

No TCRs have been identified in the Proposed Project study area to date. However, archaeological sites that are buried and discovered during construction have the potential to be TCRs. Should an archaeological site be discovered that is determined to be a TCR, Mitigation Measure CR-1 would be implemented and would result in a less-than-significant impact.

Although no Native American tribes responded to the City's project notification letter within the 30-day period prescribed under PRC Section 21080.3.1(b)(2), tribes will have the opportunity to comment on this DEIR through the public comment period. As a result, it is possible that TCRs may yet be identified. If TCRs are identified, the City will work with the tribe(s) to avoid or mitigate any impacts that might affect TCRs. If TCRs are identified within

the Proposed Project study area, implementation of Mitigation Measure CR-1 and **Mitigation Measure CR-4 (Prepare and Implement Treatment Plans for any TRCs Identified in the Proposed Project Study Area)** would reduce any potential impacts to a level that is **less than significant.**

> **Mitigation Measure CR-4: Prepare and Implement Treatment Plans for any TCRs Identified in the Proposed Project Study Area.**
>
> If TCRs are identified in the Proposed Project study area, the City shall consult and work with tribes with a traditional and cultural affiliation to the resource to develop feasible alternatives that will avoid impacts or develop and implement treatment plans that will substantially lessen the impacts on identified TCRs, in accordance with PRC Sections 21083(b)(2) or 21084.3.

7.4.4 Cumulative Impacts

Impact CUL-6: Potential to Eliminate Important Examples of the Major Periods of California History or Prehistory (Less than Significant with Mitigation)

The 2010 Water System Engineer's Report Program EIR (City of Modesto 2010) concluded that there would be no cumulative impacts regarding cultural resources. Since publication of that document, no other projects are planned in the immediate vicinity of Sites A or B that could create a significant cumulative impact in combination with the Proposed Project. As such, with implementation of Mitigation Measures CUL-1, CUL-2, CUL-3, and CUL-4, described above, all impacts would be reduced to a less-than-significant level and there would be no cumulative impact to which the Proposed Project could contribute related to cultural resources.

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Chapter 8
Global Climate Change

8.1 Overview

This chapter describes the regulatory and environmental setting related to global climate change and greenhouse gases (GHGs) and then evaluates impacts related to the Proposed Project's forecasted GHG emissions. The impact evaluation begins by describing the methodology used to evaluate significance and the GHG significance criteria, and then presents the impact evaluation. Mitigation measures are identified for impacts that are determined to be significant.

8.2 Regulatory Setting

8.2.1 Federal Laws, Regulations, and Policies

At the federal level, USEPA has developed regulations to reduce GHG emissions from motor vehicles and has developed permitting requirements for large stationary emitters of GHGs. On April 1, 2010, USEPA and the National Highway Traffic Safety Administration (NHTSA) established a program to reduce GHG emissions and improve fuel economy standards for new model year 2012-2016 cars and light trucks. On August 9, 2011, USEPA and the NHTSA announced standards to reduce GHG emissions and improve fuel efficiency for heavy-duty trucks and buses.

8.2.2 State Laws, Regulations, and Policies

In recent years, California has enacted a number of policies and plans to address GHG emissions and climate change. In 2006, the California State Legislature enacted Assembly Bill (AB) 32, the Global Warming Solutions Act, which set the overall goals for reducing California's GHG emissions to 1990 levels by 2020. Two executive orders, EO S-3-05 and EO B-16-2012, further extend this goal to 80 percent below 1990 levels by 2050. EO B-18-12 requires California state agencies and departments to take immediate steps to "green" the state's buildings, reduce GHG emissions, and improve energy efficiency. In April 2015, Governor Brown issued EO B-30-15, setting an interim target to cut California's greenhouse gas emissions to 40 percent below 1990 levels by 2030, to help the state meet the 80 percent emissions reduction goal for 2050 set in EO S-03-05.

CARB has completed rulemaking to implement several GHG emission reduction regulations and continues to investigate the feasibility of implementing additional regulations. These include the low carbon fuel standard, which reduces GHG emissions associated with fuel usage, and the renewable portfolio standard, which requires electricity suppliers to increase the amount of electricity generated from renewable sources to 33 percent by 2020. The California Building Code (CBC) (Title 24 of the CCR) governs construction of buildings in

California. Parts 6 and 11 of Title 24 are relevant for energy use and green building standards, which reduce the amount of indirect GHG emissions associated with buildings.

CARB approved the First Update to the AB 32 Scoping Plan on May 22, 2014 (CARB 2014). This update defines climate change priorities for 5 years and also sets the groundwork to reach long-term goals set forth in EO S-3-05 and EO B-16-2012. The update also highlights California's progress toward meeting the near-term 2020 GHG emission reduction goals and evaluates how to align the state's longer term GHG reduction strategies with other state policy priorities for water, waste, natural resources, clean energy, transportation, and land use. The update identifies that GHG emissions from the water sector come primarily from the energy used to pump, convey, treat, and heat water (CARB 2014). As a result, key recommended actions by state agencies for the water sector include implementing new water-related energy conservation measures and efficiency standards, modifying state and regional water board policies to achieve conservation, and developing a comprehensive groundwater management strategy.

8.2.3 Local Laws, Regulations, and Policies

San Joaquin Valley Air Pollution Control District

The SJVAPCD's *Climate Change Action Plan* (CCAP), adopted in 2008, directed the District Air Pollution Control Officer to develop guidance to assist lead agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project-specific GHG emissions on global climate change (SJVAPCD 2008, 2015a). On December 17, 2009, the SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* (Guidance) (SJVAPCD 2009). The Guidance establishes a streamlined process that can be used to evaluate the significance of project-specific GHG emission impacts on global climate change, based on the use of Best Performance Standards (BPS) (SJVAPCD 2009); the streamlined evaluation process is designed to meet the reduction goals of AB 32. The SJVAPCD defines BPS as "the most effective achieved-in-practice means of reducing or limiting GHG emissions from a GHG emissions source." Types of BPS include equipment type, equipment design, operational and maintenance practices, measures that improve energy efficiency, and measures that reduce vehicle miles traveled (SJVAPCD 2009). If BPS are not available, SJVAPCD encourages users to demonstrate at least a 29-percent reduction from business as usual (BAU). Based on CARB's AB 32 Scoping Plan document (CARB 2014), the SJVAPCD considers BAU to be the emissions occurring in 2020 via the application of unit-of-activity emission factors from the 2002-2004 period multiplied by the activity expected to occur in 2020. These 2020 BAU emissions represent the potential emissions if GHG emission reduction measures were not implemented (SJVAPCD 2009).

Stanislaus County Regional Sustainability Toolbox

Stanislaus County, in collaboration with the nine cities within the County, completed the Stanislaus Regional Sustainability Toolbox (RST). The RST includes multiple planning tools to achieve regional GHG reductions. The planning tools include an example climate action plan (CAP) with regional CAP strategies and low impact development (LID) standards and specifications. Relevant regional strategies from this model CAP that are related to water-related infrastructure projects like the Proposed Project include the following (ESA 2013):

Goal E.1: Increase Building and Equipment Efficiency Community-Wide

Strategy E.1.5: Industrial Equipment Energy Efficiency Promotion. Promote understanding of San Joaquin Valley Air Pollution Control District Industrial Equipment Energy Efficiency Best Performance Standards.

Action E.15a: Make information available regarding the San Joaquin Valley Air Pollution Control District Best Performance Standards for industrial energy efficiency.

Goal E.3: Increase Energy Efficiency and Renewable Energy Generation and Use in Municipal Operations

Strategy E.3.1: Municipal Energy Efficiency. Increase energy efficiency in government operations, including City buildings and facilities.

Strategy E.3.2: Municipal On-site Renewable Energy Sources. Increase on-site renewable energy systems at City facilities.

Goal W.2: Reduce Municipal Operations Water Consumption

Strategy W.2: Decrease Municipal Operations Water Consumption. Reduce municipal operations water consumption by 20% by 2020.

Stanislaus County General Plan 2015

The *Stanislaus County General Plan 2015* Conservation/Open Space Element (2016) identifies water conservation-related goals and policies that would contribute to reduced GHG emissions by conserving water resources and reducing related energy use for water supply/distribution activities. The following goal, policies, and implementation measures also apply to the Proposed Project:

Goal Six: Improve air quality.

Policy Nineteen: The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects.

Implementation Measure 1. Require all development proposals, where appropriate, to include reasonable air quality mitigation measures.

Implementation Measure 2. Minimize case-by-case analysis of air quality impacts through the use of standard criteria for determining significant environmental effects, a uniform method of calculating project emissions, and standard mitigation methods to reduce air quality impacts.

Policy Twenty: The County shall strive to reduce motor vehicle emissions by reducing vehicle trips and vehicle miles traveled and increasing average vehicle ridership.

Del Rio Community Plan

The *Del Rio Community Plan* includes goals and policies indirectly related to reducing GHG emissions through development-related policies for the protection of air and water resources

(Stanislaus County 1992). Specifically, the following goal of the *Del Rio Community Plan* would be relevant to the Proposed Project:

Goal 3: Further development in the Del Rio area should be planned to ensure that adverse impacts on services and utilities, schools, transportation and circulation, agriculture, water, and air quality are appropriately mitigated.

8.3 Environmental Setting

Climate change results from the accumulation in the atmosphere of GHGs, which are produced primarily by the burning of fossil fuels for energy. Because GHGs (primarily carbon dioxide [CO_2], methane, and nitrous oxide) persist and mix in the atmosphere, emissions anywhere in the world affect the climate everywhere in the world. GHG emissions are typically reported in terms of carbon dioxide equivalents (CO_2e), which convert all GHGs to an equivalent basis taking into account their global warming potential compared to CO_2.

Anthropogenic (human-caused) emissions of GHGs are widely accepted in the scientific community as contributing to global warming. Temperature increases associated with climate change are expected to adversely affect plant and animal species, cause ocean acidification and sea level rise, affect water supplies, affect agriculture, and harm public health.

Global climate change is already affecting ecosystems and societies throughout the world. Climate change adaptation refers to the efforts undertaken by societies and ecosystems to adjust to and prepare for current and future climate change, thereby reducing vulnerability to those changes. Human adaptation has occurred naturally over history; people move to more suitable living locations, adjust food sources, and more recently, change energy sources. Similarly, plant and animal species also adapt over time to changing conditions; they migrate or alter behaviors in accordance with changing climates, food sources, and predators.

Many national, as well as local and regional, governments are implementing adaptive practices to address changes in climate, as well as planning for expected future impacts from climate change. Adaptations that are already in practice or under consideration include conserving water and minimizing runoff with climate-appropriate landscaping, capturing excess rainfall to minimize flooding and maintain a constant water supply through dry spells and droughts, protecting valuable resources and infrastructure from flood damage and sea level rise, and using water-efficient appliances. Managed water resources can assist with minimizing the effects of changes in streamflow, water temperature changes, and changes in salinity (USEPA 2015a, 2015b).

In 2013, total California GHG emissions were approximately 459 million metric tons of carbon dioxide equivalents (million MT CO_2e). This represents a 0.3-percent decrease in total annual GHG emissions from 2012. From 2000 to 2013, annual GHG emissions decreased by approximately 2.0 percent; the peak year for annual emissions was 2004 (CARB 2015a, 2015b).

In 2013, the transportation sector was the largest source of emissions, accounting for approximately 37 percent of total emissions. On-road vehicles accounted for more than 90 percent of emissions in the transportation sector. The industrial sector accounted for

approximately 23 percent of total emissions. Emissions from electricity generation were about 20 percent of total emissions (CARB 2015b).

Per capita emissions in California decreased by 12 percent from 2000 to 2013, even though population increased by approximately 12 percent during this period (CARB 2015b, California Department of Finance 2014). Per capita emissions from in-state electricity generation declined by approximately 24 percent from 2000 to 2013 (CARB 2015a, California Department of Finance 2014). These declines resulted from the state's move toward more efficient and renewable in-state and imported energy (electricity) sources.

8.3.1 Stanislaus County Regional Inventory

A baseline inventory was conducted of GHG emissions in Stanislaus County, including the nine cities within the county, during 2005 (ICF International 2013). Total 2005 GHG emissions from the Stanislaus County region were approximately 6.042 million MT CO_2e (specifically, 6,042,232 MT CO_2e), which does not include stationary-source emissions (658,692 MT CO_2e). Stationary sources, including landfills, were not included because they are regulated by separate federal and state regulations. The greatest regional GHG emission sources were building energy (a combined electricity and natural gas contribution of 40 percent), on-road transportation (27 percent), and agriculture (24 percent). Water-related emissions were approximately 0.5 percent. Per capita GHG emissions for Stanislaus County were 10.2 MT CO_2e, which was less than the 2005 statewide per capita GHG emission rate (12.5 MT CO_2e) but similar to the per capita emission rate of other counties (e.g., Sacramento County, 11.0 MT CO_2e; San Diego County, 10.0 MT CO_2e) (ICF International 2013).

8.4 Impact Analysis

8.4.1 Methodology

Construction and operational emissions were estimated using CalEEMod version 2013.2.2. CalEEMod is an emissions model that estimates GHG emissions for land use development projects. It contains reasonable default assumptions that can be replaced if site-specific information is available. CalEEMod incorporates both CARB's EMFAC for vehicles and current off-road in-use engine emissions modeled for construction equipment. Modeling for the Proposed Project assumed a potential overlap in the building construction and pipeline construction (trenching and jack/bore) phases. Detailed CalEEMod output, including relevant input parameters, is contained in **Appendix C**, *Air Quality and Global Climate Change Impacts Evaluation Supporting Documentation*. In general, CalEEMod default numbers were used for construction phases and equipment, construction duration, and quantity of construction workers for each phase, with exceptions noted below and/or in Appendix C. Some of these construction details are also provided in Chapter 2, *Project Description*.

The use of equipment and materials such as concrete and steel require energy and, therefore, indirectly result in GHG emissions. These indirect GHG emissions associated with building materials are referred to as "embodied energy" and are based on life-cycle GHG emission analyses of individual materials. The embodied energy from building materials has not been estimated for this analysis, as detailed specifications and estimates of building materials are not available. For a typical building construction project, the materials that have some of the largest amounts of embodied energy are cement and steel.

Project-specific inputs into CalEEMod included estimated soil export quantities for the pipeline and project site construction activities, estimated landscaping-related water use, change in carbon sequestration by vegetation added or removed, and use of City-provided assumptions for the project's pipeline construction activities. The estimated soil export quantities and landscaping-related water use calculations are provided in Appendix C. In general, it was assumed that soils would be kept within the Proposed Project work area. The equipment assumptions for all construction phases can also be found in Appendix C. It was assumed that Sites A and B (4.4 total acres) would be converted from grassland to unvegetated hardscape, except for the addition of approximately 70 new trees at Site A. These values were considered in the carbon sequestration calculations as a one-time change in GHG emissions and included in the construction-related emissions. Equipment assumptions and construction durations for well-drilling activities at the sites and the pipeline construction–related jack-and-bore activities were provided by the City and included in the construction emission analysis

Operational-related trips to the project sites assumed 1 worker per week-day. Estimated energy intensity associated with pumps at Site A and Site B (as described in Chapter 2, *Project Description*) assumed pumping usage of 8 hours per day year round (Appendix C).

Projected changes in climate associated with global warming may have related effects on other resources in the future, including effects on the Proposed Project (such as changed weather patterns). Anticipated potential worldwide climate change effects include coastal erosion, sea level rise, melting glaciers, atmospheric temperature warming, increased wildfire risk, ocean warming, food production issues (e.g., decreased crop yields), effects on terrestrial and marine ecosystems, flooding and/or drought conditions, and altered hydrologic patterns such as changes in river flows or lake levels (Intergovernmental Panel on Climate Change 2014). California-specific climate change effects and indicators of climate change are similar to those that may be experienced globally and are discussed in *Indicators of Climate Change in California*, a report prepared by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment in 2013 (OEHHA 2013). The evaluation of such effects on the Proposed Project is beyond the scope of this GHG analysis.

8.4.2 Criteria for Determining Significance

Based on Appendix G of the CEQA Guidelines and professional expertise, it was determined that the Proposed Project would result in a cumulatively considerable contribution to the significant cumulative impact related to GHG emissions if it would:

- Generate a substantial amount of GHG emissions; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of GHGs.

With regard to the first significance criterion ("substantial amount of GHG emissions"), SJVAPCD has adopted a BPS threshold for GHG emissions based on an achievable-in-practice analysis of improvement over a BAU scenario or a 29-percent reduction in GHG emissions from the BAU scenario. However, at this time there is not an approved BPS for this type of project or for construction equipment. Therefore, the published California air district mass emissions thresholds were reviewed and considered in developing an appropriate threshold to address this significance criterion for the Proposed Project's operational activities.

The Proposed Project has been evaluated to determine if a 29-percent reduction in GHG emissions from the BAU scenario could be achieved. For determination of this reduction, one-time emissions from construction and land use change have been amortized over 30 years and combined with the annual operational emissions. Using this methodology, GHG emissions could be considered less than significant for cumulative impacts if the generated GHG emissions compared to BAU would be reduced by 29 percent. This level of reduction is greater than the estimated average percent reduction needed to meet the 2020 goal of AB 32 compared to the projected BAU scenario for 2020. The most recent Scoping Plan estimates that a 15-percent reduction from BAU would be required to reach the goal of AB 32.

For the second significance criterion ("conflict with applicable plan, policy, or regulation"), the applicable plans and policies for operational-related emissions were determined to be CARB's Scoping Plan and its policies. Specifically, if a project activity does not conflict with CARB's GHG emission reduction policies, it would have a less-than-significant impact. In addition, the Proposed Project's operations were reviewed for compliance with Stanislaus County's regional CAP strategies and the County's applicable general plan policies.

8.4.3 Environmental Impacts

Impact GHG-1: Generate Substantial GHG Emissions, Either Directly or Indirectly, from Project Construction, Land Use Changes, and Operation (Significant and Unavoidable)

Construction of the Proposed Project would involve activities that would result in one-time emissions of GHGs. Changes in carbon sequestration due to land use change and tree planting would also result in one-time emissions of GHGs. As shown in Table 8-1, combined one-time GHG emissions associated with the Proposed Project's construction and change in carbon sequestration from land use changes would be approximately 536 MT CO_2e annually. These emissions are one-time emissions and would not continue to occur once the construction is complete. Amortized over the project life (approximately 30 years), construction and sequestration GHG emissions would be approximately 18 MT CO_2e per year.

Operation of the Proposed Project would generate GHG emissions from annual maintenance of emergency generators, worker vehicle trips, and, primarily, from the pumps' electricity use at the Proposed Project sites. Approximately one worker vehicle trip would occur daily during the week. The Proposed Project's operation would generate approximately 374 MT CO_2e per year in 2019. Electricity use makes up 363 MT CO_2e per year of these emissions. Combining the operation emissions with the amortized one-time emissions, the total annualized emissions are 392 MT CO_2e per year.

Table 8-1. Proposed Project Construction-related and Operational GHG Emissions

Emissions Source	MT CO_2e
Construction 2017	517
Construction 2018	49
Sequestration Change	-30
Total One-time (Construction and Sequestration)	536
One-time Annualized (30-year Amortization)	18
Operation Annual	502
Total Annualized Emissions	520
Renewable Portfolio Standard Reduction from Business as Usual	161.7
Percent Reduction Compared to Business as Usual	31%

Notes:

Construction, carbon sequestration, and operation emissions based on CalEEMod modeling results.
Amortization over 30 years based on the Proposed Project facility's anticipated lifetime (SJVAPCD 2015b).

SJVAPCD, the local air district with jurisdiction over the Proposed Project, has determined that GHG emissions are best controlled through implementation of BPS or demonstration of a 29-percent reduction from 2002-2004 conditions. The renewable portfolio standard requires Modesto Irrigation District, the Proposed Project's electricity provider, to increase its renewable electricity portfolio to 33 percent by 2020, as mandated by Senate Bill X1-2 (adopted in 2011). Under BAU conditions in the 2002-2004 timeframe, Modesto Irrigation District had essentially zero renewable energy sources according to the 2013 Renewable Portfolio Standard report (Modesto Irrigation District 2013). By 2012, Modesto Irrigation District was meeting approximately 25 percent of its retail energy sales from eligible renewable energy resources (Modesto Irrigation District 2013). Applying the renewable portfolio standard's mandatory 33-percent reduction in carbon intensity to the Proposed Project's 363 MT CO_2e per year from electricity results in a projected reduction of 120 MT CO_2e per year. This results in a 30-percent reduction to the total annualized emissions compared to BAU conditions. This is greater than the SJVAPCD's required 29-percent energy reduction from BAU conditions. This reduction is also consistent with the most recent AB 32 Scoping Plan's level of reductions for 2020, which estimate a 15-percent reduction from BAU projections.

In addition to the GHG emission reductions related to using renewable energy to meet the project's electricity demands, the proposed project would include drought-tolerant landscaping to reduce water use, which is also consistent with the AB 32 Scoping Plan's water use reduction measures. Even though this analysis could support a less-than-significant impact conclusion, the City has determined to find the impact significant and unavoidable for the following reasons: The main reductions in GHG emissions are outside the control of the City and depend on changes to operations by electricity providers. In addition, the Program EIR analysis for GHG emissions found the impact for the entire program significant and unavoidable even with implementation of Mitigation Measure CUM-1. Although this EIR contains **Mitigation Measure GHG-1 (Implement Greenhouse Gas Emissions Reduction Measures for Operation)** to implement Mitigation Measure CUM-1, the feasibility of some

measures is unknown. Therefore, to be conservative in its analysis, the Proposed Project's GHG emissions would be **significant and unavoidable.**

Mitigation Measure GHG-1: Implement Greenhouse Gas Emissions Reduction Measures for Operation.

The City of Modesto or its contractor(s) shall implement the following measures to the extent feasible and prepare a report that analyzes the feasibility of mitigation measures, details the extent of GHG emission reductions, and determines the basis for feasibility, with a goal of net zero emissions:

- Implement energy efficiency improvements of pumps through design, construction, and refurbishment methods.
- Investigate and implement, if feasible, opportunities for renewable energy development at the facilities subject to safety, emergency, and environmental considerations.
- Participate in local utility green energy and/or carbon offset programs to the extent feasible.
- Implement BMPs for vegetation management activities at Site A, which include using fuel-efficient landscaping equipment; shutting down equipment when not in use after 5 minutes; using spot application of herbicides; controlling nonnative weed species as soon as populations are found; planning and scheduling vegetation maintenance activities to minimize driving time and return trips to the site; using native or drought-resistant landscaping around facilities; and encouraging landscaping contractors to use manual techniques to the extent possible to reduce use of gas-powered equipment.
- Utilize electrically powered landscape equipment and outdoor electrical outlets.
- Utilize alternatively fueled construction equipment to the extent feasible. This could include equipment that uses electricity, hybrid, propane, or biodiesel fuels.
- Require shutting down of construction equipment when not in use after 5 minutes.
- Implement a construction worker commute strategy to minimize GHG emissions from workers commuting to the site. This may include encouraging use of carpools, vanpools, and public transportation.

Impact GHG-2: Potential to Conflict with Applicable Plans, Policies, or Regulations Adopted for the Purpose of Reducing Emissions of GHGs (Significant and Unavoidable)

SJVAPCD, the local air district with jurisdiction over the Proposed Project, has determined that GHG emissions are best controlled through implementation of BPS or demonstration of a 29-percent reduction from 2002-2004 conditions. The Renewable Portfolio Standard would reduce GHG emissions compared to BAU and would result in the Proposed Project having more than a 29-percent reduction. This is consistent with the goal of AB 32, as well as the policies/actions described in CARB's Scoping Plan and SJVAPCD's *Climate Change Action Plan.* Although the project is not subject to any other action measures that are outlined in the

Scoping Plan, the project would include drought-tolerant landscaping that is generally consistent with water reduction goals identified in the Scoping Plan.

In addition, the Proposed Project would comply with the RST's regional CAP goals, strategies, and policies, as well as the County's applicable general plan policies related to reduced energy use for water supply/distribution activities and conserving water. Specifically, the Proposed Project would have an energy-efficient design, utilize Modesto Irrigation District's increased renewable energy sources, and have an efficient irrigation system and drought-tolerant landscaping to minimize on-site water consumption at Site A.

The Proposed Project would achieve GHG emission reductions in its design, as discussed above, and, with implementation of Mitigation Measure GHG-1, would minimize GHG emissions to the maximum extent economically feasible. Therefore, the Proposed Project would comply with all applicable plans, policies, and regulations, including AB 32, and as well as the policies/actions described in CARB's Scoping Plan and SJVAPCD's *Climate Change Action Plan*. However, as discussed above, the main reductions in GHG emissions are outside the control of the City and depend on changes to operations by electricity providers. In addition, the Program EIR analysis for GHG emissions found the impact for the entire program significant and unavoidable even with the implementation of Mitigation Measure CUM-1 from the Program EIR. Although this EIR contains Mitigation Measure GHG-1 to implement Mitigation Measure CUM-1, the feasibility of some measures is unknown. Therefore, to be conservative in its analysis, the Proposed Project impact would be **significant and unavoidable**.

8.4.4 Cumulative Impacts

Impact GHG-3: Cumulative GHG Impact (Significant and Unavoidable)

It is widely recognized that no single project could generate enough GHG emissions to noticeably change the global climate. However, the combination of GHG emissions from the Proposed Project in combination with past, present, and future projects could contribute substantially to global climate change. Thus, the Proposed Project's GHG emissions should be evaluated in terms of whether or not they would result in a considerable contribution to global climate change. The analysis in this chapter is essentially a cumulative impacts analysis. Based on the analysis provided above, even with implementation of Mitigation Measure GHG-1, the Proposed Project would result in a cumulatively considerable contribution to a significant cumulative impact.

Chapter 9
Groundwater

9.1 Overview

This chapter describes the regulatory and environmental setting and potential impacts of the Proposed Project as they relate to groundwater. Key data sources used to prepare this section include the following:

- California Department of Water Resources' (DWR's) *Bulletin 118 – San Joaquin Valley Groundwater Basin, Modesto Subbasin* (DWR 2004);
- City of Modesto's *2010 Water System Engineer's Report* (City of Modesto 2010a);
- City of Modesto's *2010 Water System Engineer's Report Final Program Environmental Impact Report*, referred to herein as the Program EIR (City of Modesto 2010b);
- Stanislaus and Tuolumne Rivers Groundwater Basin Association's (STRGBA's) *Final Draft – Integrated Regional Groundwater Management Plan for the Modesto Subbasin* (STRGBA 2005);
- URS Corporation's *Draft Well Impact Analysis for the Del Rio Water System's Upgrade* (URS 2015a, 2015b), included in Appendix F of this DEIR; and
- Water Resources & Information Management Engineering, Inc.'s (WRIME's) *Recharge Characterization for Stanislaus and Tuolumne Rivers Groundwater Basin Association* (WRIME 2007).

9.2 Regulatory Setting

9.2.1 Federal Laws, Regulations and Policies

There are no federal laws, regulations, or policies specifically pertaining to groundwater resources.

9.2.2 State Laws, Regulations, and Policies

Sustainable Groundwater Management Act

On September 16, 2014, Governor Edmund G. Brown, Jr., signed the Sustainable Groundwater Management Act (SGMA), comprised of three separate bills: AB 1739, SB 1319, and SB 1168. A central feature of SGMA is that it allows local agencies to customize groundwater sustainability plans to their regional economic and environmental conditions and needs (State of California 2015). Among other things, SGMA requires that a groundwater

sustainability plan be adopted for high- and medium-priority groundwater basins (127 out of 515 basins and subbasins) in California. SGMA defines sustainable groundwater management as the "use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results," defined as the following (State of California 2015):

- Chronic lowering of groundwater levels (not including overdraft during a drought if a basin is otherwise managed);
- Significant and unreasonable reduction of groundwater storage;
- Significant and unreasonable seawater intrusion;
- Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies;
- Significant and unreasonable land subsidence that substantially interferes with surface land uses; or
- Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

SGMA outlines the following timetable for adoption of groundwater sustainability plans (State of California 2015):

- By 2017, local groundwater sustainability agencies must be identified.
- By 2020, overdrafted basins must be covered by a groundwater sustainability plan; other high- and medium-priority basins not in overdraft must have plans by 2022.
- By 2040, each high- and medium-priority basin must achieve sustainability, although this deadline can be extended 10 years for good cause.

CASGEM Basin Prioritization

In 2009, the California State Legislature amended the California Water Code with SBx7-6, which mandates a statewide groundwater elevation monitoring program to track seasonal and long-term trends in groundwater elevations in California (DWR 2015). Pursuant to this amendment, DWR established the California Statewide Groundwater Elevation Monitoring (CASGEM) Program. The CASGEM Program establishes the framework for regular, systematic, and locally managed monitoring in all of California's groundwater basins (DWR 2015). To facilitate implementation of the CASGEM Program and focus limited resources, as required by the California Water Code, DWR ranked all of California's basins by priority: high, medium, low, and very low based on the following factors (DWR 2015):

1. Population overlying the basin;
2. Rate of current and projected growth of the population overlying the basin;
3. Number of public supply wells that draw from the basin;

4. Total number of wells that draw from the basin;
5. Irrigated acreage overlying the basin;
6. Degree to which persons overlying the basin rely on groundwater as their primary source of water;
7. Any documented impacts on the groundwater within the basin, including overdraft, subsidence, saline intrusion, and other water quality degradation; and
8. Any other information determined to be relevant by DWR.

As mentioned above, DWR's *Final CASGEM Basin Prioritization* (2014) results indicated that 127 of California's 515 groundwater basins and subbasins are high and medium priority. The Modesto Subbasin is classified as a high-priority basin, with noted impacts of "water quality degradation due to industrial and agricultural practices" (DWR 2014). The Modesto Subbasin is not specifically noted as being in overdraft.

DWR Water Well Standards (Bulletins 74-81 & 74-90 combined)

DWR's well standards, contained in Bulletin 74-81 together with the well standards in the supplement Bulletin 74-90, are recommended minimum statewide standards for the protection of groundwater quality (DWR No Date). The construction standards contained in Bulletins 74-81 and 74-90 apply to all water wells and cover such topics as well location with respect to contaminants and pollutants, sealing the upper annular space (i.e., space between the well casing and wall of the drilled hole), and surface construction features. The well standards require that the surface portions of wells be adequately sealed such that contaminated water cannot enter through the well and into the groundwater.

9.2.3 Local Laws, Regulations, and Policies

Stanislaus County General Plan 2015

The *Stanislaus County General Plan 2015* (2016) guides land use decisions and outlines goals and policies for land use in Stanislaus County. The Conservation and Open Space Element contains the following goals and policies related to groundwater:

Goal Two: Conserve water resources and protect water quality in the County.

Policy Five: Protect groundwater aquifers and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

Implementation Measure 1: Proposals for urbanization in groundwater recharge areas shall be reviewed to ensure that (1) as much water as possible is returned to the recharge area, (2) the development will not cause discharge of materials detrimental to the quality of the water, and (3) the development will not result in significant groundwater overdrafting or deterioration in quality. The Department of Environmental Resources shall require:

A. In those areas where groundwaters are susceptible to overdrafting, the project proponent shall perform a hydrogeological analysis and include appropriate mitigation measures in the proposal.

B. In those areas where groundwater quality is susceptible to deterioration or is already of reduced quality, the level of wastewater treatment shall be such that it will not cause further quality deterioration.

Del Rio Community Plan

The *Del Rio Community Plan* is a focused planning policy and land use planning document that is part of the *Stanislaus County General Plan* (Stanislaus County 1992). The *Del Rio Community Plan* contains no specific goals or policies related to groundwater; however, it contains the following goals and policies that may be applicable to the Proposed Project with respect to groundwater.

Goal 5: Future development shall be served by adequate public infrastructure.

Policy A: All future development in Del Rio shall require underground utilities and facilities for community-wide secondary sewage treatment and water supply systems.

Goal 6: Significant natural resources in the community shall be preserved.

Integrated Regional Groundwater Management Plan for the Modesto Subbasin

The *Integrated Regional Groundwater Management Plan for the Modesto Subbasin* (IRGMP) (STRGBA 2005) was developed by the STRGBA, which is an association of the following six agencies:

- City of Modesto
- Modesto Irrigation District
- City of Oakdale
- Oakdale Irrigation District
- City of Riverbank
- Stanislaus County

The STRGBA was formed in 1994 and has since been actively engaged in management of the subbasin (STRGBA 2005). The IRGMP was developed in compliance with the Groundwater Management Planning Act of 2002 (SB 1938) and the Integrated Regional Water Management Planning Act of 2002 (SB 1672). The overarching goal of the IRGMP is:

> *to provide for the integrated use of groundwater and surface water within the basin to ensure the reliability of a long-term water supply to meet current and future beneficial uses including agricultural, industrial, and municipal water requirements while protecting the environment.*

Consistent with SB 1938, the IRGMP contains basin management objectives (BMOs) to meet the purpose and goals of the groundwater management plan. BMOs that may be applicable to the Proposed Project include the following:

- Maintain groundwater levels
  - Identification and mapping of the basin's natural recharge areas
  - Development of a water budget to determine if the basin is in overdraft and, if so, to determine the amount of overdraft
- Control degradation of groundwater quality
  - Maintaining groundwater levels to control the movement of poor quality water into and within the basin. Groundwater pumping that results in the lowering of groundwater levels in part of the basin could alter the natural groundwater flow direction in the basin. In the area with groundwater contamination, this change could result in the movement of poor quality water in the basin. The City of Modesto has reduced groundwater pumping in some parts of the basin, augmenting its groundwater with surface water deliveries to its customers. Other actions may include implementing the actions summarized for the groundwater level BMOs listed above.
- Protect against potential inelastic land surface subsidence
- Groundwater monitoring and assessment

Stanislaus County Groundwater Ordinance

The Stanislaus County Groundwater Ordinance requires that all applications for a Well Construction Permit filed after November 25, 2014, shall demonstrate, based on substantial evidence, that either (1) one or more of the exemptions set forth in Section 9.37.050 apply, or (2) extraction of groundwater from the proposed well will not constitute unsustainable extraction of groundwater. The ordinance notes that the above conditions do not apply to a well designed to replace an existing well that has been permitted under Chapter 9.36 prior to November 25, 2014, if the replacement well has no greater capacity than the well it is replacing.

The exemptions set forth in Section 9.37.050, referenced above, include the following:

> *Water resources management practices of public water agencies that have jurisdictional authority within the County, and their water rate payers, that are in compliance with and included in groundwater management plans and policies adopted by that agency in accordance with applicable state law and regulations, as may be amended, including but not limited to the California Groundwater Management Act (Water Code Sections 10750 et seq.), or that are in compliance with an approved Groundwater Sustainability Plan.*

9.3 Environmental Setting

9.3.1 Regional Setting

The Proposed Project is located in the San Joaquin Valley, overlying the Modesto Groundwater Subbasin. The Modesto Subbasin lies between the Stanislaus River to the north and the Tuolumne River to the south, and between the San Joaquin River on the west and crystalline basement rock of the Sierra Nevada foothills on the east (see **Figure 9-1**) (DWR 2004). The northern, western, and southern boundaries are shared with the Eastern San Joaquin Valley, Delta-Mendota, and Turlock Groundwater Subbasins, respectively (DWR 2004). The community of Del Rio and the Proposed Project are located in the northern portion of the subbasin, as shown in Figure 9-1.

9.3.2 Hydrogeology

Geology

The Modesto Subbasin includes both consolidated and unconsolidated sedimentary deposits (DWR 2004). The consolidated deposits lie in the eastern portion of the subbasin and include the Ione Formation of Miocene age, the Valley Springs Formation of Eocene age, and the Mehrten Formation, which was deposited during the Miocene to Pliocene Epochs. In general, consolidated deposits yield small quantities of water to wells; however, the Mehrten Formation may yield substantial quantities of water and is an important aquifer. The Mehrten Formation is composed of sandstone, breccia, conglomerate, tuff, siltstone, and claystone and is approximately 800 feet thick. The Mehrten Formation may lie as shallow as 400 feet beneath the City of Modesto (STRGBA 2005).

Unconsolidated deposits in the subbasin include continental deposits (i.e., deposited in a freshwater environment), lacustrine and marsh deposits (i.e., pertaining to lakes), older alluvium, younger alluvium, and flood-subbasin deposits. The continental deposits consist of poorly sorted gravel, sand, silt, and clay of varying thickness. They occur from 0 to 450 feet below ground surface (bgs) on the eastern side of the subbasin and range to more than 400 feet deep in the western portion (DWR 2004). The older alluvium consists of gravel, sand, silt, and clay with some hardpan. This alluvium is up to 400 feet thick and is generally present near or at the surface of the western half of the subbasin. The continental deposits and older alluvium are the main water-yielding units in the unconsolidated deposits (DWR 2004). The lacustrine and marsh deposits and the flood-subbasin deposits yield little water to wells, and the younger alluvium in most places probably yields only moderate quantities of water to wells (DWR 2004).

In the western portion of the subbasin, upper and lower layers of deposits are separated by a clay layer, known as the Corcoran clay (STRGBA 2005). The Corcoran clay is present at a depth of about 200 feet bgs and is 20–60 feet thick (STRGBA 2005). The approximate eastern extent of the Corcoran clay parallels Highway 99, running just northeast of the highway, and is shown in **Figure 9-2**.

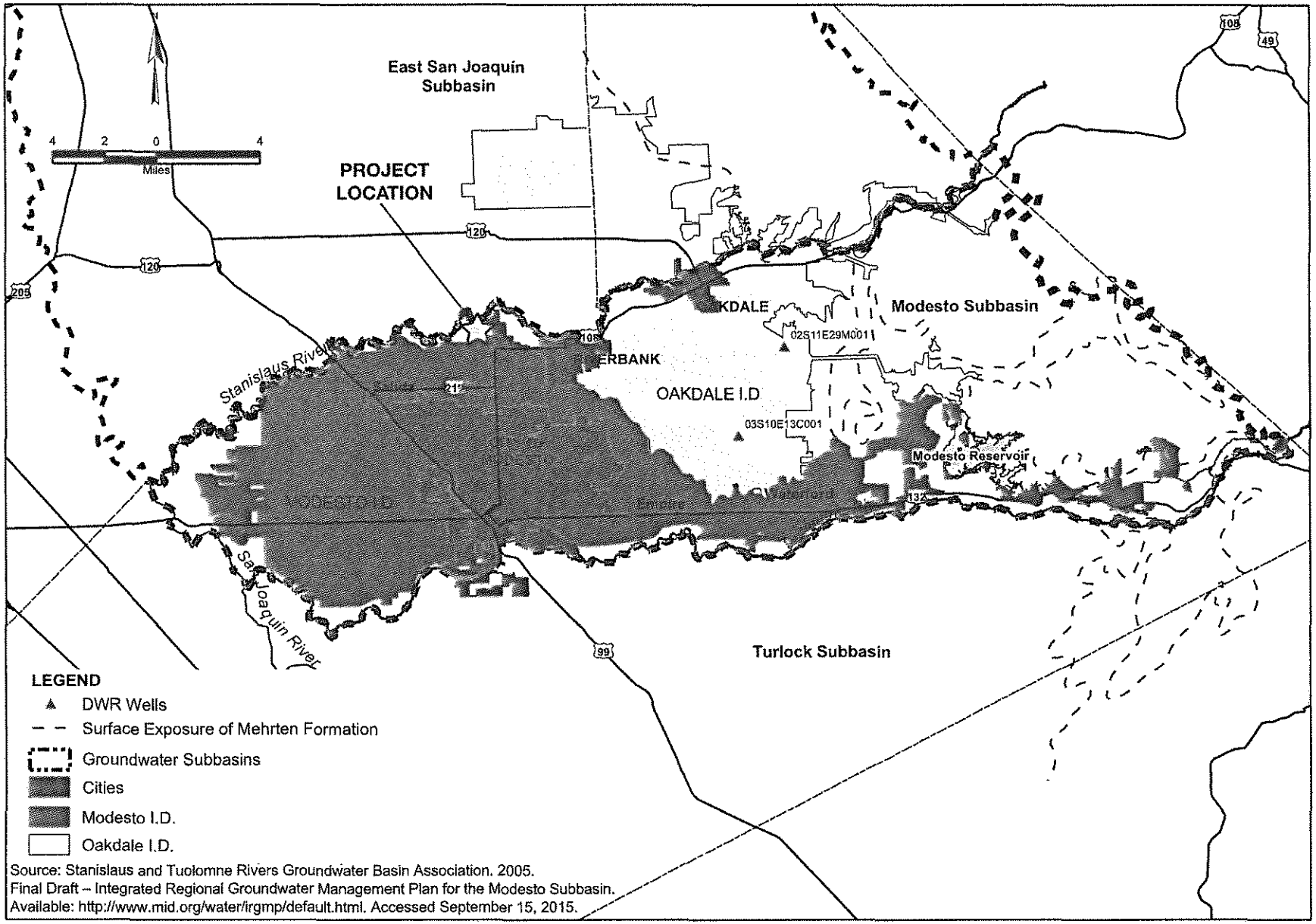

Figure 9-1: Modesto Subbasin

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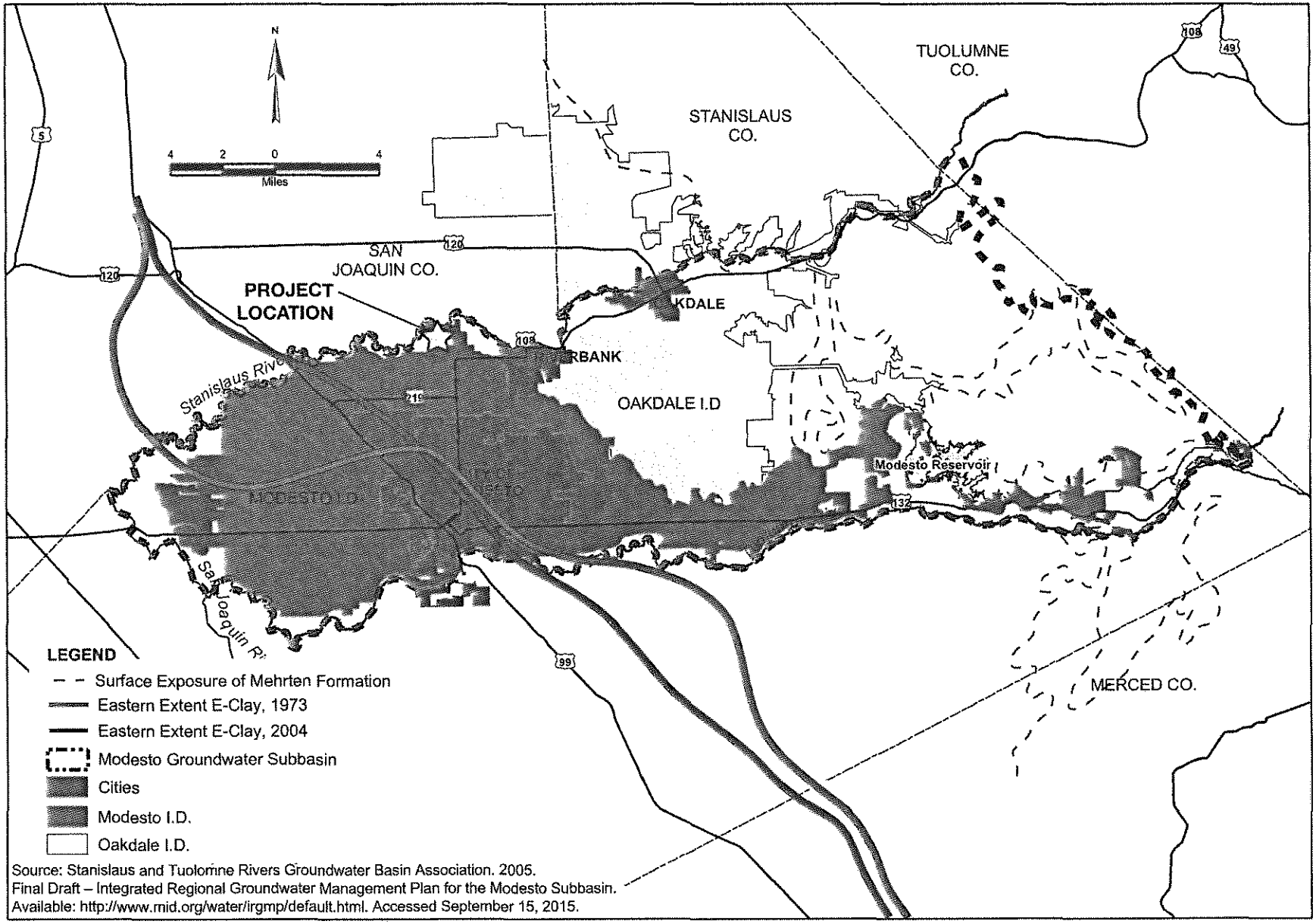

Source: Stanislaus and Tuolomne Rivers Groundwater Basin Association. 2005.
Final Draft – Integrated Regional Groundwater Management Plan for the Modesto Subbasin.
Available: http://www.rnid.org/water/irgmp/default.html. Accessed September 15, 2015.

Figure 9-2: Corcoran Clay Extent

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Aquifers

The western portion of the subbasin has two principal aquifers: one above and one below the Corcoran clay (STRGBA 2005). East of the Corcoran clay, the aquifer is generally unconfined; however, there may be localized clay lenses, or thin layers of clay, that restrict downward movement of groundwater. Underlying all aquifers is the confined aquifer of the Mehrten Formation (STRGBA 2005). DWR estimated the total storage capacity of the Modesto Subbasin to be 6,500,000 AF to a depth of 300 feet (DWR 2004).

Groundwater Flows and Recharge

Groundwater generally flows from east to west-southwest in the Modesto Subbasin; however, well pumping and recharge may affect the localized groundwater flow direction (STRGBA 2005). Groundwater contours suggest that groundwater is discharged to the San Joaquin and Tuolumne Rivers along most reaches of the rivers. Contours suggest that groundwater does not discharge to the Stanislaus River, nor does the river recharge groundwater (STRGBA 2005).

Groundwater recharge in the subbasin occurs primarily from percolation of applied irrigation water, as well as seepage from the Modesto Reservoir and irrigation canals (DWR 2004). Lesser recharge occurs from subsurface flows originating in the mountains and foothills along the east side of the subbasin and percolation of direct precipitation (DWR 2004). Groundwater recharge to the deeper aquifers can occur from seepage through unconfined aquifers or across the Corcoran clay, or from horizontal movement of water from the eastern portion of the subbasin (STRGBA 2005). Groundwater recharges to the Mehrten Formation's confined aquifers from areas between the eastern and western exposures of the formation. In general, groundwater recharge areas are in the eastern and central portions of the subbasin, between the Stanislaus and Tuolumne Rivers (STRGBA 2005).

DWR estimated overall natural recharge into the subbasin at 86,000 acre-feet per year (AFY) (DWR 2004). Applied irrigation water recharge was estimated to be 92,000 AFY, bringing total annual recharge to 178,000 AFY (although artificial recharge and subsurface inflow values were not determined) (DWR 2004). Annual urban and agricultural extractions were estimated to be 81,000 AFY and 145,000 AFY, respectively, for a total of 226,000 AFY.

Groundwater Levels

In general, groundwater elevations (i.e., feet above mean sea level) increase from west to east in the Modesto Subbasin, following the general topography of the land (WRIME 2007). Depth to groundwater (i.e., level of the water table below ground surface) similarly increases from west to east (WRIME 2007). **Figure 9-3** shows depth to groundwater in the subbasin.

Historically, the groundwater level in the Modesto Subbasin has declined over the past decades. On average across the region, the subbasin water level declined nearly 15 feet from 1970 through 2000 (DWR 2004). Groundwater levels were locally depressed beneath and around the Modesto urban area, but completion of the Modesto Regional Water Treatment Plant in 1994 and subsequent importation of surface water supplies from the Modesto Irrigation District caused groundwater levels to rebound to some degree (STRGBA 2005).

To obtain more site-specific information for the Proposed Project, the City conducted a baseline investigation to determine groundwater levels in the immediate vicinity of the Proposed Project wells (URS 2015a). The study gathered data by first identifying local well owners in the Del Rio area and requesting permission to install water level monitoring devices in their wells. A number of wells were identified in the vicinity of the Proposed Project (see Figure 9-4 and Figure 9-5). Of these, two private well owners granted access to the City to install monitoring devices in their wells on properties located at 706 Ladd Road, close to Site A, and 201 Stewart Road, close to Site B (URS 2015a).

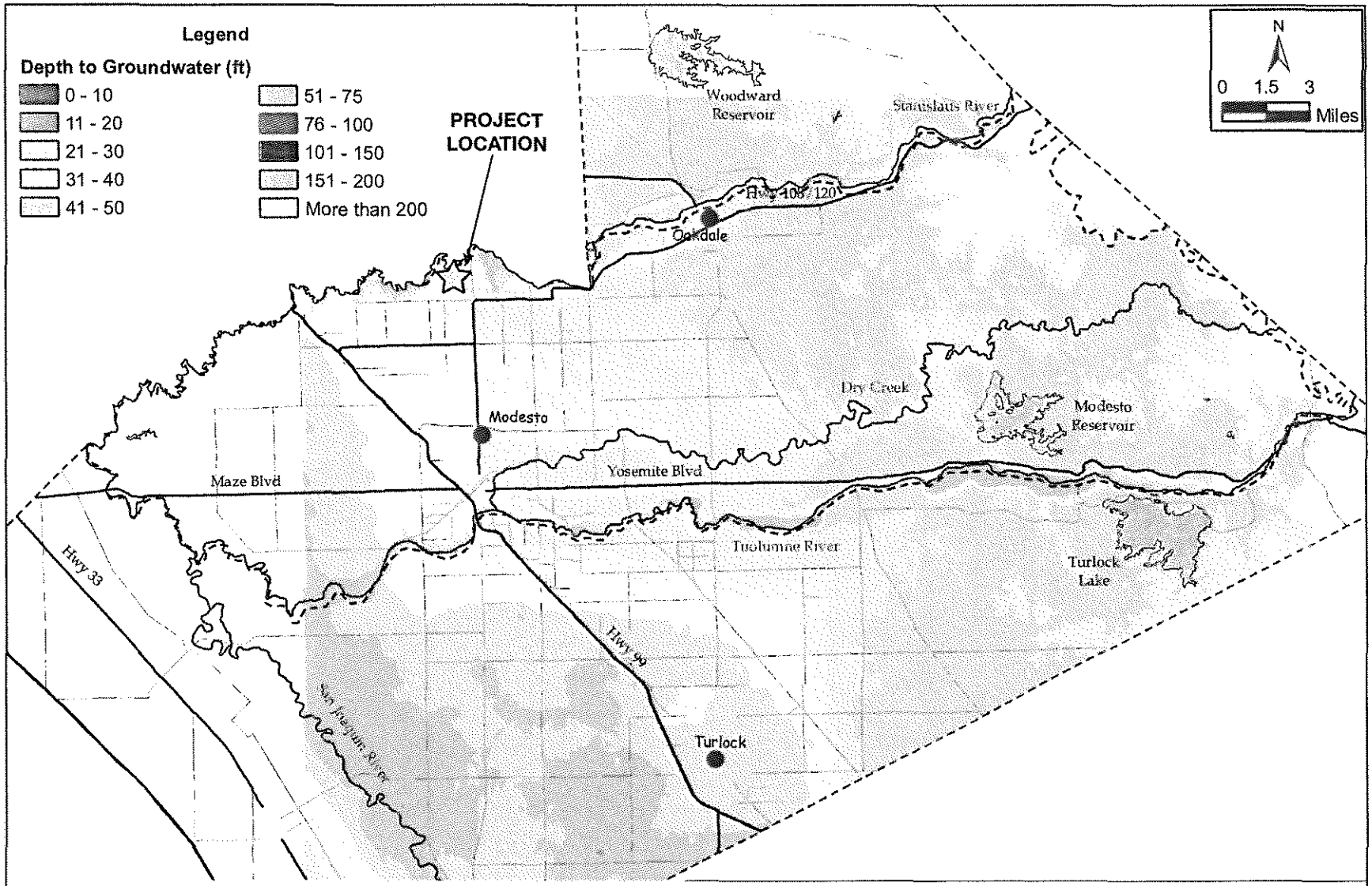
In addition to the two private well owners, the City also placed a water level monitoring device in the City-owned well at 718 Ladd Road (Site A) and monitored groundwater levels over a period of 6 months, from August 2014 to February 2015. **Table 9-1** shows the summary results of the study and the change in groundwater levels at the three wells monitored. See Appendix F for the complete study results and discussion.

Table 9-1. Nearby Groundwater Levels, August 2014 to February 2015

Groundwater Level Statistics	Study Well Location		
	718 Ladd Road	706 Ladd Road	201 Stewart Road
Average Depth to Water (feet)	44.00	44.96	45.77
Maximum Depth to Water (feet)	47.20	48.85	52.53
Minimum Depth to Water (feet)	43.61	44.06	44.87
Difference (minimum – maximum, feet)	4.59	4.79	7.67
Change (over period of record, feet)	3.02	1.90	1.31
Change (daily, feet)	0.20	1.80	3.70

Source: URS 2015a

The findings summarized in Table 9-1 show that groundwater levels fluctuated to some degree over the 6-month course of the investigation. Groundwater levels did increase in the three wells studied (see "Change [over period of record, feet]"), but this is expected because of seasonal fluctuations. The monitoring commenced when water levels would be anticipated to be at their annual low point (August), and ceased when they would be anticipated to be at their annual high. The findings are generally consistent with groundwater monitoring conducted in the area by USGS, which has reported average seasonal water level fluctuations in the Modesto urban area of 1, 3, and 18 feet in shallow, intermediate, and deep zone wells (URS 2015a; USGS 2007).



Source: Water Resources & Information Management Engineering, Inc. 2007.
Recharge Characterization for Stanislaus and Tuolomne Rivers Groundwater Basin Association.
Available: http://www.mid.org/water/gw/STRGBA_Recharge_TM_fnl%2004_23_07-Rev1.pdf. Accessed September 16, 2015.

Figure 9-3: Depth to Groundwater

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As described in the City's baseline groundwater level report (URS 2015a) and in Section 9.3.3, "Groundwater Supply and Use, Private Domestic and Agricultural Well Owners," below, data from the DWR private well database collected during the study suggests that most private wells located within the Del Rio area are completed in the shallow zone. All three wells monitored in the City's study were completed in the shallow zone, and therefore, are considered to be representative of most private wells located in the area.

Subsidence

Subsidence is the lowering of the land surface elevation as a result of the compression, compaction, or consolidation of underlying soils, sediment, or rock. These processes are exacerbated under increased loading (e.g., additional sediment deposition or construction of structures, including fills) or the withdrawal of groundwater. Compaction and compression generally occur within unconsolidated granular soils or sediment over a relatively short timeframe. Consolidation usually occurs over a longer period (sometimes many years) in saturated, finer grained material as pore water (i.e., water within the spaces between sediment grains) is removed through groundwater pumping. Subsidence can cause the development of cracks or fissures in the ground surface. When subsidence is non-uniform or uneven, differential settlement results, potentially inducing stress to structures.

The Proposed Project area is not located within any recent or historical large areas of subsidence (DWR 2016a), and historically, land surface subsidence within the basin has not been substantial (STRGBA 2005). DWR's Groundwater Information Center (GIC) mapping system shows the Modesto Subbasin as being in a medium to high area for estimated potential subsidence (DWR 2016b).

9.3.3 Groundwater Supply and Use

Water Suppliers

Major water suppliers in the Modesto Subbasin include the Modesto and Oakdale Irrigation Districts, the Cities of Oakdale and Riverbank, and the City of Modesto (STRGBA 2005).

Annual groundwater use data for these service providers was not available at the time of publication.

City of Modesto

The City of Modesto provides domestic water service within its incorporated boundaries and to several other areas previously served by the Del Este Water Company (acquired by the City in the mid-1990s), including portions of the Cities of Ceres and Turlock and the communities of Salida, Empire, Del Rio, and Grayson. The City of Modesto operates a total of 118 groundwater wells, 108 of which are located within the Modesto Subbasin, including three in the Del Rio area. In addition to groundwater extracted from the subbasin, the City obtains treated surface water from the Modesto Irrigation District (STRGBA 2005).

Del Rio Service Area

As described above, the City of Modesto has been supplying water to the community of Del Rio since the 1990s. The City manages, operates, and maintains water service in Del Rio as an independent satellite system (Appendix H in City of Modesto 2010a).

The City's Del Rio water system is solely supplied by groundwater (Appendix H in City of Modesto 2010a). The system currently includes three operational wells, which are described in **Table 9-2.**

Table 9-2. Existing Del Rio Water System Groundwater Wells

Well Number	Location/Address	Year Drilled	Rated Pump Capacity (gpm)	Measured Flow (gpm)	Casing Depth (feet)
271	1260 Country Club	1956	395	200	284
282	7312 Hillcrest Drive	1980	1,080	1,000	275
289	7119 Beltis Drive	1987/91	1,090	800	360

Source: Appendix H in City of Modesto 2010a

The "measured flow" shown in Table 9-2 indicates the actual groundwater production of each well observed during well pump tests. As shown in Table 9-2, Well 271 is currently operating at approximately 50 percent of its 395-gpm rated pump capacity, producing 200 gpm (Appendix H in City of Modesto 2010a).

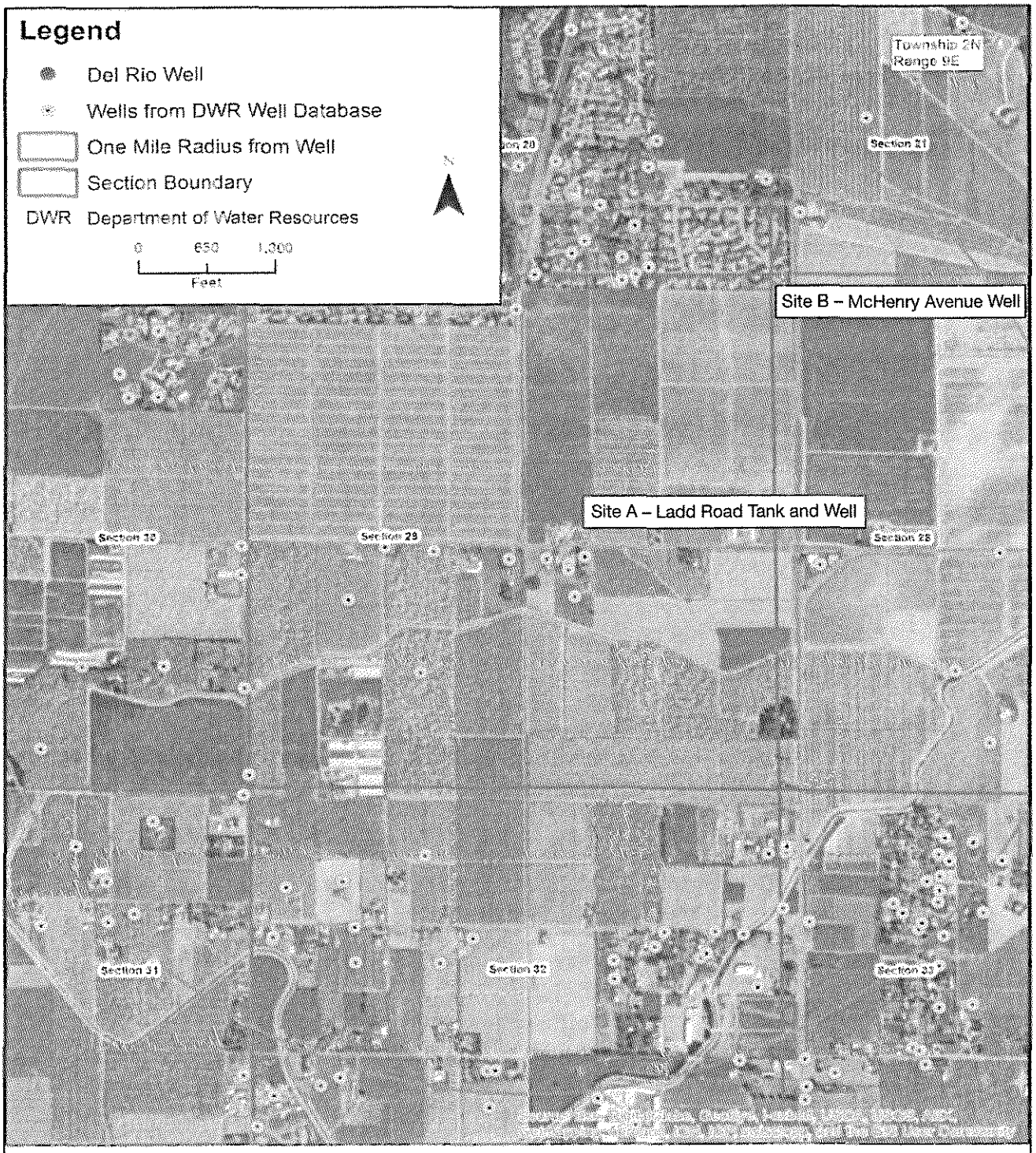
The Del Rio service area is located approximately 4 miles north of the City's boundary. In 2008, the Del Rio water system served 343 residential dwelling units and encompassed an area of approximately 350 acres (Appendix H in City of Modesto 2010a). Based on the *Del Rio Community Plan* (Stanislaus County 1992), future buildout of the Del Rio service area will include approximately 590 acres. Land uses in the service area are currently primarily residential with a large golf course in the middle of the service area. While the City provides water service to much of the Del Rio community, a number of parcels not served by the City, including the golf course, are served by private wells.

Water use in the Del Rio service area was 577 AF in 2015 (City of Modesto 2016).

Private Wells

A number of parcels in the Del Rio service area are supplied by private groundwater wells. The City conducted a groundwater well inventory of private wells within a 1-mile radius of the proposed new wells at Site A and Site B. **Figure 9-4** shows the locations of existing groundwater wells near the proposed new well at Site A. **Figure 9-5** shows locations of existing groundwater wells near the proposed well at Site B.

The City's groundwater well inventory, which queried DWR's well database, suggested that most private wells located within the Del Rio area are completed in the shallow aquifer zone (i.e., less than 265 feet bgs) (URS 2015a). The database indicated that very few domestic wells in the area are completed in the deep zone of the aquifer (i.e., 400-600 feet bgs), and no wells are completed at this depth within 1,000 feet of the Proposed Project new wells (URS 2015a).



Source: URS. 2012. Letter to Rob Christensen, PE, City of Modesto Utility Planning & Projects Department re: Drawdown Analysis (Del Rio Replacement Well #1), City of Modesto, CA.

Figure 9-4: Well Inventory Map – Site A

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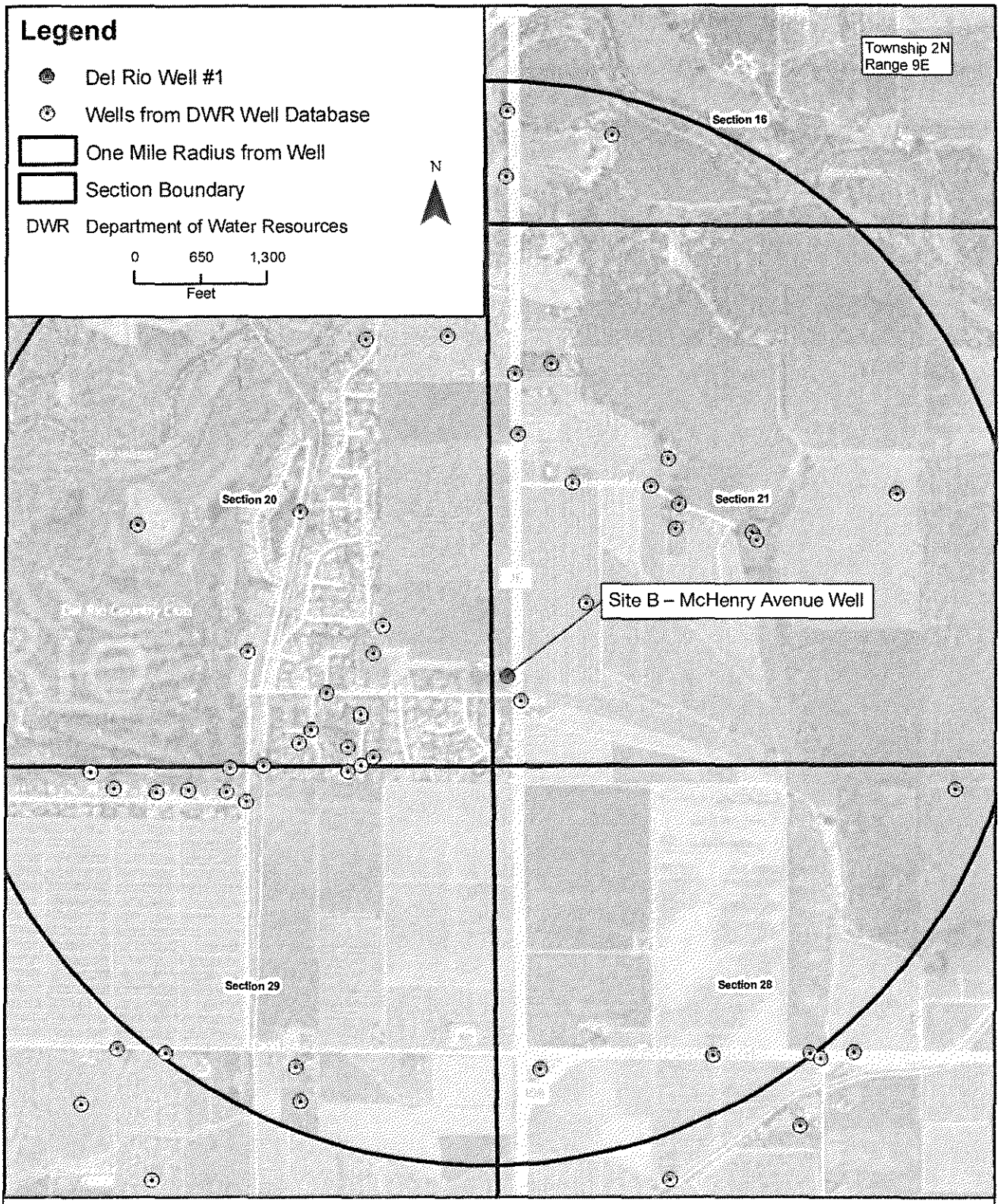

Source: URS. 2015a. Letter to Kris Ohlson, PE,
City of Modesto Utility Planning & Projects Department
re: Draft Well Impact Analysis for the Del Rio Water Systems Upgrade:
Groundwater Well Inventory, Baseline Transducer Investigation,
City of Modesto, CA.

Figure 9-5: Well Inventory Map – Site B

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The City was unable to obtain data on historical pumping rates of existing domestic wells in the Proposed Project area or verify the results of the well database search in the field. The City contacted landowners in the area, but landowners generally did not provide information or cooperate with the City's investigation (URS 2015a).

In general, most private wells in the Proposed Project vicinity are domestic wells. Irrigation wells may also be active in the area, most likely located west of Site A, but agricultural water users in the project vicinity likely obtain irrigation water from Modesto Irrigation District irrigation canals in the area.

9.3.4 Groundwater Basin Operational Yield

The 2010 WSER identified deficiencies in system supply and pressure requirements in the Del Rio service area, along with improvements to correct those deficiencies, including the proposed wells (City of Modesto 2010a). As part of the WSER analysis, the City estimated the preliminary operational yield for the three groundwater subbasins that underlie its service area (Modesto, Turlock, and Delta-Mendota Subbasins). The City estimated the total operational yield within its service area to be 53,500 AFY, 48,286 AFY of which occurs in the Modesto Subbasin (City of Modesto 2010a; Appendix F).

The 2010 WSER operational yield analysis was based on historical groundwater pumping by the City and was developed to maintain a minimum average groundwater elevation of 40 feet above mean sea level (msl) within and near the City's contiguous service area (City of Modesto 2010a). Essentially, the City's analysis concluded that if its total, long-term average groundwater pumping was held at or below 53,500 AFY (48,286 AFY for the Modesto Subbasin), then groundwater levels would remain stable at around 40 feet above msl. The City's concept of operational yield is similar to "sustainable yield," defined as the average annual amount of groundwater that can be extracted from a groundwater basin while maintaining a non-overdraft condition (City of Modesto and Modesto Irrigation District 2011). The key difference between operational yield and sustainable yield is that operational yield pertains to a specific location or localized aquifer (e.g., the portion of the Modesto Subbasin underlying the City of Modesto's service area) and a specific entity (e.g., City of Modesto), while sustainable yield pertains to the entire groundwater basin or subbasin and all of the entities pumping from it as a whole (City of Modesto 2010a). While the City has estimated the *operational yield* of the portion of the Modesto Subbasin underlying its service area, the *sustainable yield* of the Modesto Subbasin is not currently known (City of Modesto and Modesto Irrigation District 2011).

9.4 Impact Analysis

9.4.1 Methodology

Potential impacts on groundwater from the Proposed Project were assessed qualitatively and quantitatively, based on the degree to which the Proposed Project could lower the water table and adversely affect existing nearby wells, interfere with groundwater recharge, or cumulatively contribute to groundwater level drawdown or reduction in aquifer storage volume in the Modesto Subbasin as a whole. The analysis is based on the well impacts analysis conducted in 2015 by URS Corporation (URS 2015a, 2015b), which is included as Appendix F. The 2015 analysis was based on, and improved on, the prior analysis completed in 2012 in several significant ways:

1. ***Number of production wells.*** The previous investigation was conducted using only one of the two proposed production wells. The updated 2015 analysis considered possible effects from pumping at each of the two wells proposed as part of the Proposed Project, both separately and in combination.

2. ***Simulation run times.*** The previous analysis only simulated 30 days of pumping, and therefore did not account for potential long-term impacts on the aquifer. The updated 2015 analysis simulated 3,650 days (10 years) of pumping.

3. ***Operational pumping rates.*** The original analysis assumed an operational pumping rate of 1,280 gpm and operational times of 8 hours per day over the 30-day model period. The updated 2015 analysis used site-specific and monthly pumping rates, developed in coordination with the City, for both proposed wells. The flow information contained in the updated analysis more accurately reflects the pumping rates that may occur with the Proposed Project due to monthly variations in water demand.

4. ***Sensitivity analysis.*** In its updated analysis, URS quantified uncertainty in the model by conducting a sensitivity analysis on horizontal hydraulic conductivity (K), the hydraulic parameter used to predict water-level drawdown.

For the study, URS developed a numerical flow model based on the USGS Northeastern San Joaquin Valley Groundwater Numerical Flow Model. Appendix F further explains the methodology used for the updated well impacts analysis.

9.4.2 Criteria for Determining Significance

Based on Appendix G of the CEQA Guidelines and professional expertise, the Proposed Project would result in a significant impact related to groundwater if it would:

- Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; or

- Result in substantial land subsidence as a result of the Proposed Project.

Other criteria in Appendix G of the CEQA Guidelines related to hydrology, flooding, and surface water quality and groundwater quality were adequately addressed in the Program EIR (City of Modesto 2010b: pp. 3.8-17–3.8-22) and evaluated in the Environmental Checklist (Appendix B), and the Proposed Project would not result in new or more adverse impacts than previously identified in the Program EIR. Impacts related to landslide, lateral spreading, liquefaction, or collapse are addressed in the Environmental Checklist (Appendix B) findings. These topics were not considered further in this analysis.

9.4.3 Environmental Impacts

Impact GRW-1: Potential to Lower the Groundwater Table and Adversely Affect Nearby Existing Wells (Less than Significant)

As described in Chapter 2, *Project Description,* the Proposed Project would involve installation of a new well at Ladd Road (Site A) and a replacement well at McHenry Avenue (Site B) (see Figure 2-1). The Site B well would replace the City's existing Well 271 (see Table 9-2). Both proposed wells would be drilled to a minimum of 300 feet and a maximum of 600 feet deep and would have a maximum yield of approximately 1,000 gpm. The wells would be operated at varying rates/times throughout the year depending on need, but would be expected to operate for an annual average of 10.8 hours per day. Each well would be expected to yield an annual average of 237 million gallons (726 acre-feet).

To assess potential effects of the proposed pumping on neighboring wells, the City conducted a well impact analysis (URS 2015b; Appendix F). The City's analysis used the USGS Northeastern San Joaquin Valley Groundwater Numerical Flow Model to model changes in water level that would occur from operation of the proposed wells. The USGS regional model covers the northeastern San Joaquin Valley extending from north of the Stanislaus River to south of the Merced River, bounded on the northeast by the Sierra Nevada foothills and on the southwest by the San Joaquin River. The regional model has 16 layers, each representing a separate subsurface lithology. **Figure 9-6** shows the model layers. The model simulation looked at drawdown impacts on existing wells located within 125 feet and a 1,000-foot radius from the proposed wells, and modeled changes in water level for shallow (100–265 feet bgs), intermediate (265–360 feet bgs), and deep (360–600 feet bgs) zone wells over a period of 10 years. The well pumping rates used in the model simulation were estimated as the maximum rate at which the wells would be operated. Note: the existing well pumping at Well 271 was not included in the baseline for the model. Therefore, the City's model takes a conservative approach by considering the total amount of new well pumping from the project rather than merely the incremental pumping above existing conditions.

Table 9- shows the results of the well impact analysis model simulation. The model results indicate that proposed pumping would cause limited (0.1–0.26 foot) additional drawdown in wells screened in the shallow zone of the aquifer.

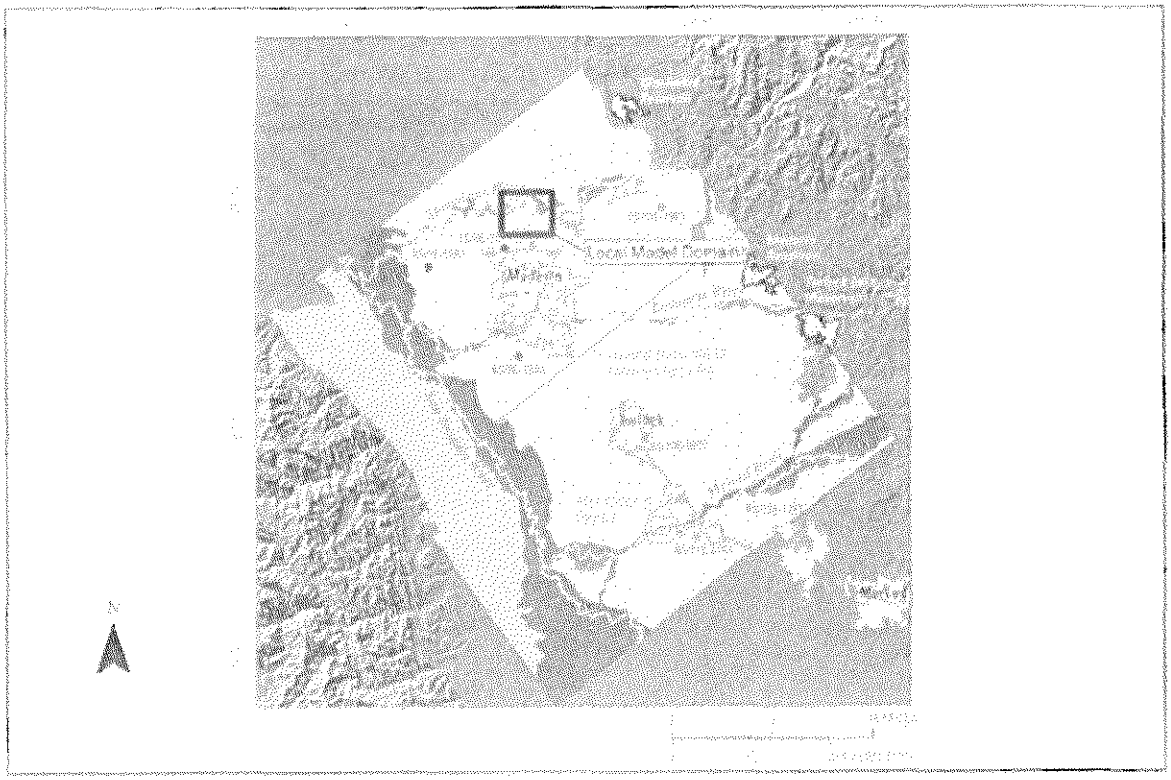
Table 9-3. Simulated Maximum Drawdown from Operation of the Proposed Project Wells

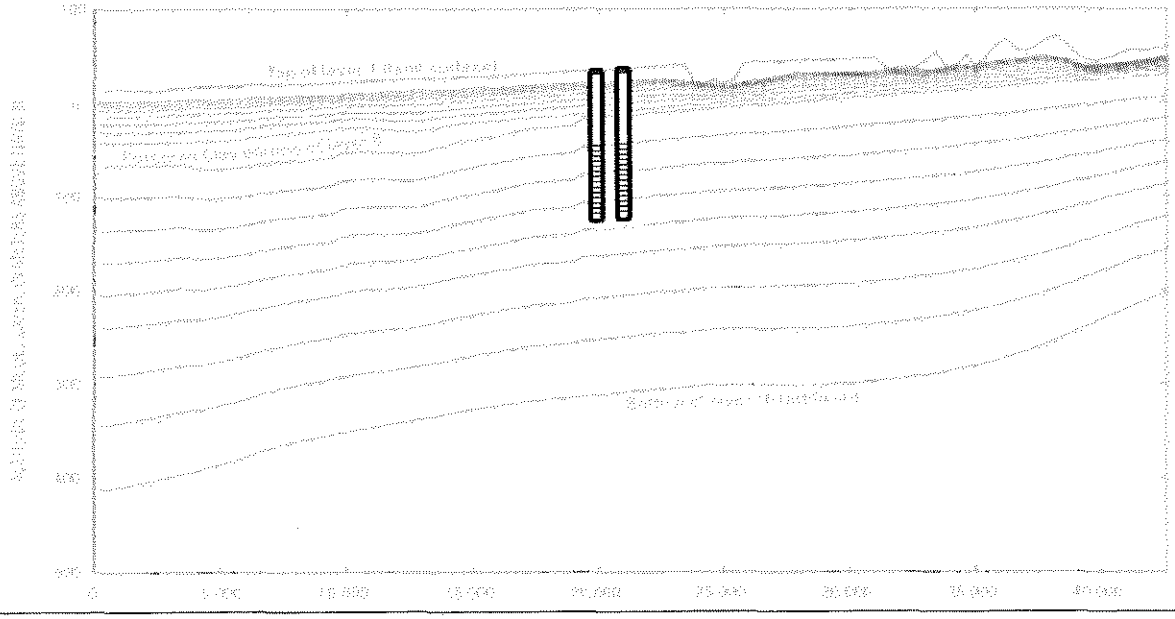
Production Well	Distance from Well (feet)	Wells Pumping	Maximum Drawdown (feet)		
			Shallow Zone (100–265 feet deep)	Intermediate Zone (265–360 feet deep)	Deep Zone (360–600 feet deep)
Site A – New Well at Ladd Road	125	Site A Only	0.17	1.1	19
		Sites A and B	0.25	1.5	20
	1,000	Site A Only	0.16	1	7
		Sites A and B	0.26	1.4	8
Site B – Replacement Well at McHenry Road	125	Site B Only	0.1	1.6	17
		Sites A and B	0.21	2.1	18.2
	1,000	Site B Only	0.1	1.2	6.6
		Sites A and B	0.18	1.6	7.5

Source: URS 2015b

The largest simulated change in groundwater levels (20 feet of drawdown) occurred in the deep zone 125 feet away from Site A, with simulated pumping at both the proposed wells. The maximum simulated drawdown in the shallow zone was 0.26 foot, while the maximum simulated drawdown in the intermediate zone was 2.1 feet. In general, simulated reductions in groundwater levels were greatest close to the Proposed Project wells (i.e., at 125 feet rather than 1,000 feet) and when both wells were operating.

The simulated changes in groundwater levels were generally within the range of seasonal variation observed in the City's investigation (0.2–3.7 feet) (see Table 9-1), and within the level of seasonal variation observed by USGS monitoring wells (1–18 feet) (USGS 2007). Modeled differences in drawdown and water level change between shallow, intermediate, and deep aquifer zones can be attributed to differences in hydraulic conductivity between soil layers and are consistent with changes observed by the USGS.





Source: URS. 2015b. Letter to Kris Ohlson, PE,
City of Modesto Utility Planning & Projects Department
re: Draft Well Impact Analysis for the Del Rio Water Systems
Upgrade: Revised Groundwater Flow Model, City of Modesto, California.

Figure 9-6: USGS Model Domain Cross-Section

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As described in Section 9.3.3, "Groundwater Supply and Use," the DWR well database indicated that no wells are completed in the deep zone of the aquifer within 1,000 feet of the proposed wells. To the City's knowledge, all existing wells within 1,000 feet of the proposed wells are completed in the shallow zone of the aquifer. Therefore, based on the City's modeling results, groundwater levels at existing wells in the shallow zone would experience a maximum drawdown of 0.26 foot from operation of both proposed wells, which is within the normal range of seasonal variation in water levels in the region. This amount would not be anticipated to result in a significant adverse effect on existing wells. Additionally, because the Site B well would replace an existing well (Well 271, currently operating at 200 gpm in the shallow zone), the incremental drawdown caused by the Proposed Project above the existing drawdown rate is anticipated to be less than that modeled at Site B.

Based on the modeling analysis, the real-world groundwater level reductions that could occur from the Proposed Project are expected to be less than significant. The groundwater levels in the vicinity of the new wells are not expected to drop below the long-term average level of variation as a result of the Proposed Project. As described in Chapter 2, *Project Description,* the City would install a groundwater monitoring well at each proposed well site. The monitoring wells would be equipped to monitor groundwater levels at three depths (i.e., shallow, intermediate, and deep aquifer zones). Data from the wells would be used to monitor groundwater levels in the various aquifer zones.

Modeling indicates that, with operation of both wells, drawdown on wells in the vicinity of the Proposed Project is anticipated to be within the seasonal variation of groundwater levels (maximum 0.26 feet). In addition, a groundwater monitoring well would be installed at each proposed well site to monitor groundwater levels in the shallow, intermediate, and deep aquifer zones. For these reasons, this impact would be **less than significant**.

Impact GRW-2: Potential to Reduce or Interfere with Groundwater Recharge (Less than Significant)

As described in Chapter 2, *Project Description,* the Proposed Project would develop approximately 4.4 acres total at Sites A and B (4 acres at Site A and 0.4 acre at Site B). Both sites are largely undeveloped, with limited amounts of impervious surfaces. Site A currently contains a single-family home and a few outbuildings, and the remainder of the 4-acre site is fallow, unirrigated grassland that was formerly used for agricultural purposes. Existing impervious surface at Site A is estimated at 0.24 acre. The 0.4-acre Site B is currently undeveloped with no existing impervious surfaces or irrigated agriculture.

Proposed new impervious features at the Proposed Project sites would include the water storage tank and pump station building at Site A and the concrete pad and driveway at Site B. New impervious surface at Site A is estimated at 1.11 acres. Because all of the existing impervious surfaces (i.e., existing house, driveway, and outbuildings) at Site A would be removed, only 0.87 acre of this estimated amount would be additional impervious beyond existing conditions. New impervious surface at Site B is estimated at 0.03 acre. Site A would also include a stormwater retention basin designed to contain the 50-year storm event and the full capacity of water stored in the storage tank in the event of a tank rupture. The stormwater retention basin at Site A would be designed to capture stormwater runoff from impervious surfaces and allow that water to percolate into the aquifer below.

Given that the Proposed Project would not involve a substantial amount of new impervious surface area resulting from the Site A and Site B facilities (approximately 0.90 acre) and would not displace irrigated farmland, the Proposed Project would not substantially reduce or interfere with groundwater recharge. Additionally, the proposed retention basin at Site A may serve to recharge groundwater. Therefore, this impact would be **less than significant.**

Impact GRW-3: Potential to Result in Land Subsidence (Less than Significant)

As described in Section 9.3.2, "Hydrogeology," subsidence is the lowering of the land-surface elevation, which typically occurs following excessive groundwater withdrawal. Subsidence can result in differential settlement and potentially damage buildings and infrastructure. Historical rates of subsidence in the Modesto area have not been substantial. DWR identifies the Modesto Subbasin as having a medium to high potential for subsidence, however, and DWR's groundwater budget for the Modesto Subbasin from 1970 through 2000 showed that extractions were exceeding recharge (DWR 2004).

As described in Impact GRW-1, the Proposed Project wells are not anticipated to substantially lower existing local shallow (i.e., 100 to 265 feet bgs) or intermediate (i.e., 265 to 360 feet bgs) groundwater levels, with modeled maximum drawdown under all scenarios of 0.26 feet and 2.1 feet, respectively. Modeled maximum drawdown for the deep aquifer (i.e., 360 to 600 feet) ranges from 6.6 to 20 feet bgs, dependent upon the modeled scenario. However, regional water bearing geologic units maintain their elasticity despite observed seasonal variations of groundwater levels ranging from 1 to 18 feet with (USGS 2007). Under all scenarios, the proposed project's modeled maximum drawdown is comparable to regional seasonal variations in groundwater levels. Furthermore, site preparation and foundations for surface structures (e.g., pump station and water tank) would be built to California Building Code specifications, reducing the potential effects of differential settlement to a less-than-significant level. The Proposed Project would not substantially affect shallow, intermediate, or deep groundwater levels. Therefore, the Proposed Project is not expected to result in subsidence. This impact would be **less than significant.**

9.4.4 Cumulative Impacts

Impact GRW-4: Cumulative Contribution to Chronic Overdraft of Groundwater Subbasin (Significant and Unavoidable)

As described under Impact GRW-1, the Proposed Project is not anticipated to substantially reduce local groundwater levels in a way that would have a significant adverse impact on nearby shallow wells. However, operation of the proposed wells could cumulatively contribute to overdraft conditions in the Modesto Subbasin.

As described in the Section 9.3.2, "Hydrogeology," DWR has estimated that more groundwater is withdrawn from the subbasin than is recharged on an average annual basis. While the 2014 DWR Final Basin Prioritization results did not specifically note the Modesto Subbasin as being in overdraft (DWR 2014), overpumping in the Modesto Subbasin has historically led to declines in groundwater levels (DWR 2004).

As described in Section 9.3.3, "Groundwater Basin Operational Yield," the City estimated the total operational yield within its service area to be 53,500 AFY, with 48,286 AFY of that occurring in the Modesto Subbasin. Given that the proposed wells were designed to be operated within the City's operational yield, they would not be anticipated to substantially reduce groundwater levels within the City's service area. The expected total annual average production of the proposed wells is 350 million gallons, or approximately 1,701 AF; however, because the City would decommission its existing Well 271 (which currently produces approximately 323 AFY), the proposed wells would only increase groundwater production by approximately 1,378 AFY beyond existing conditions. As shown in **Error! Reference source not found.**, the most readily available data indicate that the City extracts an average of 38,145 AFY of groundwater from the Modesto Subbasin (City of Modesto 2010a). Adding the Proposed Project's total estimated additional production of 1,378 AFY to the average Modesto Subbasin production of 38,145 AFY would equal 39,523 AFY. This amount would be below the City's preliminary operational yield for the Modesto Subbasin of 48,286 AFY, and therefore is not anticipated to reduce groundwater elevations within the City's service area below 40 feet above msl.

With respect to groundwater use and drawdown in the Modesto Subbasin as a whole, in light of other groundwater users in the subbasin, the proposed wells would represent a relatively small but potentially considerable contribution to overall groundwater extractions. As shown in **Error! Reference source not found.**, a number of entities operate public water supply wells in the Modesto Subbasin, in addition to many private wells. Recent data were not available at the time of publication on overall groundwater extractions in the subbasin, but DWR has estimated urban and agricultural extractions at 81,000 and 145,000 AFY, respectively (DWR 2004). By contrast, DWR estimated natural and applied irrigation water recharge at 86,000 AFY and 92,000 AFY, respectively. Relative to total urban and agricultural extractions in the subbasin (226,000 AFY), the Proposed Project's contribution of 1,378 AFY would represent 0.6 percent of the total extractions in the subbasin. This would seem to be a small contribution, but given that the basin is already in a relatively chronic state of overdraft, as indicated by the deficit in recharge estimated by DWR and by historically declining water levels, each additional large capacity well could exacerbate the overdraft situation.

While the SGMA requires that all high- and medium-priority basins have sustainable groundwater management plans in place by 2022, and that overdrafted basins have plans in place by 2020, it does not impose limitations on groundwater resource development prior to those dates. Stanislaus County has enacted a Groundwater Ordinance, which requires entities applying for a Well Construction Permit after November 25, 2014, to demonstrate, based on substantial evidence, that extraction of groundwater from the proposed well will not constitute unsustainable extraction of groundwater (see Section 9.2.3, "Local Laws, Regulations, and Policies"). This ordinance is expected to limit future unsustainable groundwater extractions, but nevertheless, may not reverse the effects of past overpumping or completely prevent cumulative drawdown.

Climate change could also exacerbate the cumulative effects of groundwater pumping in the Modesto Subbasin. Under typical annual hydrological fluctuations, groundwater storage may be replenished in wet years. However, the added prospect of altered long-term precipitation patterns and hydrology in California due to climate change could reduce the potential for groundwater recharge.

In light of all of the above factors, the overdraft of the Modesto Subbasin is considered to be a significant cumulative impact, and the Proposed Project's contribution would be considerable. The City is already implementing all available measures to ensure that its groundwater extraction does not exacerbate this situation, and is an active participant in regional groundwater management with a goal of ensuring sustainable management of the subbasin. Additional measures may exist that others could take to reduce pumping in the basin (e.g., water conservation), but such measures would be outside of the City's jurisdiction to implement or require. As such, no additional feasible measures exist and this impact is considered **significant and unavoidable**.

Chapter 10
Land Use and Planning

10.1 Overview

This chapter describes the setting and potential impacts of the Proposed Project related to land use and planning.

10.2 Regulatory Setting

The following section discusses the policies and regulations that are relevant to the analysis of land use impacts of the Proposed Project. No specific federal or state land use regulations apply to the land use resources associated with the Proposed Project.

Stanislaus County General Plan 2015

The following policies contained in the Land Use Element of the *Stanislaus County General Plan 2015* (Stanislaus County 2016) are applicable to the Proposed Project:

Goal One: Provide for diverse land use needs by designating patterns which are responsive to the physical characteristics of the land as well as to environmental, economic, and social concerns of the residents of Stanislaus County.

Policy Two: Land designated Agriculture shall be restricted to uses that are compatible with agricultural practices, including natural resources management, open space, outdoor recreation and enjoyment of scenic beauty.

Policy Six: Preserve and encourage upgrading of existing unincorporated urban communities.

Goal Two: Ensure compatibility between land uses.

Policy Fourteen: Uses shall not be permitted to intrude into or be located adjacent to an agricultural area if they are detrimental to continued agricultural usage of the surrounding area.

Policy Sixteen: Outdoor lighting shall be designed to be compatible with other uses.

Goal Three: Foster stable economic growth through appropriate land use policies.

Policy Sixteen: Agriculture, as the primary industry of the County, shall be promoted and protected.

Goal Four: Ensure that an effective level of public service is provided in unincorporated areas.

Policy Twenty-four: Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.

Policy Twenty-six: Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration. (Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)

Policy Twenty-seven: Development which requires discretionary approval and is outside the sphere of influence of cities, but located within one mile of a city's adopted sphere of influence and within a city's adopted general plan area, shall be referred out to the city for consideration. However, the County reserves the right for final discretionary action.

Goal Six: Promote and protect healthy living environments.

Policy Twenty-nine: Support the development of a built environment that is responsive to decreasing air and water pollution, reducing the consumption of natural resources and energy, increasing the reliability of local water supplies, and reduces vehicle miles traveled by facilitating alternative modes of transportation, and promoting active living (integration of physical activities, such as biking and walking, into everyday routines) opportunities.

Spheres of Influence

Policy: Whenever an application is to be considered which includes property within the sphere of influence of a city or special district (e.g., sewer, water, community services) or areas of specific designation created by agreement between County and City, the following procedures should be followed:

1. Development, other than agricultural uses and churches, which requires discretionary approval shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the

County decision-making body from exercising discretion, and it may either approve or deny the project.

2. Agricultural uses and churches which require discretionary approval should be referred to that city for comment. The County Planning Commission and Board of Supervisors shall consider the responses of the cities in the permit process. If the County finds that a project is inconsistent with the city's general plan designation, it shall not be approved. Agricultural use and churches shall not be considered inconsistent if the only inconsistency is with a statement that a development within the urban transition area or sphere of influence shall be discouraged (or similar sweeping statement). The city shall be asked to respond to the following questions:

    A. Is the proposed project inconsistent with the land use designation on the city's general plan? If so, please include a copy of the map (or that portion which includes the subject property) and the text describing uses permitted for the general plan designation. All findings of inconsistency must include supporting documentation.

    B. If the project is approved, specifically what type of conditions would be necessary to ensure the development will comply with city development standards such as street improvements, setbacks and landscaping?

    In the case of a proposed project within the sphere of influence of a sanitary sewer district, domestic water district or community services district, the proposal shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated community with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment.

Del Rio Community Plan

Stanislaus County prepared the *Del Rio Community Plan*, which was adopted by the Stanislaus County Board of Supervisors in 1992. The community plan designates land uses in two development areas. The northern portion (Area I) of Del Rio is designated as low-intensity residential and agriculture, while the southern portion (Area II) is designated as agriculture and future-specific planning. The Community Plan proposed to develop Del Rio as a mixed residential, recreational, and agricultural community with natural open space/recreational uses. Goals of the Del Rio Community Plan that relate to land use and planning for the Proposed Project include the following:

Goal 1: Future development should occur in an orderly manner to meet the needs of existing and future residents.

Policy A: Until the plan is updated, future development for Del Rio shall be in accordance with the Community Plan.

Goal 2: Prime agricultural land in the Del Rio vicinity should be preserved in areas where incompatibility impacts between agricultural and residential uses can be minimized.

Goal 3: Further development in the Del Rio area should be planned to ensure that adverse impacts on services and utilities, schools, transportation and circulation, agriculture, water and air quality are appropriately mitigated.

Policy A: All future developments in Del Rio shall be Planned Developments and, in Area II, approved only after specific plan and EIR are prepared for Area II which address cumulative development impacts on the entire Del Rio area, Community Plan conformance, and methods of plan implementation.

Goal 5: Future development shall be served by adequate public infrastructure.

Policy A: All future development in Del Rio shall require underground utilities and facilities for community-wide secondary sewage treatment and water supply systems.

Stanislaus County Zoning Ordinance

According to the Stanislaus County Zoning Ordinance, Site A is zoned A-2-40 Agriculture (Stanislaus County 2015). Permitted uses for A-2 districts include agricultural uses, single-family dwelling(s) on parcels less than 20 acres in size; two single-family dwellings on parcels 20 acres or more in size; mobile homes; buildings, appurtenances, and uses such as custom contract harvesting or land preparation; home occupations; garage sales; temporary agricultural service airports; detached accessory buildings, the use of which are incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property as determined by the director of planning and community development; lagoons or ponds for the storage of animal wastes; Christmas tree sales lots and Halloween pumpkin sales lots; fireworks stands; and small family day cares and large family care homes. According to Section 21.20.030 of the Stanislaus County Code, this district allows development of certain uses that are not directly related to agriculture but may be necessary to serve the A-2 district. For example, development of facilities for public utilities qualifies as a "Tier Three" use that may be allowed if the Stanislaus County Planning Commission concludes that the use would not be substantially detrimental to or conflict with agricultural use of other property in the vicinity, and the parcel on which such use is requested is not located in one of the county's "most productive agricultural areas," as this term is used in the general plan; or if the character of the use that is requested is such that the land may reasonably be returned to agricultural use in the future.

Site B is zone P-D (189) Planned Development (Stanislaus County 2015). The P-D district permits all uses when consistent with the general plan but is subject to the approval of the development plan by the County's Planning Commission.

10.3 Environmental Setting

Del Rio is an unincorporated census-designated place (CDP) in central Stanislaus County. Del Rio has a population of approximately 1,270 and encompasses 2.1 square miles, with approximately 1.8 square miles being residential and the remaining space being utilized as a

golf course, open space, and water (U.S. Census Bureau 2010). The Stanislaus River runs along the northern edge of Del Rio, and the community is bounded by McHenry Avenue to the east, Ladd Road to the south, and Carver Road to the west. State Route 99 is approximately 5.8 miles west of Del Rio. Nearby cities include Escalon, Manteca, Modesto, and Riverbank.

Del Rio began with the development of a golf and country club in the 1940s, and residential lots were constructed soon afterward to finance a portion of the country club. Del Rio is an entirely residential community (Stanislaus County 1987).

The Proposed Project would involve activities at two separate sites within Del Rio. Site A consists of two parcels totaling approximately 4.0 acres that are owned by the City of Modesto. Site A is southeast of the intersection of Ladd Road and St. John Road on APNs 004-077-018 and 004-077-019. The site is bounded by a Modesto Irrigation District canal on the south, agricultural and residential sites on the east, and Union Pacific Railroad tracks on the west. The northern portion of Site A fronts Ladd Road. The site is currently occupied by a single-family dwelling, which consists of a house, garage, and outbuildings. The remainder of the site consists mostly of fallow, unirrigated grassland that was formerly used for agricultural purposes. Site A is located in Area II of the *Del Rio Community Plan*.

Site B is located on the northwest corner of McHenry Avenue and Stewart Road on the southeastern-most portion of APN 004-102-003 and is 0.4 acre. Site B is surrounded by single-family residences and outbuildings to the west and south, agricultural parcels to the north and east, and a fruit stand to the southeast. The site is currently vacant and undeveloped, except for a few power and communication poles, a large oak tree, and shrubs. Site B is located in Area I of the Del Rio Community Plan.

10.4 Impact Analysis

10.4.1 Methodology

The analysis of land use and planning is qualitative and includes consideration of applicable land use policies, plans, and programs. Inconsistencies with land use policies are considered a significant impact only if those inconsistencies would result in significant adverse effects on the physical environment. Physical impacts on the environment that could result from inconsistency with land use plans or policies are addressed in other resource chapters (Chapters 4 through 9 and 11). General consistency of the Proposed Project with local plans and, policies are discussed in Impact LU-2.

10.4.2 Criteria for Determining Significance

Based on Appendix G of the CEQA Guidelines and professional expertise, the Proposed Project would result in a significant impact related to land use and planning if it would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

10.4.3 Environmental Impacts

Impact LU-1: Physically Divide a Community (Less than Significant)

The Proposed Project would improve existing water pressure and volume storage deficiencies, ensure that system pressure is sufficient for firefighting, improve water system flexibility and reliability, and provide additional water supply and storage to accommodate the anticipated growth of the Del Rio community in accordance with the *Del Rio Community Plan* and the *Stanislaus County General Plan 2015*. As a result, the Proposed Project would improve the development of Del Rio, not divide it.

The construction of facilities within or adjacent to existing road rights-of-way would not physically divide established communities but could temporarily disrupt neighborhood land uses during construction. The Proposed Project does not propose any physical elements that, if constructed, would restrict access within an established community. Construction vehicles may cause short-term delays on access roads, but their presence would be temporary and would not substantially conflict with the performance of these roadways.

This impact is therefore considered less than significant.

Impact LU-2: Conflict with Land Use Plans, Policies, or Regulations (Less than Significant)

Applicable land use plans include the *Del Rio Community Plan* and the *Stanislaus County General Plan 2015*. Construction of the pipelines, storage tank, and groundwater wells would be consistent with these adopted plans. Construction of the Proposed Project would improve water supply, pressure, and fire safety in the community of Del Rio. No conflict with these plans would result from installation of pipelines, and no habitable facilities would be constructed.

As noted in Section 10.1, "Regulatory Setting," Site A is zoned A-2-40 Agriculture and Site B is zoned P-D (189) Planned Development (Stanislaus County 2015). The proposed water storage tank, pump station building, transmission pipeline, and other associated facilities proposed at Site A would constitute facilities for public utilities and, therefore, qualify as a "Tier Three" use that is allowed within the A-2 district, subject to the approval of the Stanislaus County Planning Commission. Consistent with the zoning ordinance, the City would apply for a use permit. There is no Williamson Act contract on Site A (Stanislaus County 2015) and, given that the site is currently used for residential rather than agricultural purposes, the proposed facilities likely meet the criteria of a permitted use. As such, the proposed facilities at Site A would not result in a conflict with the County's zoning district.

With respect to Site B, the P-D zoning district permits all uses that are consistent with the general plan but is subject to the approval of the development plan by the County's Planning Commission. Consistent with the zoning ordinance, and as indicated in Table 2-2 of Chapter 2, *Project Description*, the City would request approval from the Stanislaus County Planning Commission for development of the groundwater well and other associated facilities at Site

B. There is no Williamson Act contract on Site B and the site is currently vacant; therefore, there would be no conflict with the County's zoning district at Site B.

In conclusion, this impact regarding conflicts with applicable land use plans, policies, and regulations would be less than significant.

Impact LU-3: Conflict with Habitat Conservation Plans or Other Land Conservation Plans (No Impact)

The Proposed Project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan because the project area does not occur within an area covered by any of these types of plans. Therefore, there would be no impact.

10.4.4 Cumulative Impacts

Impact LU-4: Cumulative Land Use Impact (Less than Significant)

The Proposed Project would not result in any significant land use impacts. There is not a significant cumulative impact due to land use in the County. Land use and planning projects are subject to planning, environmental review, and a permitting process. Through these processes, inconsistencies with relevant plans and policies would be resolved before project implementation, thereby addressing consistency with local plans and policies. Furthermore, no significant cumulative impacts were identified in the Program EIR (City of Modesto 2010). Therefore, there are no significant cumulative land use impacts, and the Proposed Project in conjunction with other past, present, and future projects would not result in a significant cumulative impact.

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Chapter 11
Noise and Vibration

11.1 Overview

This chapter describes the existing noise environment in the vicinity of the Proposed Project area, presents relevant noise and vibration regulations, identifies sensitive noise and vibration receptors that could be affected by the Proposed Project, and evaluates the potential noise and vibration impacts of the Proposed Project. Mitigation measures to avoid or reduce impacts are identified, as appropriate, including mitigation measures from the Program EIR. Additional technical information related to the noise and vibration analysis is provided in **Appendix G.**

11.2 Overview of Noise and Vibration Concepts and Terminology

11.2.1 Noise

In the CEQA context, noise can be defined as unwanted sound. Sound is characterized by various parameters, including the rate of oscillation of sound waves (frequency), the speed of propagation, and the pressure level or energy content (amplitude). In particular, the sound pressure level is the most common descriptor used to characterize the loudness of an ambient sound level, or sound intensity. The decibel (dB) scale is used to quantify sound intensity. Because sound pressure can vary enormously within the range of human hearing, a logarithmic scale is used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all frequencies in the spectrum, so noise measurements are weighted more heavily for frequencies to which humans are sensitive, creating the A-weighted decibel (dBA) scale.

The selection of a proper noise descriptor for a specific source depends on the spatial and temporal distribution, duration, and fluctuation of the noise. The noise descriptors most often encountered when dealing with traffic, community, and environmental noise are defined below (California Department of Transportation [Caltrans] 2011).

- **L_{max} (maximum noise level):** The maximum instantaneous noise level during a specific period of time. The L_{max} may also be referred to as the "peak (noise) level."
- **L_{min} (minimum noise level):** The minimum instantaneous noise level during a specific period of time.
- **L_n (Statistical Descriptor):** The noise level exceeded n percent of a specific period of time, generally accepted as an hourly statistic. An L_{10} would be the noise level exceeded 10 percent of the measurement period.

- **L_{eq} (equivalent noise level):** The energy mean (or average) noise level. The instantaneous noise levels during a specific period of time in dBA are converted to relative energy values. From the sum of the relative energy values, an average energy value is calculated, which is then converted back to dBA to determine the L_{eq}. In noise environments that are determined by major noise events, such as aircraft overflights, the L_{eq} value is heavily influenced by the magnitude and number of single events that produce the high noise levels.

- **L_{dn} (day-night average noise level):** The 24-hour L_{eq} with a 10-dBA "penalty" for noise events that occur during the noise-sensitive hours between 10:00 p.m. and 7:00 a.m. In other words, 10 dBA is "added" to noise events that occur in the nighttime hours, and this generates a higher reported noise level when determining compliance with noise standards. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.

- **CNEL (Community Noise Equivalent Level):** Similar to the L_{dn} described above, but with an additional 5-dBA "penalty" added to noise events that occur during the noise-sensitive hours between 7:00 p.m. and 10:00 p.m., which are typically reserved for relaxation, conversation, reading, and television. When the same 24-hour noise data are used, the reported CNEL is typically approximately 0.5 dBA higher than the L_{dn}.

- **SENL (single-event [impulsive] noise level):** A receiver's cumulative noise exposure from a single impulsive noise event, which is defined as an acoustical event of short duration and involves a change in sound pressure above some reference value. SENLs typically represent the noise events used to calculate the L_{eq}, L_{dn}, and CNEL.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level, L_{eq}, which corresponds to a steady-state A-weighted sound level containing the same total energy as a time-varying signal over a given period (usually 1 hour). The L_{eq} is the foundation of composite noise descriptors such as L_{dn} and CNEL, as defined above, and correlates well with community response to noise.

In general, human sound perception is such that a change in sound level of 3 dB is barely noticeable, a change of 5 dB is clearly noticeable, and a change of 10 dB is perceived as doubling or halving the sound level. **Table 11-1** presents approximate noise levels for common noise sources, measured adjacent to the source.

Table 11-1. Examples of Common Noise Levels

Common Outdoor Activities	Noise Level (dBA)
Jet flyover at 1,000 feet	110
Gas lawnmower at 3 feet	100
Diesel truck at 50 feet traveling 50 miles per hour	90
Noisy urban area, daytime	80
Gas lawnmower at 100 feet, commercial area	70
Heavy traffic at 300 feet	60
Quiet urban area, daytime	50
Quiet urban area, nighttime	40
Quiet suburban area, nighttime	30
Quiet rural area, nighttime	20

Source: Caltrans 2009

11.2.2 Vibration

Vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structure-borne noise. Sources of groundborne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as operating factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean square (RMS), as in RMS vibration velocity. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Federal Transit Administration [FTA] 2006). PPV and RMS are normally described in inches per second (in/sec).

Human and structural response to different vibration levels is influenced by various factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 11-2, developed by Caltrans, shows the vibration levels that would normally be required to result in damage to structures.

Table 11-2. Effects of Various Vibration Levels on People and Buildings

Peak Particle Velocity		Human Reaction	Effect on Buildings
inches/ second	mm/ second		
0.006-0.019	0.15-0.30	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
0.08	2.0	Vibrations readily perceptible	Recommended upper level to which ruins and ancient monuments should be subjected
0.10	2.5	Level at which continuous vibrations begin to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	5.0	Vibrations annoying to people in buildings	Threshold at which there is a risk of architectural damage to normal dwelling – houses with plastered walls and ceilings
0.4-0.6	10-15	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause architectural damage and possibly minor structural damage

Notes: in/sec=inches per second; mm/sec= millimeters per second; PPV=peak particle velocity

Source: Caltrans 2013

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a period of 1 second. Like airborne sound, the RMS velocity is often expressed in decibel notation, as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2006). This is based on a reference value of 1 microinch per second (μin/sec).

The background vibration-velocity level in residential areas is usually approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2006).

Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. Construction activities can generate

groundborne vibrations, which can pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack façades, and disturb occupants (FTA 2006).

Construction vibrations can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Continuous vibrations result from vibratory pile drivers, large pumps, horizontal directional drilling, and compressors. Random vibration can result from jackhammers, pavement breakers, and heavy construction equipment. Table 11-3 describes the general human response to different levels of groundborne vibration-velocity levels.

Table 11-3. Human Response to Groundborne Vibration Levels

Vibration Velocity (Vibration Decibels)	Human Response
65	Approximate threshold of perception for many humans
75	Approximate dividing line between barely perceptible and distinctly perceptible
85	Vibration acceptable only for a small number of events per day

Source: FTA 2006

11.3 Regulatory Setting

11.3.1 Federal Laws, Regulations, and Policies

USEPA's Office of Noise Abatement and Control was originally established to coordinate federal noise control activities. After its inception, the Office of Noise Abatement and Control issued the Federal Noise Control Act of 1972, establishing programs and guidelines to identify and address the effects of noise on public health, welfare, and the environment. In 1981, USEPA administrators determined that subjective issues such as noise would be better addressed at lower levels of government. Consequently, in 1982 responsibilities for regulating noise control policies were transferred to state and local governments. However, noise control guidelines and regulations contained in USEPA rulings before 1982 remain in place as promulgated by designated federal agencies, thereby allowing more individualized control for specific issues by designated federal, state, and local government agencies.

To address the human response to groundborne vibration, FTA (a division of the U.S. Department of Transportation) has set forth guidelines for maximum-acceptable-vibration criteria for different types of land uses. These include 65 VdB referenced to 1 µin/sec and based on RMS velocity amplitude for land uses where low ambient vibration is essential for interior operations (e.g., hospitals, high-tech manufacturing, laboratory facilities); 80 VdB for residential uses and buildings where people normally sleep; and 83 VdB for institutional land uses with primarily daytime operations (e.g., schools, churches, clinics, offices) (FTA 2006).

Standards have also been established to address the potential for groundborne vibration to cause structural damage to buildings. These standards were developed by the Committee of Hearing, Bio Acoustics, and Bio Mechanics (CHABA) at the request of USEPA. For fragile structures, CHABA recommends a maximum limit of 0.25 in/sec PPV (FTA 2006).

11.3.2 State Laws, Regulations, and Policies

Governor's Office of Planning and Research

The Governor's Office of Planning and Research (OPR) published the *State of California General Plan Guidelines* (OPR 2003), which provide guidance for the acceptability of projects within specific L_{dn} contours. Table 11-4 summarizes acceptable and unacceptable CNEL criteria for various land use categories. Generally, residential uses (e.g., homes, mobile homes) are considered to be acceptable in areas where exterior noise levels do not exceed 60 dBA L_{dn}. Residential uses are normally unacceptable in areas exceeding 70 dBA L_{dn} and conditionally acceptable within 55–70 dBA L_{dn}. Schools are normally acceptable in areas up to 70 dBA L_{dn} and normally unacceptable in areas exceeding 70 dBA L_{dn}. Commercial uses are normally acceptable in areas up to 70 dBA CNEL. Between 67.5 and 77.5 dBA L_{dn}, commercial uses are conditionally acceptable, depending on the noise insulation features and the noise reduction requirements.

The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards reflecting the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. In addition, Title 24 of the California Code of Regulations establishes standards governing interior noise levels that apply to all new single-family and multifamily residential units in California. These standards require that acoustical studies be performed before construction at building locations where the existing L_{dn} exceeds 60 dBA. Such acoustical studies must establish mitigation measures that will limit maximum noise levels to 45 dBA L_{dn} in any habitable room. Although there are no generally applicable interior noise standards pertinent to all uses, many communities in California have adopted 45 dBA L_{dn} as an upper limit on interior noise in all residential units.

California Department of Transportation

For the protection of fragile, historic, and residential structures, Caltrans recommends a more conservative threshold of 0.2 in/sec PPV for normal residential buildings and 0.08 in/sec PPV for old or historically significant structures (Caltrans 2013). These standards are more stringent than the federal standard established by CHABA, presented above.

Table 11-4. Summary of Land Use Noise Compatibility Guidelines

Land Use Category	Community Noise Exposure (dBA L_{dn})			
	Normally Acceptable[1]	Conditionally Acceptable[2]	Normally Unacceptable[3]	Clearly Unacceptable[4]
Residential—Low-Density Single-Family, Duplex, Mobile Home	<60	55–70	70–75	75+
Residential—Multifamily	<65	60–70	70–75	75+
Transient Lodging—Motel, Hotel	<65	60–70	70–80	80+
Schools, Libraries, Churches, Hospitals, Nursing Homes	<70	60–70	70–80	80+
Auditoriums, Concert Halls, Amphitheaters		<70	65+	
Sports Arena, Outdoor Spectator Sports		<75	70+	
Playgrounds, Neighborhood Parks	<70		67.5–75	72.5+
Golf Courses, Riding Stables, Water Recreation, Cemeteries	<75		70–80	80+
Office Building, Business Commercial, and Professional	<70	67.5–77.5	75+	
Industrial, Manufacturing, Utilities, Agriculture	<75	70–80	75+	

Notes:

dBA = A-weighted decibels; L_{dn} = day-night average noise level

1 Specified land use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

2 New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

3 New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor areas must be shielded.

4 New construction or development should generally not be undertaken.

Source: OPR 2003

11.3.3 Local Plans, Policies, Regulations, and Ordinances

Stanislaus County General Plan 2015

Stanislaus County addresses noise impacts through its General Plan and Municipal Code. The Noise Element of the *Stanislaus County General Plan 2015* (Stanislaus County 2016) utilizes noise exposure information to identify existing and potential noise conflicts through the Land Use Planning and Project Review processes. The Noise Element establishes exterior noise level standards and maximum allowable noise exposure from stationary noise sources at noise-sensitive land uses.

Goal Two: Protect the citizens of Stanislaus County from the harmful effects of exposure to excessive noise.

Policy Two: It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

Implementation Measure 1: New development of noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to the following levels:

a) For transportation noise sources such as traffic on public roadways, railroads, and airports, 60 [dBA] Ldn (or CNEL) or less in outdoor activity areas of single family residences, 65 [dBA] Ldn (or CNEL) or less in community outdoor space for multi-family residences, and 45 [dBA] Ldn (or CNEL) or less within noise sensitive interior spaces. Where it is not possible to reduce exterior noise due to these sources to the prescribed level using a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 Ldn (or CNEL) will be allowed. Under no circumstances will interior noise levels be allowed to exceed 45 Ldn (or CNEL) with the windows and doors closed in residential uses.

b) For other noise sources such as local industries or other stationary noise sources, noise levels shall not exceed the performance standards contained within Table IV-24 [reprinted as Table 11-5 below].

Implementation Measure 2: New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 [dBA] Ldn (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses which are not preempted from local noise regulation will not be permitted if resulting noise levels will exceed the performance standards contained within Table IV-24 [Table 11-5 below] in areas containing residential or other noise sensitive land uses.

Table 11-5. Maximum Allowable Noise Exposure from Stationary Noise Sources

	Daytime 7a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly L_{eq}, dBA	55	45
Maximum level, dBA	75	65

Note:

Each of the noise level standards specified in Table IV-24 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table IV-24 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

Source: Stanislaus County General Plan, Noise Element, Table IV-24 (2016)

Policy Three: It is the objective of Stanislaus County to protect areas of the County where noise-sensitive land uses are located.

Implementation Measure 1: Require the evaluation of mitigation measures for projects that would cause the Ldn at noise-sensitive uses to increase by 3 dBA or more and exceed the "normally acceptable" level, cause the Ldn at noise-sensitive uses to increase 5 dBA or more and remain normally acceptable, or cause new noise levels to exceed the noise ordinance limits (after adoption).

Stanislaus County Municipal Code

Noise generating sources in Stanislaus County are also regulated under the Municipal Code, Chapter 10.46 (Noise Control). Property line and construction noise limits are established in this ordinance. Property line noise limits apply to noise generation from one property to an adjacent property with the existence of a sensitive receptor (if no receptor, an exception or variance to the standards may be appropriate). These standards do not apply to construction noise that occurs between 7 a.m. and 7 p.m. The following are the applicable portions of the Stanislaus County Noise Control Ordinance, and Tables 11-6 and 11-7 (reprinting Tables A and B of the ordinance) highlight the applicable noise limits.

Section 10.46.050 Exterior Noise Level Standards

A. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards as set forth below:

   1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone:

Table 11-6. Exterior Noise Level Standards

Land Use Zone	Maximum A-Weighted Sound Level as Measured on a Sound Level Meter (L_{max})	
	7:00 a.m. to 9:59 p.m.	10:00 p.m. to 6:59 a.m.
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75

Source: Stanislaus County Code, Chapter 10, Table A.

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards:

Table 11-7. Cumulative Duration Allowance Standards

Cumulative Duration	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table 6 plus 0 dBA
Equal to or greater than 15 minutes per hour	Table 6 plus 5 dBA
Equal to or greater than 5 minutes per hour	Table 6 plus 10 dBA
Equal to or greater than 1 minute per hour	Table 6 plus 15 dBA
Less than 1 minute per hour	Table 6 plus 20 dBA

Source: Stanislaus County Code, Chapter 10, Table B.

3. Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table A [Table 11-6] shall be reduced by five dB(A) for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.

4. In the event the measured ambient noise level exceeds the applicable noise level standard above, the ambient noise level shall become the applicable exterior noise level standard.

Section 10.46.060 Specific Noise Source Standards

E. Construction Equipment. No person shall operate any construction equipment so as to cause at or beyond the property line of any property upon which a dwelling unit is located an average sound level greater than seventy-five decibels between the hours of seven p.m. and seven a.m.

Section 10.46.070 Vibration. Operating or permitting the operation of any device that creates vibration that is above the vibration perception threshold of any individual at or beyond the property boundary of the source if on private property, or at one hundred fifty feet from the source if on a public space or public right-of-way is prohibited. For the

purpose of this section, "vibration perception threshold" means the minimum ground-borne or structure-borne vibration motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects, or a measured motion velocity of 0.01 in/sec over the range of one to one hundred Hertz.

Section 10.46.080 Exemptions. The following sources are exempt from the provisions of this chapter:

J. **Public Entity or Public Utility Activity.** This chapter shall not apply to construction or maintenance activities performed by or at the direction of any public entity or public utility.

City of Modesto Urban Area General Plan

The following policies of Chapter VII, "Environmental Resources and Open Spaces," of the *City of Modesto Urban Area General Plan* (City of Modesto 2008) are applicable to the Proposed Project:

3. Noise Mitigation Policies – Baseline Developed Area

All development projects located within the Baseline Developed Area (and Redevelopment Area) shall be required to incorporate the following measures into the project.

a. The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The City should consider potential mitigation measures, including, but not limited to, the following:

    1. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

    2. Equipment that is quieter than standard equipment should be utilized.

    3. Haul routes that affect the fewest number of people should be selected.

b. During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation for outdoor activity areas typically defined as common outdoor recreational areas, as discussed below:

    1. Single-family Residential uses: the noise would exceed 65 dBA, Ldn at outdoor activity areas. Outdoor activity areas for single-family residential uses are defined as backyards.

2. Other proposed uses: the noise/land compatibility guidelines (i.e., those noise levels that are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable") shown on Table VII-2. For multi-family residential uses, the exterior noise level standard shall be applied at the common outdoor recreation area, such as pools, play areas, or tennis courts. Where such areas are not provided in multi-family residential uses, the standards shall be applied at individual patios and balconies of the development. Outdoor activity areas of transient lodging facilities include swimming pool and picnic areas.

e. For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines (Table VII-2), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

1. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.

2. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses from noise sources.

3. Incorporate construction techniques to achieve specified interior noise limits. One source that can be used for such specifications is the Noise Control Manual for Residential Buildings (Builder's Guide) by David A. Harris (1997).

h. The City of Modesto shall limit trucking to specific routes, times, and speeds that minimize adverse effects to sensitive land uses such as schools and residential areas.

City of Modesto Code of Ordinances

See **Appendix G** for a complete list of applicable City ordinances related to noise and vibration.

11.4 Environmental Setting

Sensitive land uses generally are defined as those uses where exposure to noise and vibration would result in adverse effects, as well as uses where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both noise levels (interior and exterior) and vibration levels. Other sensitive land uses include schools, hospitals, convalescent facilities, parks, hotels, places of worship, libraries, and other uses where low noise and vibration levels are essential.

The land uses in the immediate vicinity of the project sites are residential and agricultural. Existing nearby sensitive receptors include rural residential dwellings south of Ladd Road, adjacent to Site A, and a single residential dwelling located west of McHenry Avenue, adjacent

to Site B. Refer to **Figures 11-1** and **11-2** for the general locations of existing sensitive receptors with respect to the project sites.

Existing Noise and Vibration Sources

The existing dominant noise sources in the vicinity of the project sites are influenced by surface transportation noise emanating from roadway vehicle traffic on Ladd Road and McHenry Avenue. Noise from agricultural uses adjacent to both project sites and from outdoor activities (e.g., people talking, dogs barking, operation of landscaping and agricultural equipment) also contributes to the existing noise environment. Refer to Figures 2-2 and 2-3 in Chapter 2, *Project Description,* for general locations of existing land uses and their respective locations relative to noise sources (i.e., Ladd Road and McHenry Avenue).

Existing vehicle traffic noise levels were modeled using the Federal Highway Administration (FHWA) Traffic Noise Model and traffic data obtained from traffic counts in Google Earth (Google Earth 2015). Additional input data included day/night percentages of autos, medium and heavy trucks, vehicle speeds, ground attenuation factors, and roadway widths. **Table 11-8** summarizes the modeled hourly L_{eq} noise levels at 100 feet from the roadway centerline and distance from the roadway centerline to the 60-, 65-, and 70-dBA L_{eq} contours for existing average daily traffic (ADT) volumes from Google Earth.

An ambient-noise survey was conducted September 23-29, 2015, to document the existing noise conditions at various locations in the vicinity of the project sites. The 24-hour continuous long-term noise-level measurements were taken in accordance with the American National Standards Institute's acoustic standards at two locations, one at Site A in the front yard of 816 Ladd Road and one at Site B near the pool in the backyard of 117 Stewart Road. Short-term (15-minute) ambient noise measurements were also conducted at various locations near both sites. Instrumentation consisted of a Larson Davis Laboratories (LDL) Model 820 and Model 824 precision integrating sound-level meter. The systems were calibrated before and after use with an LDL CAL200 acoustical calibrator to ensure that measurements would be accurate. Refer to Figures 11-1 and 11-2 for ambient-noise monitoring locations.

Table 11-8. Modeled Noise Levels for Existing Traffic in the Project Area

Roadway	Segment		L_{eq} 100 Feet from Roadway Centerline (dBA)	Distance (feet) from Roadway Centerline to L_{eq} Contour		
	From	To		70 dBA	65 dBA	60 dBA
Ladd Road	Tully Road	St. John Road	67	49	155	491
	St. John Road	McHenry Avenue	66	41	129	409
McHenry Avenue	Ladd Road	Stewart Road	67	45	143	453
	Stewart Road	Hogue Road	67	46	146	461
Stewart Road	McHenry Avenue	Del Cielo Way	56	4	12	37

Notes: dBA = A-weighted decibels; Ldn = day-night average noise level.

Source: Modeled by AECOM in 2015

Atmospheric conditions were observed during long-term noise-level measurement sessions. Wind speeds typically ranged from 3 to 12 miles per hour. Temperatures averaged from 62°F to 89°F, with average humidity of 46 percent. These atmospheric conditions were verified using historical data from the Weather Underground website (www.wunderground.com).

The L_{dn}, L_{90}, and values for each ambient-noise measurement location are summarized in **Table 11-9**. Refer to Appendix G for a complete listing of hourly noise levels and modeled L_{dn} for each noise measurement location. **Table 11-10** summarizes the short-term ambient noise measurements.

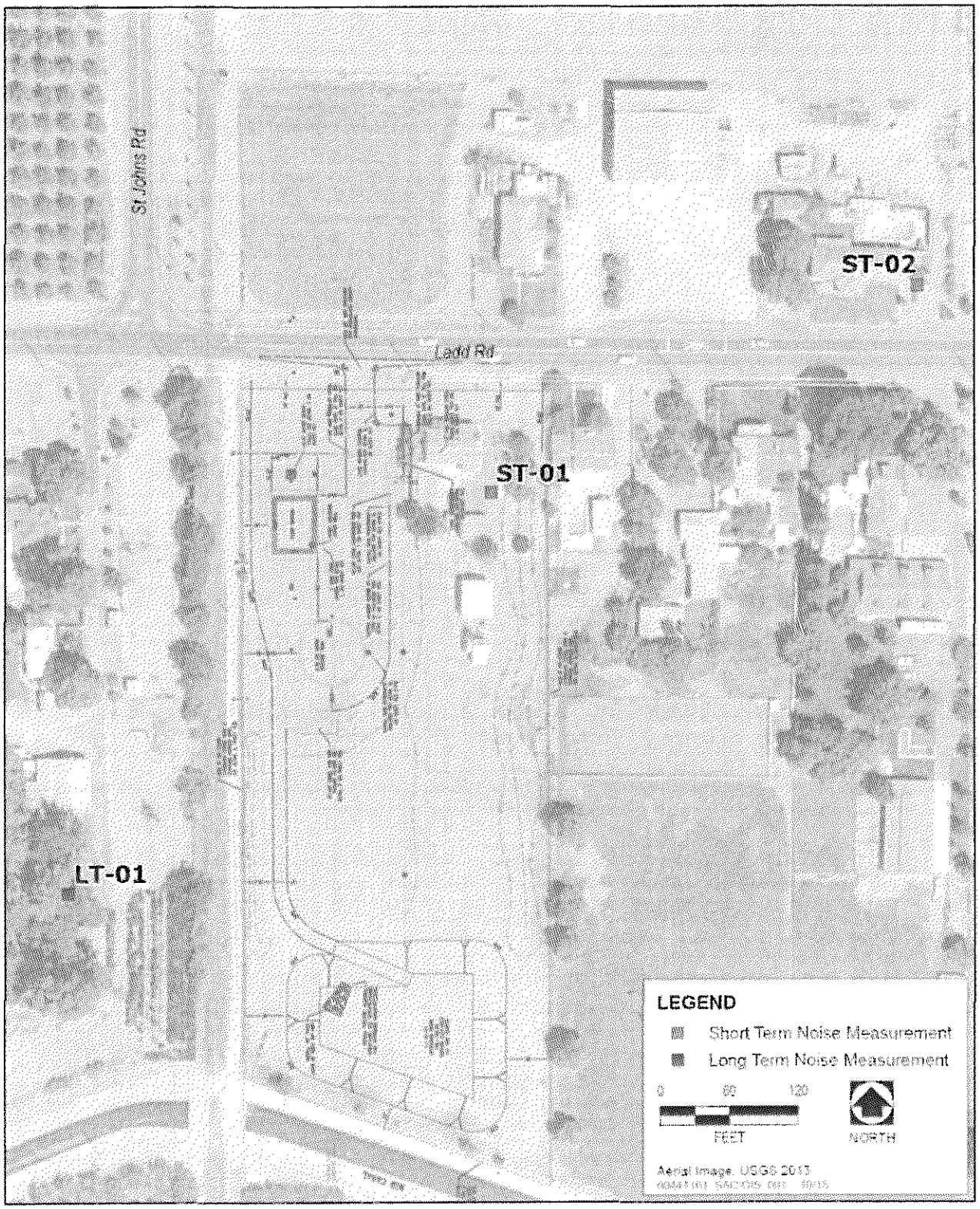
The noise levels shown in Table 11-9 indicate medium ambient noise levels at Site A and medium to high ambient noise levels at Site B. Most of the noise levels at Sites A and B result from roadway vehicle traffic along Ladd Road and McHenry Avenue, respectively. The noise levels shown in Table 11-10 were utilized for calibrating the FHWA Traffic Noise Model.

11.4.1 Criteria for Determining Significance

The significance criteria for this analysis are based on the environmental checklist in Appendix G of the CEQA Guidelines and applicable jurisdictional noise standards. The Proposed Project would have a significant effect related to noise if it would:

- Expose persons to or generation of noise levels in excess of standards established in a local general plan or noise ordinance or in the applicable standards of other agencies;
- Expose persons to or generation of excessive ground-borne vibration or ground-borne noise levels;
- Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, would the project expose people residing or working in the project area to excessive noise levels; or
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

The Proposed Project sites (Sites A and B) would not be located within an airport compatibility land use plan with an adopted 60 dBA L_{dn} noise contour. The Proposed Project would not expose new receptors or workers on the project site to excessive airport noise levels. Therefore, these issues are not evaluated further.



Source: Data adapted by AECOM 2015

Figure 11-1. Site A, Ambient Noise Monitoring Locations

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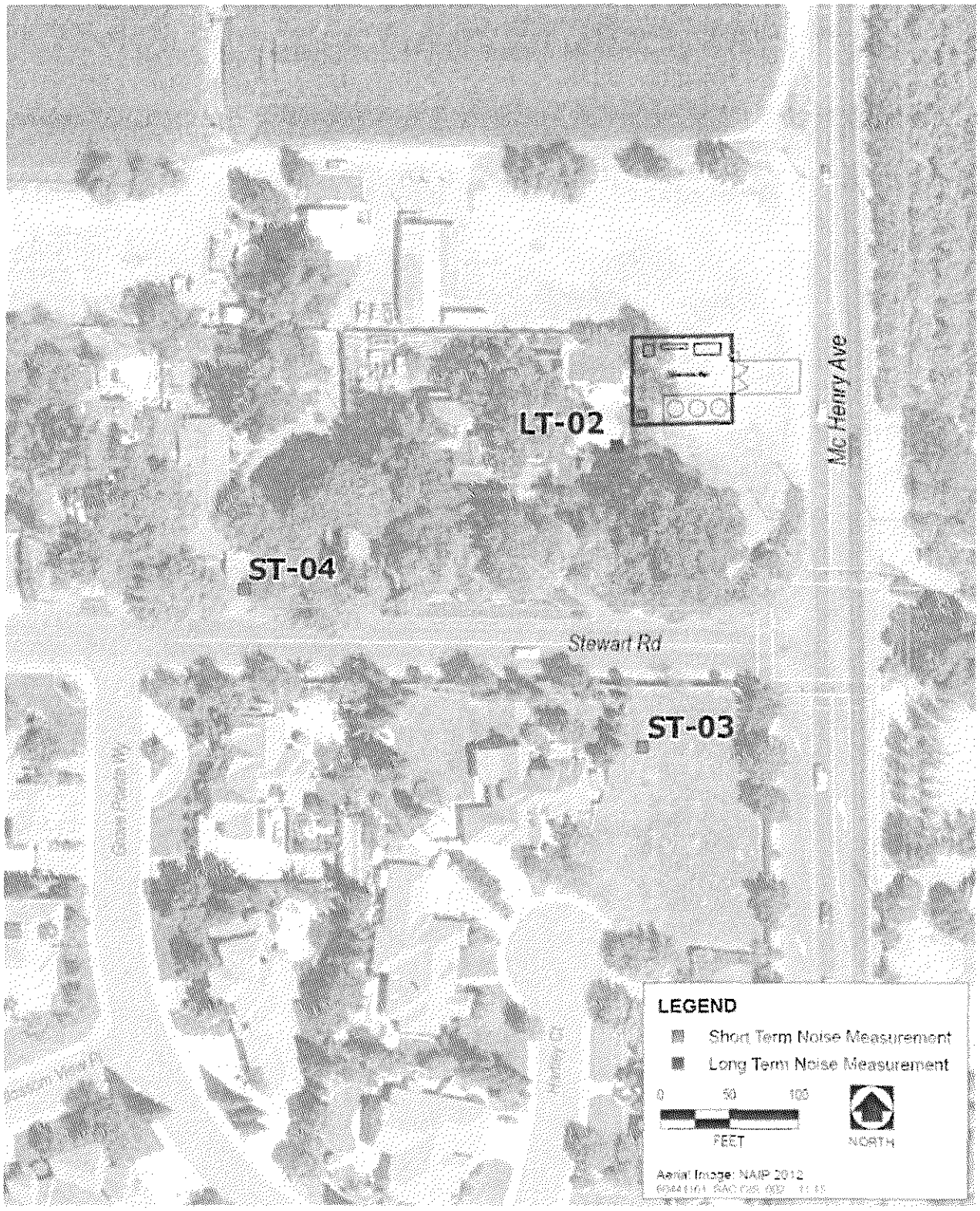

Source: Data adapted by AECOM 2015

Figure 11-2. Site B, Ambient Noise Monitoring Locations

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Table 11-9. Summary of Measured Long-term 24-hour Ambient Noise Survey Levels

Date	Average Measured Hourly Noise Levels, dB				
		Daytime (7 a.m.–10 p.m.)		Nighttime (10 p.m.–7 a.m.)	
	L_{dn}	L_{eq}	L_{max}	L_{eq}	L_{max}
Site A - Front yard of 816 Ladd Road					
September 23-24, 2015	56	51	69	49	64
September 24-25, 2015	57	51	72	50	65
September 25-26 2015	54	50	72	48	69
September 26-27, 2015	55	52	77	47	66
September 27-28, 2015	55	50	69	49	71
September 28-29, 2015	54	50	73	46	67
September 29-30, 2015	54	50	67	47	71
Site B – Backyard of 117 Stewart Road					
September 23-24, 2015	62	58	75	55	70
September 24-25, 2015	63	58	77	56	79
September 25-26 2015	63	58	87	56	79
September 26-27, 2015	62	57	79	55	76
September 27-28, 2015	62	58	78	56	73
September 28-29, 2015	62	58	80	55	73
September 29-30, 2015	62	58	77	55	73

Notes: dB = A-weighted decibels; Ldn = day-night average noise level; Leq = the equivalent hourly average noise level; Lmax = maximum noise level.

Monitoring locations correspond to those depicted in Figures 11-1 and 11-2.

Source: Data collected by AECOM in 2015

Table 11-10. Short-term Ambient Noise Levels Monitored during Daytime

Site	Location	Date/Time	Noise Sources	A-weighted Sound Level (dBA)	
				L_{eq}	L_{max}
Site A Ladd Road					
1	Backyard of 706 Ladd Road	September 30, 2015 3:58–4:13 pm	Traffic on Ladd Road	61	72
2	Behind 625 Ladd Road	September 30, 2015 4:17–4:32 pm	Traffic on Ladd Road	68	83
Site B McHenry Avenue					
3	7008 Hartley Court (vacant land)	September 30, 2015 4:38–4:52 pm	Traffic on McHenry Avenue	60	70
4	Front yard of 201 Stewart Road	September 30, 2015 4:56–5:11 pm	Traffic on McHenry Avenue	62	79

Notes: dB = A-weighted decibels; Leq = the equivalent hourly average noise level; Lmax = maximum noise level. Monitoring locations correspond to those depicted in Figures 11-1 and 11-2.

Source: Data collected by AECOM in 2015

Generally, a project may have a significant effect on the environment if it would substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been implemented. These standards state that a noise impact would be significant if it would generate noise that would conflict with local planning criteria or ordinances or substantially increase noise levels at noise-sensitive land uses.

For the Proposed Project, the significance of anticipated noise effects is based on a comparison between predicted noise levels and noise criteria defined by Stanislaus County (Site A) or the City of Modesto (Site B). For this project, noise impacts would be significant if existing or proposed noise-sensitive land uses would be exposed to noise levels in excess of the *County of Stanislaus General Plan* Noise Element (Stanislaus County 2016), Stanislaus County Municipal Code standards, *City of Modesto General Plan* Noise Element (City of Modesto 2008), or City of Modesto Noise Ordinance standards described in Section 11.3, "Regulatory Setting," or if implementing the Proposed Project would increase ambient noise levels at noise-sensitive land uses in excess of those described above.

As stated in Stanislaus County Code Section 10.46.050, Exterior Noise Level Standards, in the event the measured ambient noise level exceeds the applicable noise level standard identified above, the ambient noise level shall become the applicable exterior noise level standard. For Site A, the measured ambient daytime hourly L_{eq} is 50 dBA and the nighttime hourly L_{eq} is 46 dBA. For Site B, the measured ambient daytime hourly L_{eq} is 57 dBA and the nighttime hourly L_{eq} is 55 dBA. These standards do not apply to construction noise that occurs between 7 a.m. and 7 p.m.

Unless otherwise stated, standards for interior noise levels would not be exceeded if exterior noise-level standards are achieved.

The following considerations apply to the first four significance thresholds:

- **Noise impacts from operation of Proposed Project facilities:** For all affected noise-sensitive uses, noise that would be generated by operation of Proposed Project facilities would be significant if it would cause the overall exterior noise level to exceed the "normally acceptable" noise standard compatible with exterior land uses (i.e., at Site A – 50 dBA L_{eq} daytime or 46 dBA L_{eq} nighttime at the noise-sensitive receptor property line; at Site B – 57 dBA L_{eq} daytime or 55 dBA L_{eq} nighttime at the noise-sensitive receptor property line) or if it would result in an increase of ambient noise levels by 3 dBA.

- **Noise impacts from increased daily traffic:** For all affected noise-sensitive uses, noise generated by an increase in daily traffic volumes caused by the Proposed Project would be significant if it would cause the overall exterior noise level to exceed the "normally acceptable" noise standard compatible with exterior land uses (i.e., 60 dBA L_{dn}/CNEL at outdoor activity areas), exceed the interior noise standard (i.e., 45 dBA L_{dn}/CNEL in any inhabitable room), or result in an increase of ambient noise levels by 3 dBA.

- **Exposure of sensitive receptors to, or generation of, excessive vibration levels:** Short- and long-term vibration impacts would be significant if project construction or operation would result in the exposure of sensitive receptors to, or would generate, vibration levels that exceed Caltrans' recommended standard of 0.2 in/sec PPV for the prevention of structural damage to normal buildings or the FTA's maximum acceptable vibration standard of 80 VdB regarding human response for residential uses (i.e., annoyance) at any nearby existing sensitive land uses.

- **Temporary, short-term noise impacts from construction:** Temporary, short-term noise impacts caused by construction would be significant if construction-generated noise levels exceed the Stanislaus County Municipal Code Specific Noise Source Standards Subsection E (Section 10.46.060, "Construction Equipment") and the City of Modesto Code Ordinances (Section 4-9.103, "Enumeration"). Project-related construction noise at exterior uses of residential properties (buildings) in the project vicinity would be considered significant if it would exceed 75 dBA during weekday nighttime hours of 7 p.m. to 7 a.m.

11.4.2 Methodology

Project details and observations during on-site noise monitoring were used to determine potential locations of sensitive receptors and potential noise-generating land uses on the project sites. Noise-sensitive land uses and major noise sources near the project sites were identified based on existing documentation (e.g., equipment noise levels and attenuation rates) and site reconnaissance data. Potential noise impacts from proposed stationary noise sources were assessed based on existing documentation (e.g., a noise impact assessment of Well 315 conducted by Acoustical Engineering Consultants in 2012) and site reconnaissance data.

To assess the impacts of potential short-term construction noise on sensitive receptors, the sensitive receptors and their relative exposure (considering intervening building façades and distance) were identified to assess the impacts of potential short-term construction noise on sensitive receptors. The construction noise that would be generated by the Proposed Project was predicted by using the Federal Transit Noise and Vibration Impact Assessment methodology (FTA 2006). The emission noise levels referenced and the usage factors were based on the FHWA Roadway Construction Noise Model. The noise levels of the specific construction equipment that would be used and the resulting noise levels where sensitive receptors are located were calculated.

Traffic noise modeling was conducted based on average daily traffic volumes obtained from traffic counts in Google Earth (2015). The FHWA Highway Traffic Noise Prediction Model (FHWA RD 77-108) was used to calculate traffic noise levels along affected roadways based on the trip distribution estimates from the field-counted traffic volumes available in Google Earth Pro from 2007 (Google Earth 2015). The project's contribution to the existing traffic noise levels along area roadways was determined by comparing the predicted noise levels at a reference distance of 100 feet from the roadway centerline for cumulative conditions with and without project-generated traffic.

Potential noise impacts from long-term (operation-related) stationary sources were assessed based on existing documentation (e.g., a noise impact assessment of Well 315 conducted by Acoustical Engineering Consultants in 2012) and site reconnaissance data. This analysis also includes an evaluation of the proposed noise-generating uses that could affect noise-sensitive receptors near the project site.

To assess the land use compatibility of the Proposed Project with on-site noise levels, predicted operational noise contours were used to determine whether development of the Proposed Project would exceed the applicable noise criteria.

Groundborne vibration impacts were qualitatively assessed based on existing documentation (e.g., vibration levels produced by specific construction equipment operations) and the distance of sensitive receptors from the given source.

11.4.3 Environmental Impacts

Impact NOISE-1: Substantial Temporary or Periodic Increase in Ambient Noise Levels (Less than Significant with Mitigation)

Construction and maintenance activities for the Proposed Project would generate short-term, temporary, and intermittent noise at adjacent noise-sensitive receptors. Noise levels generated during construction and maintenance would fluctuate depending on the particular type, number, and duration of use of various pieces of equipment. Noise from construction and maintenance activities is typically considered point-source noise. Noise levels drop off at a rate of 6 dBA per doubling of distance over hard site surfaces such as streets and parking lots, and at approximately 7.5 dBA per doubling of distance over soft site surfaces such as grass fields and open terrain with vegetation (FTA 2006).

Equipment required for construction and maintenance activities for the Proposed Project would likely consist of a paver, backhoe, bulldozer, tractor, well drilling equipment, and various trucks. The maximum noise levels produced by one of these types of equipment, at a

distance of 50 feet and without noise controls, could range from 80 to 85 dBA L_{max} (**Table 11-11**). Noise levels vary for individual pieces of equipment because equipment comes in different sizes and with different engines. Noise levels also vary as a function of the activity level or duty cycle. Typical construction projects, with equipment moving from one point to another, including work breaks and idle time, have long-term noise averages that are lower than many short-term noise events. In addition, because of the dynamic nature of a construction site, noise levels are calculated from the center of the activity. Using these parameters, project-related construction noise was estimated using the FHWA Roadway Construction Noise Model (FHWA 2006), including simultaneous operation of multiple pieces of equipment, with the results shown in Table 11-11.

Construction equipment noise levels at 50 feet would be as high as 87 dBA L_{eq} during the varying construction phase activities (Table 11-11). Assuming standard spherical spreading loss (a reduction of 6 dB per doubling of distance) and the highest unmitigated construction noise level of 87 dBA L_{eq} at 50 feet, the Proposed Project construction noise levels are estimated to range between 67 and 87 dBA L_{eq} at the nearest noise-sensitive uses, as shown in **Table 11-12**. These results represent the worst-case, conservative noise exposure because they do not consider noise attenuation associated with intervening structures and atmospheric absorption. Therefore, actual construction equipment noise levels at the nearest residences could be lower. Construction activities are not expected to occur on weekends or legal holidays, nor would nighttime work be conducted.

Table 11-12 shows that the resulting predicted interior noise levels at the closest noise-sensitive receptor could be as high as 62 dBA at residential uses west of Site B, specifically the residence at 117 Stewart Road. Stanislaus County Municipal Code Specific Noise Source Standards Subsection E (Section 10.46.060, "Construction Equipment") and the City of Modesto Code Ordinances (Section 4-9.103, "Enumeration") were used for this analysis. Project-related construction noise at exterior uses of residential properties (buildings) in the project vicinity would be considered significant if it would exceed 75 dBA during weekday nighttime hours of 7 p.m. to 7 a.m. These are the most restrictive criteria established by the County and City and provide the most conservative assessment of noise impacts at existing noise-sensitive uses in the project vicinity.

Construction noise associated with the Proposed Project is predicted to dominate the existing noise environment at adjacent receptors during all construction phases. Construction activities would be exempt from noise standards when operating during allowable daytime hours outlined above. However, because noise levels would increase by 3 dB or more, there is the potential for noise impacts at the residential uses adjacent to the Proposed Project due to projected-related construction noise.

Table 11-11. Construction Phases and Calculated Noise Levels

Phase	Equipment Type	Noise Level at 50 Feet	
		L_{max}, dBA	L_{eq}, dBA
Site Preparation Phase	Excavator	85	81
	Dump Truck	84	80
	Dozer	85	81
Maximum and Combined Noise Level		85	87
Well Drilling	Drill Rig Truck	84	77
	Jack Hammer	85	78
	Generator	82	79
Maximum and Combined Noise Level		85	86
Pipeline	Excavator	85	81
	Crane	85	77
	Dozer	85	81
Maximum and Combined Noise Level		85	87
Site Restoration	Paver	85	82
	Concrete Mix Truck	85	81
	Man Lift	85	78
Maximum and Combined Noise Level		85	87

Notes: dB = decibels; Leq = equivalent sound level (the sound energy averaged over a continuous 15-minute to 1-hour period); Lmax = maximum instantaneous sound level

Source: Data compiled by AECOM in 2015

Table 11-12. Construction Equipment Noise Levels at the Nearest Noise-sensitive Uses

Receiver	Location	Shortest Distance (feet) between Noise-Sensitive Uses and Proposed Construction Area	Noise Level, dBA Leq			
			Exterior		Interior	
			Ambient Noise	Project Construction Noise	Project Noise, Doors/ Windows Open1	Project Noise, Doors/ Windows Closed2
LT-01	Front yard of 816 Ladd Road	130	50	79	64	54
LT-02	Beside pool in backyard of 117 Stewart Road	50	57	87	72	62
ST-01	Backyard of 706 Ladd Road	100	61	81	66	56
ST-02	Behind 625 Ladd Road	500	68	67	52	42
ST-03	7008 Hartley Court (vacant land)	100	60	81	66	56
ST-04	Front yard of 201 Stewart Road	300	62	72	57	47

Notes: dBA = A-weighted decibels; Leq = equivalent sound level (the sound energy averaged over a continuous 15-minute to 1-hour period); NA = Not Applicable.

1 15 dB reduction for interior noise level with doors/windows open (USEPA 1974)

2 25 dB reduction for interior noise level with doors/windows closed (USEPA 1974)

Source: Data compiled by AECOM in 2015

The Program EIR identified construction noise as less than significant if no nighttime work is proposed, and identified Mitigation Measures NOISE-1: *Employ Noise-reducing Construction Practices* and NOISE-2: *Limit Nighttime Construction Noise* to reduce project-related construction impacts to a less-than-significant level. Mitigation Measure NOISE-2: *Limit Nighttime Construction Noise* was identified in the Program EIR but is not applicable to the Proposed Project because nighttime work is not proposed. Mitigation Measure NOISE-1 has been modified to ensure that construction activities associated with the Proposed Project would comply with the County's Municipal Code and the City's Code of Ordinances noise standards. Furthermore, the measure has been modified because nighttime construction work is not anticipated for this project, eliminating the potential for sleep disturbances, and noise level standards do not apply to construction noise that occurs between the daytime hours of 7 a.m. and 7 p.m. Therefore, with implementation of **Mitigation Measure NOISE-1 (Employ Noise-Reducing Construction Practices)** as modified below from the Program EIR, temporary, short-term project-generated construction noise would be considered less than significant.

Mitigation Measure NOISE-1: Employ Noise-reducing Construction Practices.

The following measures shall be implemented by the City or its contractor to reduce adverse effects from construction noise:

- At least two weeks prior to the start of construction, provide written notification to the potentially affected property owners and residents within 500 feet of the project site, identifying the type, duration, and frequency of construction activities to residences directly exposed to the project noise. Notification of heavy construction activities shall include anticipated dates and hours during which construction activities are anticipated to occur. Notification materials shall also identify a mechanism for residents to register complaints with the City through contact information, including a daytime telephone number, for the project representative to be contacted in the event that construction noise levels are deemed excessive, overly intrusive or construction occurs outside the permitted hours. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall be included in the notification.

- Designate a disturbance coordinator and conspicuously post this person's number around the project sites, in adjacent public spaces, and in construction notifications. The disturbance coordinator shall be responsible for responding to any complaints about construction activities. The disturbance coordinator shall receive all public complaints about construction disturbances and be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem.

- Locate stationary or fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas, and construction vehicle routes as far as feasible from noise-sensitive receptors.

- Prohibit the start-up of machines or equipment before 7 a.m. and after 7 p.m. Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday.

- Prohibit use of materials and equipment deliveries before 7 a.m. and after 7 p.m., Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday.

- Restrict the use of bells, whistles, alarms, and horns to safety-warning purposes.

- Equip all construction equipment with noise-reduction devices such as mufflers to minimize construction noise and operate all internal combustion engines with exhaust and intake silencers.

- Use noise-reducing enclosures around stationary noise generating equipment.

- To the extent feasible, the simultaneous operation of multiple construction equipment shall be limited.

- Install temporary barrier between noise sources and noise sensitive receptors, or the use of intervening structures (i.e.; on-site construction trailer, stockpiles).

Impact NOISE-2: Exposure of Persons to, or Generation of, Excessive Groundborne Vibration or Groundborne Noise Levels during Project Construction (Less than Significant)

Caltrans vibration standards state that new development should minimize vibration impacts to adjacent uses during demolition and construction activities. A vibration limit of 0.20 in/sec PPV was used to evaluate the potential for cosmetic damage to buildings of normal, conventional construction. A vibration level of 85 VdB was used to evaluate human response to groundborne vibration levels, as shown in Table 11-3 above.

Groundborne vibration would occur during construction of the Proposed Project due to equipment operation and transport of construction equipment and materials to and from the project sites. **Table 11-13** shows the results of the construction vibration analysis related to the Proposed Project.

Table 11-13. Project Construction Vibration Levels at Closest Sensitive Receptors

Receiver	Location	Shortest Distance (feet) Between Noise-Sensitive Uses and Proposed Construction Areas	Project Vibration Levels	
			PPV[1]	VdB[2]
LT-01	Front yard of 816 Ladd Road	130	0.008	66
LT-02	Beside pool in backyard of 117 Stewart Road	50	0.031	78
ST-01	Backyard of 706 Ladd Road	100	0.011	69
ST-02	Behind 625 Ladd Road	500	0.001	48
ST-03	7008 Hartley Court (vacant land)	100	0.011	69
ST-04	Front yard of 201 Stewart Road	300	0.002	55

Notes: PPV = Peak particle velocity; VdB = velocity level in decibels and based on the root mean square velocity amplitude.

Source: FTA 2006

Operation of heavy-duty construction equipment would produce groundborne vibrations measuring approximately 87 VdB (0.089 in/sec PPV) at a distance of 25 feet (FTA 2006; Caltrans 2004). For Site A, the distance between proposed construction activities and the closest acoustically sensitive use (706 Ladd Road residence) would be approximately 100 feet (Table 11-13). Assuming a standard reduction of 9 VdB per doubling of distance (FTA 2006), the project-related construction vibration level at 706 Ladd Road would be approximately 69 VdB (0.011 in/sec PPV). This level of vibration is well below the Caltrans vibration standard of 0.2 in/sec PPV for residential buildings. Thus, construction activities at Site A would not expose persons to, or generate, excessive groundborne vibration or

groundborne noise levels. As a result, project-generated vibration levels at Site A would be **less than significant**.

For Site B, the distance between proposed construction activities and the closest acoustically sensitive uses (117 Stewart Road residence) would be approximately 50 feet (Table 11-13). Assuming a standard reduction of 9 VdB per doubling of distance (FTA 2006), the project-related construction vibration level at 117 Stewart Road would be approximately 78 VdB (0.03 in/sec PPV). This level of vibration is well below the Caltrans vibration standard of 0.2 in/sec PPV for residential buildings. Thus, construction activities at Site B would not expose persons to, or generate, excessive groundborne vibration or groundborne noise levels. As a result, project-generated vibration levels at Site B would be **less than significant**.

Impact NOISE-3: Substantial Permanent Increase in Ambient Noise Levels (Less than Significant with Mitigation)

Long-term operation of the Proposed Project would result in the operation of new noise-generating stationary equipment. The Proposed Project would include the long-term operation of water wells and pumps, standby generators, and booster pump stations at Site A and Site B. Pumping frequency and duration would vary throughout the year depending upon need and based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as 2 hours per day in the winter. Pumping is expected to occur for an annual average of 8 hours per day.

Site A: Ladd Road

Site A would consist of an aboveground groundwater storage tank, water well and pump, standby generator, and booster pump station. The pump station building would be a masonry block building housing the production well, booster pumps, disinfection equipment, ancillary valves and flow meters, and electrical equipment.

The pump station building would have various sound attenuation features, including wall panels, fans, and louvers to reduce noise related to removing heat generated within the pump and electrical rooms. Metal wall panels would achieve a noise reduction coefficient of approximately 0.90. The pump station building would be ventilated by one side-wall-mounted exhaust fan with a capacity of 4,500 cubic feet per minute. Exhaust fans would have the lowest possible noise measurement unit. Ducting in the building would be designed to minimize noise. The intake and exhaust pump station louvers would be sized to minimize air flow noise.

Production well pumping would vary as previously described. The Proposed Project includes up to four 60-hp electric pumps. Two pumps would be on-duty, one would be for standby, and the fourth pump is intended for future buildout. The well and booster pumps would be housed inside the pump station building.

A standby diesel generator and an aboveground diesel storage tank would be installed on a concrete pad. The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing to achieve an approximate sound level of 75 dB within 30 feet of the unit.

Operational noise generated at Site A is assumed to be similar to operational noise at Well 315 (AEC 2012). Therefore, operational noise at Site A, including future use of a fourth pump, would be reduced through site design, specifically building materials of the fully enclosed pump station building, surface treatments, and acoustically designed louvers, which would reduce noise levels from 71 dBA at 23 feet to 46 dBA at 30 feet, which would achieve and not exceed the City's noise thresholds. Project-related operational noise at Site A would be considered exempt from Stanislaus County noise regulations because the Proposed Project is a public utility. However, with the incorporated site design features, operational noise would comply with the County's Municipal Code and the City's Code of Ordinances noise standards. Thus, the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. As a result, project-generated operational noise levels for Site A would be **less than significant.**

Site B: McHenry Avenue

Site B would encompass approximately 0.4 acre. The facilities at this site would consist of a production well and pump, standby generator, disinfection facilities, connecting lines to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and treatment filters. These facilities would be fully enclosed by a 12-foot-tall concrete block wall with a 24-foot-wide gate; there would be no roof over these facilities. Equipment at the site would consist of an aboveground pump motor, engine generator, controls, chlorinator, and associated plumbing and equipment.

The production well pump and standby generator are the two main sources of operational noise associated with the well. The analysis assumed an aboveground pump. To evaluate potential effects of the Proposed Project, noise levels from an existing City well (Well 62 at Freedom Park) with similar equipment were evaluated (AEC 2012). Well 62 uses a Goulds (ITT Corporation) pump with a 200-hp Emerson motor and a 300-kW standby diesel generator inside a Quiet Site Level II enclosure by Cummins. Noise levels from the Cummins generator measured 71 dBA at a distance of 23 feet diagonally from the air intake of the unit. The pump noise measured 72 dBA at a distance of 18 feet from the motor (70 dBA at 23 feet), with a sound spectrum in the higher frequencies. The generator at Well 62 dominated the existing background noise levels, while the pump-only operational noise was much less noticeable, raising noise levels by 1 dBA. Subjectively, pump "whine" noise was barely audible over background noise levels (AEC 2012). Similar noise levels were assumed to be generated by the Proposed Project at Site B.

Based on the proposed site plan for Site B, the nearest adjacent residential property, at 117 Stewart Road, is approximately 30 feet west of the proposed location of the pump motor. The topography of the site is such that the pump, generator, and 12-foot-tall block wall would be at ground level, 7 feet below the grade of the house pad for the residence at 117 Stewart Road. It was assumed that the ground level of the residential property is 7 feet above the pump grade at a distance of approximately 70 feet from the property line.

Evaluation of the proposed facilities at Site B was conducted using an identical generator set and enclosure to those at Well 62 (300-kW standby diesel generator inside a Quiet Site Level II enclosure by Cummins). Noise levels are predicted to reach 48 dBA during daytime and nighttime at the property line of 117 Stewart Road, based on data from the 200-hp well pump described above (AEC 2012) and in consideration of the proposed 12-foot-tall block wall around the well facility. Noise levels are expected to be reduced to 39 dBA at the nearest

residential building façade, an additional 70 feet from the property line, and therefore would not disturb sleep patterns within the sleeping areas of the residence. The results indicate that sound levels could reach 58 dBA within the residential property line of 117 Stewart Road, adjacent to Site B, if unmitigated.

These noise sources would be considered exempt from Stanislaus County noise regulations because the Proposed Project is a public utility. However, local noise regulations were evaluated as well to determine the significance of potential noise impacts generated by the Proposed Project.

When the pump operates during nighttime hours, it is expected to exceed the County's noise standard of 45 dBA at the property line of 117 Stewart Road. Daytime operation of the pump is predicted to be less than the County's 55 dBA noise standards. Subjectively, the pump would be barely audible over background sources (ambient 58 dBA L_{eq}) during daytime hours, with the source becoming more audible as background levels drop during nighttime hours (ambient 55 dBA L_{eq}).

Routine testing of the generator set would occur one to two times per month. During these tests, sound levels would exceed the local noise regulations. However, the generator is exempt from noise regulations when providing emergency power to the pump station and during short-term testing periods.

Operational noise associated with the Proposed Project (58 dBA unmitigated) is predicted to dominate the existing noise environment when background levels are low (nighttime) at the residential property at 117 Stewart Road. Operational activities are considered exempt from noise standards when operating a public utility or under emergency circumstances. However, the increase in noise would be noticeable (3 dBA) and would create the potential for nighttime noise impacts (ambient 55 dBA L_{eq} nighttime) at the 117 Stewart Road residence west of the Proposed Project site. Thus, the project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project and would exceed nighttime stationary noise level standards. As a result, project-generated operational noise levels for Site B would be significant.

The Program EIR prescribed Mitigation Measure NOISE-3: *Employ Noise-reducing Methods during Operations* to reduce impacts to a less-than-significant level. This mitigation measure has been modified to ensure that operational impacts associated with the Proposed Project would comply with the County's Municipal Code and the City's Code of Ordinances noise standards, reducing unmitigated noise levels from 71 dBA at 23 feet to 48 dBA at 30 feet. Therefore, with implementation of **Mitigation Measure NOISE-2 (Employ Noise-reducing Methods during Operations at Site B),** this impact would be **less than significant.** This measure would not apply to Site A, where project impacts would be less than significant.

> **Mitigation Measure NOISE-2: Employ Noise-reducing Methods during Operations at Site B.**
>
> The City shall implement noise-reducing methods so that noise from well operations at Site B, located at the corner of McHenry Avenue and Stewart Road, does not exceed County noise-level standards at adjacent residences. Measures to be implemented shall include the following:

Generator

1. Project specifications shall include generator sound level limits of 73 dBA at 23 feet, similar to those at the City's Well 62 facility.

2. Noise control specifications for the generator set shall include a sound-attenuated enclosure for the pump and a sound wall within the facility wall. Specifications for the pump enclosure and sound wall are prescribed in item 5 below.

3. Routine testing of the generator shall be performed during daytime hours, between 10 a.m. and 5 p.m., when background sound levels are highest, to minimize potential noise impacts.

4. Obtain the services of a qualified acoustical consultant to conduct project-related operational noise measurements at sensitive receptor locations adjacent to the Proposed Project site to ensure that noise-reducing measures comply with applicable codes. If noise measurements do not comply with applicable codes, additional noise reduction measures should be designed and incorporated.

With these measures, no additional sound reduction would be required to reduce sound levels due to the generator set.

Pump Enclosure and Sound Wall

5. The pump enclosure shall be designed to the following specifications to ensure operational sound levels are reduced below County standards:

   (a) Install a modular sound wall with an optional removable roof adjacent to the pump. The sound-absorptive modular barrier system shall be installed along the west edge of the pump base to a height of at least 10 feet above grade. The barrier system will wrap around the north and south sides of the pump to create a three-walled system with integrated sound absorption. In general, acoustical barriers perform best when close to the noise source. Acceptable products include the following or an approved equivalent: Kinetics Noiseblock Barrier Panel System, Noise Barriers LLC QuietLine Barrier Walls, Sound Fighter Systems LSE.

   (b) Include an insulated sheet metal shroud around the pump motor and shaft. Construct the sheet metal shroud to block the line of sight to the motor ventilation openings. Construction materials shall include exterior-grade sheet metal used for heating, ventilation, and air conditioning (HVAC) ducts and acoustical duct liner.

   (c) If the above measures cannot be employed for the pump, one of the following measures will be implemented to meet the County's nighttime noise threshold of 45 dBA:

      i. Install a submersible pump that would place the motor under water and virtually eliminate the sound source.

ii. Increase the height of the equipment yard sound wall above 12 feet. Based on the noise analysis, increasing the equipment yard wall height to 13 feet would result in an additional 2 dBA of attenuation and a predicted sound level of 45 dBA. A 14-foot-tall wall could reduce sound levels by an additional 1 dBA.

iii. Construct a barrier adjacent to the motor with a removable roof barrier directly over the motor. This secondary barrier directly adjacent to the pump motor on the west side would effectively reduce sound levels below the nighttime noise threshold. The detachable roof would still provide access to the motor for servicing and removal.

The barrier adjacent to the motor shall be designed to the following specifications to ensure operational sound levels would be reduced below County standards:

- The barrier shall be constructed around the equipment within the wall surrounding the facility.
- The barrier shall weigh a minimum of 4 pounds per square foot. Painted and sealed concrete block easily meets this weight requirement.
- The barrier shall be continuous along its length and width with no gaps in the construction, including at the ground. The equipment yard pad shall be sloped such that weeping holes are only needed on the north and east sides of the facility.

iv. Construct an insulated sheet metal shroud around the motor and shaft. This metal shroud would accommodate air circulation requirements for the motor, but would divert sound energy away from the motor openings and base near the shaft. Sound energy would be attenuated by sound-absorbing material within the metal shroud.

Impact NOISE-4: Substantial Permanent Increase in Ambient Traffic Noise Levels (Less than Significant)

Implementation of the Proposed Project would result in an increase of traffic volumes due to the addition of construction-generated traffic and long-term operation. Construction-generated traffic on the local roadway network was analyzed based on the construction haul truck requirements presented in Table 2-1 provided in Chapter 2, *Project Description*. As such, all materials would be transported over designated haul routes on the local roadway network, thus increasing traffic volumes along affected roadway segments. Long-term operation-related traffic volume increases would be considerably less than construction-related traffic volume increases.

To examine the effect of project-generated traffic increases, traffic noise levels associated with the Proposed Project were calculated for roadway segments in the project area using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise levels were modeled under existing conditions, with and without implementation of the Proposed

Project's construction-related traffic and operational traffic. ADT volumes and the distribution thereof were obtained from traffic counts in Google Earth (based on historical traffic data) (Google Earth 2015). Vehicle speeds and truck volumes on local area roadways were determined based on field observations and posted vehicle speed limits. **Table 11-14** summarizes the modeled traffic noise levels at 100 feet from the centerline of affected roadway segments. Additional input data included day/night percentages of automobiles, medium and heavy trucks, vehicle speeds, ground attenuation factors, and roadway widths. Refer to Appendix G for complete modeling inputs and results.

Table 11-14. Predicted Traffic Noise Levels

Roadway	Segment		Ldn at 100 Feet, dBA					
	From	To	No Project	Plus Construction	Net Change	Plus Project	Net Change	Significant Impact?
Ladd Road	Tully Road	St. John Road	67	68	1	68	1	No
	St. John Road	McHenry Avenue	66	67	1	67	1	No
McHenry Road	Ladd Road	Stewart Road	67	67	1	67	1	No
	Stewart Road	Hogue Road	67	67	1	67	1	No
Stewart Road	McHenry Avenue	Del Cielo Way	56	58	2	58	2	No

Notes: dB = A-weighted decibels; Ldn = day-night average noise level; U.S. 50 = U.S. Highway 50.

Traffic noise levels are predicted at a standard distance of 100 feet from the roadway centerline and do not account for shielding from existing noise barriers or intervening structures. Traffic noise levels may vary depending on actual setback distances and localized shielding.

"Net change" for both construction-related ("plus construction") and operational ("plus project") conditions is calculated from the no-project condition.

Source: Data modeled by AECOM in 2015, using ADT volumes in Google Earth (2015).

The modeling shows that implementing the Proposed Project would not result in substantial increases in traffic noise levels compared to noise levels without the project. Based on volume, trip generation, and distribution data to model future traffic noise levels with and without the project, project-generated traffic noise increases would range from 0 to 2 dBA L_{dn}, as shown in Table 11-14. A project-related noise level increase of 5 dBA or greater would be significant where ambient noise levels are less than 60 dBA L_{dn}/CNEL; an increase of +3 dBA would be significant where ambient noise levels exceed 60 dBA L_{dn}/CNEL. Thus, short- and long-term noise levels from project-generated traffic sources would not result in a substantial permanent increase in ambient noise levels (3 dBA or greater) or exceed applicable transportation noise standards at sensitive receptors. As a result, project-generated construction-related and operational traffic noise levels would be **less than significant**.

11.4.4 Cumulative Impacts

Impact NOISE-5: Cumulative Noise Impacts (Less than Significant)

Noise is a localized occurrence and attenuates rapidly with distance. Therefore, only future cumulative development projects in the direct vicinity of the project site would have the potential to add to anticipated project-generated stationary-source noise levels, resulting in cumulative noise impacts.

Project implementation would result in significant noise impacts associated with construction activities and noise generated by on-site stationary equipment. Noise impacts from construction activities and on-site stationary sources would be reduced to less-than-significant levels with implementation of Mitigation Measure NOISE-1 (Employ Noise-reducing Construction Practices) for Sites A and B for construction activities and Mitigation Measure NOISE-2 (Employ Noise-reducing Methods during Operations at Site B) for Site B relative to stationary-source noise, thus complying with the City's and County's maximum allowable noise standards.

Stationary-source noise associated with the Proposed Project could potentially result in exceedance of the City's noise regulations at sensitive receptors. The noise from any stationary noise sources would be controlled at the source (by means of noise walls, enclosures, louvers, and site planning) in accordance with City and County standards, but there is no guarantee that all foreseeable future projects would include such noise controls as part of their proposals. Therefore, significant cumulative noise impacts associated with stationary noise sources could occur. As mentioned above, implementation of Mitigation Measure NOISE-2 for Site B would reduce project-generated stationary-source noise impacts to a less-than-significant level; thus, project implementation would not result in a considerable contribution to significant cumulative stationary-source noise impacts.

The City's noise regulations limit construction activities to daytime hours. There are no other planned construction projects anticipated in the area of the Proposed Project. Therefore, significant cumulative noise impacts associated with construction activities would not occur. Implementation of Mitigation Measure NOISE-1 for construction activities at Sites A and B would reduce project-related construction-noise impacts to a less-than-significant level. Coupled with the fact that noise diminishes with distance, project-related construction would not result in a considerable contribution to any significant cumulative noise impacts.

Construction noise and stationary-source noise can be controlled on site at the point of origin; however, traffic noise may extend beyond a project site along existing and proposed off-site and on-site roadways, resulting in significant traffic noise impacts on sensitive uses along these roadways. Because full buildout of the Proposed Project would not result in a perceptible increase in traffic noise on project-area roadways, the Proposed Project would not result in a considerable contribution to a significant cumulative impact. Thus, the traffic noise impacts from the Proposed Project are considered cumulatively **less than significant**.

Chapter 12
Alternatives

12.1 Introduction

This chapter describes the alternatives considered for the Proposed Project and evaluates their environmental impacts as compared with those of the Proposed Project. The chapter then describes the alternative development process, alternatives that were considered, and those that were considered but dismissed. The chapter closes with a discussion regarding the environmentally superior alternative.

The purpose of the alternatives analysis in an EIR is to describe a range of reasonable, potentially feasible alternatives to the project that would feasibly attain most of the identified project objectives, but would reduce or avoid one or more of the project's significant impacts. A more detailed description of the CEQA regulatory requirements for alternatives analysis is provided in Section 12.1.1 below.

12.1.1 Regulatory Requirements

CEQA requires that an EIR evaluate a reasonable range of potentially feasible alternatives to the Proposed Project, including a No Project Alternative. The No Project Alternative allows decision makers to compare the impacts of approving the action against the impacts of not approving the action. While there is no clear rule for determining a reasonable range of alternatives to the Proposed Project, CEQA provides guidance that can be used to define the range of alternatives for consideration in the environmental document.

The alternatives described in an EIR must feasibly accomplish most of the basic project objectives, should reduce or eliminate one or more of the significant impacts of the Proposed Project (although the alternative could have greater impacts overall), and must be potentially feasible (CEQA Guidelines Section 15126.6[a]). In determining whether alternatives are potentially feasible, Lead Agencies are guided by the general definition of feasibility found in CEQA Guidelines Section 15364: "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." In accordance with CEQA Guidelines Section 15126.6 (f), the Lead Agency should consider site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, and jurisdictional boundaries in determining the feasibility of alternatives to be evaluated in an EIR.

An EIR must briefly describe the rationale for selection or rejection of alternatives and the information that the Lead Agency relied on in making the selection. The EIR also should identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process, along with a brief explanation of the reasons for their exclusion (CEQA Guidelines Section 15126.6[c]).

An EIR's analysis of alternatives is required to identify the environmentally superior alternative among all those considered (CEQA Guidelines Sections 15126.6(a) and 15126.6(e)(2). If the No Project Alternative is identified as the environmentally superior alternative, then the EIR must also identify an environmentally superior alternative among the other alternatives.

These guidelines were used in developing and evaluating the alternatives to the Proposed Project, as described below.

12.2 Alternatives Development Process

The Proposed Project's purpose and objectives, as well as its potentially significant environmental impacts as described in Chapters 4 through 11 of this DEIR, were considered while developing alternatives. Alternatives were developed to achieve most of the basic objectives of the Proposed Project, although the selected alternatives may reach these objectives to a greater or lesser extent than the Proposed Project. The alternatives also were selected to reduce the significance of anticipated adverse environmental impacts associated with the Proposed Project. A reasonable range of potentially feasible alternatives is presented in Section 12.3, "Alternatives Considered," describing their potential impacts as well as benefits.

12.2.1 Project Goals and Objectives

The objectives of the Proposed Project are as follows:

- Correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements;
- Ensure sufficient system pressure to provide firefighting flow capacity;
- Improve water system operational flexibility and reliability; and
- Allow for additional water supply and storage volume to accommodate anticipated future growth in the Del Rio area.

12.2.2 Significant Environmental Impacts of the Proposed Project Reduced to a Less-than-Significant Level with Mitigation

Several impacts have been identified as significant, but would be mitigated to a less-than-significant level through implementation of mitigation measures. These impacts are listed below and in Table ES-1 in the *Executive Summary* of this DEIR:

- Impact AES-1: Substantial Degradation of the Visual Character or Quality of the Site and its Surroundings from Project Construction
- Impact BIO-1: Construction-related Loss of Occupied Burrowing Owl Habitat
- Impact BIO-2: Construction-related Loss of Swainson's Hawk Foraging Habitat

- Impact BIO-3: Construction-related Impacts on Nesting Swainson's Hawks
- Impact BIO-4: Construction Disturbance of Tricolored Blackbird and Other Migratory Birds, Including Raptors
- Impact BIO-5: Disturbance of Roosting Areas for Bats, including Special-status Bat Species
- Impact BIO-7: Interference with Wildlife Movement, Established Wildlife Corridors, or the Use of Native Wildlife Nursery Sites
- Impact BIO-8: Conflict with Local Policies or Ordinances Protecting Biological Resources
- Impact BIO-9: Cumulative Biological Resource Impacts
- Impact CUL-2: Potential for a Substantial Adverse Impact on Archaeological Resources from Construction
- Impact CUL-3: Potential to Directly or Indirectly Destroy a Unique Paleontological Resource or Site, or Unique Geological Feature
- Impact CUL-4: Potential for Disturbance of Human Remains, including Those Interred Outside of Dedicated Cemeteries
- Impact CUL-5: Potential to Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource
- Impact CUL-6: Potential to Eliminate Important Examples of the Major Periods of California History or Prehistory
- Environmental Checklist Section VI.a.iii: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction
- Environmental Checklist Section VI.a.iv: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides
- Environmental Checklist Section VI.d: Location on expansive soil, creating substantial risks to life or property
- Impact GHG-1: Generate Substantial GHG Emissions, Either Directly or Indirectly, from Project Construction, Land Use Changes, and Operation
- Impact GHG-2: Potential to Conflict with Applicable Plans, Policies, or Regulations Adopted for the Purpose of Reducing Emissions of GHGs
- Impact GHG-3: Cumulative GHG Impact

- Environmental Checklist Section VIII.d: Located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment
- Impact GRW-1: Potential to Lower the Groundwater Table and Adversely Affect Nearby Existing Wells
- Impact NOISE-1: Substantial Temporary or Periodic Increase in Ambient Noise Levels
- Impact NOISE-3: Substantial Permanent Increase in Ambient Noise Levels

12.2.3 Significant and Unavoidable Environmental Impacts of the Proposed Project

The following impacts have been identified as significant and unavoidable in this EIR:

- Impact AIR-7: Cumulative Impact on Air Quality
- Impact GHG-2: Potential for Conflict with Applicable Plans, Policies or Regulations Adopted for the Purpose of Reducing Emissions of GHGs
- Impact GRW-4: Cumulative Contribution to Chronic Overdraft of Groundwater Subbasin

The following impacts relevant to the Del Rio Tank and Wells Project were previously identified as significant and unavoidable in the Program EIR (City of Modesto 2010):

- Impact CUM-3: Emissions of Greenhouse Gases
- Impact CUM-4: Result in a Cumulatively Considerable Net Increase of Any Criteria Pollutant for which the Program Region is in Nonattainment under an Applicable Federal or State Ambient Air Quality Standard

12.3 Alternatives Considered

The No Project Alternative is considered in this EIR, as required by CEQA, to allow decision makers to compare the potential impacts of implementing the Proposed Project against the impacts of not implementing it. In addition, the following alternatives were considered because they meet most of the Proposed Project's objectives, are feasible, and avoid or substantially reduce one or more significant impacts of the Proposed Project:

- Alternative 1 – Construct at Existing City Well Locations
- Alternative 2 – Connect to the City's Supply System

12.3.1 No Project Alternative

Characteristics of this Alternative

CEQA requires analysis of the No Project Alternative. Under this alternative, no new water supply infrastructure would be constructed. Existing system deficiencies would continue to exist, and new development would be constrained by lack of water supply infrastructure. Where alternative sources of potable water are available, new development might still occur. This alternative would not meet the basic objective of the Proposed Project, namely, to construct capital improvements needed to provide and maintain reliable water service to existing and future customers in the Del Rio service area.

Impact Analysis

Aesthetics – Because no new physical structures would be built, there would be no impact on visual resources under this alternative.

Air Quality – Because no new construction would occur, there would be no construction or operational air pollutant emissions generated under this alternative.

Biological Resources – Since no new facilities would be built, there would be no construction-related or operational effects on biological resources.

Cultural Resources – As no new facilities would be constructed, there would be no impacts on cultural resources.

Global Climate Change – Because no new facilities would be built, there would be no construction-related or operational emissions, and therefore no impacts on GHG emissions.

Groundwater – No new facilities would be constructed that could cause impacts on groundwater levels or quality. However, existing system deficiencies in the Del Rio water system would not be corrected; as such, these existing adverse conditions would continue. This alternative, by constraining planned development, would eliminate the increase in demand for groundwater.

Land Use and Planning – This alternative would not result in any development that would have potential to physically divide an established community or potentially conflict with relevant general plans by failing to provide the necessary infrastructure to support the development envisioned in those plans.

Noise – No new facilities would be constructed; thus, new sources of noise would not be generated by construction or operation. As such, there would be no impact.

12.3.2 Alternative 1 – Construct at Existing City Well Locations

Characteristics of this Alternative

The City currently owns property and operates groundwater wells at three locations in the Del Rio service area:

- Well 289 located on Beltis Drive on the east side of Del Rio,
- Well 271 on Country Club Drive and Del Rio Avenue on the southwest side of Del Rio, and
- Well 282 on Hillcrest Drive on the west side of Del Rio.

Under this alternative, in lieu of purchasing new property for the proposed wells and tank, the City would design the proposed new facilities to fit within their existing well properties.

Well 271 is located near the country club golf course in a residential area, but the property adjacent to Well 271 is vacant, and additional land could be secured to accommodate a new well and storage tank. Well 271 is currently operating at 50 percent capacity due to the well's old age. Under this alternative, this well would be replaced onsite with a new well.

Well 289 is located in a residential neighborhood and adjacent to railroad tracks. If additional property could not be secured adjacent to Well 271, the property at Well 289 could accommodate a 0.25-million-gallon storage tank, and the existing well on site could be expanded to meet the City's pumping needs. The proposed storage tank at this site would likely be smaller in diameter and taller than the tank in the Proposed Project.

Well 282 is located in a residential neighborhood.

This alternative would not require transmission pipelines, because the well sites would already be connected to the existing water distribution system. This alternative would meet all of the project objectives.

Impact Analysis

Aesthetics – Under this alternative, new aboveground facilities would be constructed that could have adverse effects on visual resources. The existing sites currently support water supply facilities, and these features would be expanded under this alternative. These impacts would occur in different locations but, similar to the Proposed Project, would generally affect nearby residential uses. Since this alternative includes expansion of existing water supply infrastructure and may not incorporate landscaping or berms for screening purposes, this alternative could result in greater aesthetic impacts than those of the Proposed Project.

Air Quality – Construction-related and operational emissions of air pollutants under this alternative would be similar to those for the Proposed Project; nearby sensitive receptors would be similar in nature but greater in number.

Biological Resources – Similar to the Proposed Project, the sites proposed under this alternative are in residential areas with vacant land adjacent or nearby; impacts would be similar.

Cultural Resources – Impacts on historic, archaeological, and paleontological resources would be similar to those of the Proposed Project. No demolition of existing structures would be required.

Global Climate Change – Under this alternative, facilities would be constructed and operated in a similar manner to the Proposed Project. Construction and operation-related

emissions would be similar to the Proposed Project, though to a lesser extent due to the reduced need for pipeline construction activities.

Groundwater – This alternative proposes to install wells with similar capacity and operational characteristics as the Proposed Project. Therefore, impacts on groundwater level drawdown and the potential for related subsidence would be similar to those of the Proposed Project.

Land Use and Planning – The alternative would involve construction on property currently utilized for water supply and would not result in any development that would physically divide an established community.

Noise – Under this alternative, new sources of noise would be generated by construction and operation of additional facilities on sites currently supporting similar facilities. Operational noise generated by the additional pumps at the sites could increase compared to existing site conditions. These impacts would be similar to or greater than those of the Proposed Project because more residential sensitive receptors are located adjacent to the existing well sites compared to the sites in the Proposed Project.

12.3.3 Alternative 2 – Connect to the City's Supply System

Characteristics of this Alternative

Under this alternative, the City would construct a 3-mile pipeline to directly connect the Del Rio community to the City's water supply system. The pipeline would extend along the existing railroad track easement from the northern border of the City's limits north to St. John Road and Ladd Road, where the pipeline would connect to existing transmission pipes that serve the Del Rio community. The pipeline would cross two Modesto Irrigation District canals and two streets. Booster pump stations may be needed to transfer water from the City's system north to Del Rio.

Together with the City's existing groundwater wells, the new pipeline connection would meet the Proposed Project objectives related to water system pressure and operational flexibility, and would improve water supply reliability particularly during prolonged drought years when groundwater is less reliable. This alternative would utilize the City's existing water supply sources, including surface water supplies purchased from other water right holders, such as Modesto Irrigation District.

Impact Analysis

Aesthetics – Under this alternative, construction of the pipeline would have adverse effects on visual resources. However, the pipeline would be underground and would not be visible once construction is completed. Construction impacts would occur in different locations but at a similar level of effect compared to the Proposed Project. Permanent impacts of this alternative would be similar to those of the Proposed Project because no aboveground well facilities or tanks would be constructed, but pump stations would be constructed and operated.

Biological Resources – Compared to the Proposed Project, the pipelines proposed under this alternative would have less impact on biological resources because fewer facility

operations would take place. However, pipeline crossings of Modesto Irrigation District canals would have the potential to result in impacts on aquatic resources.

Cultural Resources – Impacts on historic, archaeological, and paleontological resources would be similar to those of the Proposed Project. No demolition of existing structures would be required; excavation would extend for a greater distance, expanding the area of potential effects.

Global Climate Change – Under this alternative, fewer facilities would be constructed and operated compared to the Proposed Project. Construction emissions would be similar to the Proposed Project, although to a lesser extent due to the reduced need for construction of a storage tank. Operational emissions would be similar to the Proposed Project due to the booster pump stations, which would be similar to the pump facilities included in the Proposed Project.

Groundwater – Impacts related to groundwater drawdown and the related potential for subsidence would be reduced under this alternative because the expansion of water capacity would originate in Modesto Irrigation District's surface water supply rather than groundwater wells.

Land Use and Planning – This alternative would not result in any development that would have potential to physically divide an established community. This alternative would not conflict with relevant general plans and would provide the necessary infrastructure to support the development envisioned in those plans.

Noise – Under this alternative, new sources of noise would be generated by construction and operation of facilities on a former railroad track and adjacent to farmland and single-family residences as a result of pipeline construction and operation of the pump stations. If pump stations are located in close proximity to sensitive receptors (residences), operational impacts would be similar to those of the Proposed Project.

Table 12-1. Summary of Alternatives and Comparison to the Proposed Project

Alternative	Characteristics	Relationship to Project Objectives	Impacts Compared to the Proposed Project
No Project Alternative	▪ No construction of new wells or storage tank ▪ Existing service deficiencies would continue and future growth would be constrained	▪ Would not meet project objectives	▪ All impacts related to Proposed Project construction and operation would be avoided
Construct at Existing City Well Locations	▪ Construction of new wells and tank at existing City-owned property with operating wells ▪ Transmission pipelines to connect the new wells to the existing system would not be necessary	▪ Would meet project objectives	▪ Could result in increased aesthetic impacts ▪ Less GHG emissions would be generated due to not constructing transmission pipelines ▪ More residential sensitive receptors near the sites would be exposed to noise-related impacts. ▪ All other environmental impacts would be similar to the Proposed Project
Connect to the City's Supply System	▪ Construct a 3-mile pipeline to connect the Del Rio water supply system to the City's system ▪ Encroachment approvals would be needed from Modesto Irrigation District to cross their canals	▪ Would meet project objectives	▪ Could result in reduced aesthetic impacts because the pipeline would be underground ▪ Similar amount of GHG emissions would be generated compared to the Proposed Project ▪ More residential sensitive receptors near the pipeline alignment would be exposed to construction-related noise impacts ▪ Other environmental impacts, such as biological resources, water supply, and cultural resources, could be greater than the Proposed Project

12.4 Alternatives Considered and Dismissed

The following alternatives were considered but ultimately dismissed from further analysis for one or more of the following reasons: (1) they would not sufficiently meet most of the Proposed Project objectives; (2) they were determined to be infeasible; or (3) they would not avoid or substantially reduce one or more significant impacts of the Proposed Project.

- **Site A Well Only Alternative:** Under this alternative, only the proposed well at Site A would be constructed, and not the water storage tank. This alternative would reduce aesthetic impacts at Site A, avoid all impacts at Site B, and reduce GHG emissions overall. However, this alternative would not meet most of the Proposed Project objectives. With only one well, the City could not accommodate system pressure demands and supply reliability needs for firefighting and operational reliability. Furthermore, without the storage tank and additional supply from a second well, the City could not accommodate anticipated future growth in Del Rio.

- **Reduced Potable Demand Alternative:** The City could increase water conservation mandates and require Del Rio customers to reduce demands on potable water supply by restricting swimming pool filling, assessing fines, and other methods. To meet the project objectives, a substantial reduction in demand would be needed. There is no guarantee that demand reductions would be realized to a level where system pressures would improve through conservation efforts alone. Furthermore, such demand reduction measures have already been implemented during the current statewide drought, and water users are less willing to reduce demands during non-drought years. To meet project objectives, water demand reductions would need to occur in all years, and such reductions are not believed to be feasible or likely. This alternative would not meet supply reliability objectives or future buildout goals.

- **Partnership with the Del Rio Golf and Country Club Alternative:** The Del Rio Golf and Country Club operates its own groundwater wells. The City could provide the country club recycled water for use in irrigating the golf course in exchange for its groundwater supplies. This would involve establishing a formal agreement between the two parties. Costs would be incurred by both parties for the water exchange. Environmental impacts would be generated through construction of a 7-mile-long recycled water pipeline from the City's wastewater treatment plant to the country club, and for connections between the country club's supply system and the Del Rio supply system. These impacts would likely be similar to, but more costly than, the Proposed Project. The City has previously initiated discussions with the country club related to a water exchange but the parties have not reached agreement. This alternative was determine to be infeasible because of cost and because the quantity of groundwater replaced would not be sufficient to achieve reliability objectives or buildout goals.

- **Partially Buried Tank Alternative.** Under this alternative, the City would construct a new partially buried concrete tank at Site A to reduce adverse aesthetic impacts. This alternative would, however require more excavation work and thereby result in substantially greater air quality, GHG, and noise impacts. This alternative would also generate more truck trips to off-haul and dispose of excavated soil. According to a tank materials evaluation that was conducted by the City, a buried concrete tank

would present operation-related difficulties with respect to inspection and repair due to confined entry space (City of Modesto 2012). Typically, tanks of the size proposed are manufactured of steel, but buried tanks are typically made of concrete to avoid corrosion and accessibility issues. Concrete tanks are more costly than steel tanks. Thus, while this alternative would reduce aesthetic impacts relative to the Proposed Project, for the various reasons described above, this alternative was dismissed from further analysis.

12.5 Environmentally Superior Alternative

Because each of the alternatives has fundamentally different characteristics, comparison of their environmental impacts and benefits is not simple. Considering all aspects on balance, the No Project Alternative is considered the environmentally superior alternative as it would avoid all of the environmental impacts associated with implementing the Proposed Project. The CEQA Guidelines require that, if the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives.

Among the other alternatives considered, Alternative 1: Construct at Existing City Well Locations is considered the environmentally superior alternative. This alternative would achieve all the project objectives to a similar degree as the Proposed Project. As described above, more sensitive receptors (residents) are located near the existing City well sites; therefore, this alternative would result in increased impacts on aesthetics, operation-related noise, and air quality because of the greater number of sensitive receptors near the well sites. However, less GHG emissions and construction-related noise impacts would occur because no pipelines would be constructed under this alternative. In summary, Alternative 1 would result in the most reductions in environmental impacts among the alternatives considered.

The other alternatives were not selected as the environmentally superior alternative for the following reasons:

- **Proposed Project.** The Proposed Project is, by definition, not an alternative, and therefore cannot be considered the environmentally superior alternative.

- **Alternative 2.** Connect to the City's Supply System. This alternative was not considered environmentally superior because it would not substantially reduce GHG emissions and would generate similar noise-related impacts on sensitive receptors. This alternative would also generate significant impacts on the City's water system and water supply sources, such as increased demand for groundwater pumping in other areas to meet demands of the Del Rio community. The cost to construct pipelines connecting the community to the City's supply system would be greater than the cost of the other alternatives. Regulatory and permitting requirements for crossing Modesto Irrigation District canals and construction within railroad track easements would also add to the complexity and impacts of this alternative.

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Chapter 13
Report Preparation

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Chapter 14
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None.

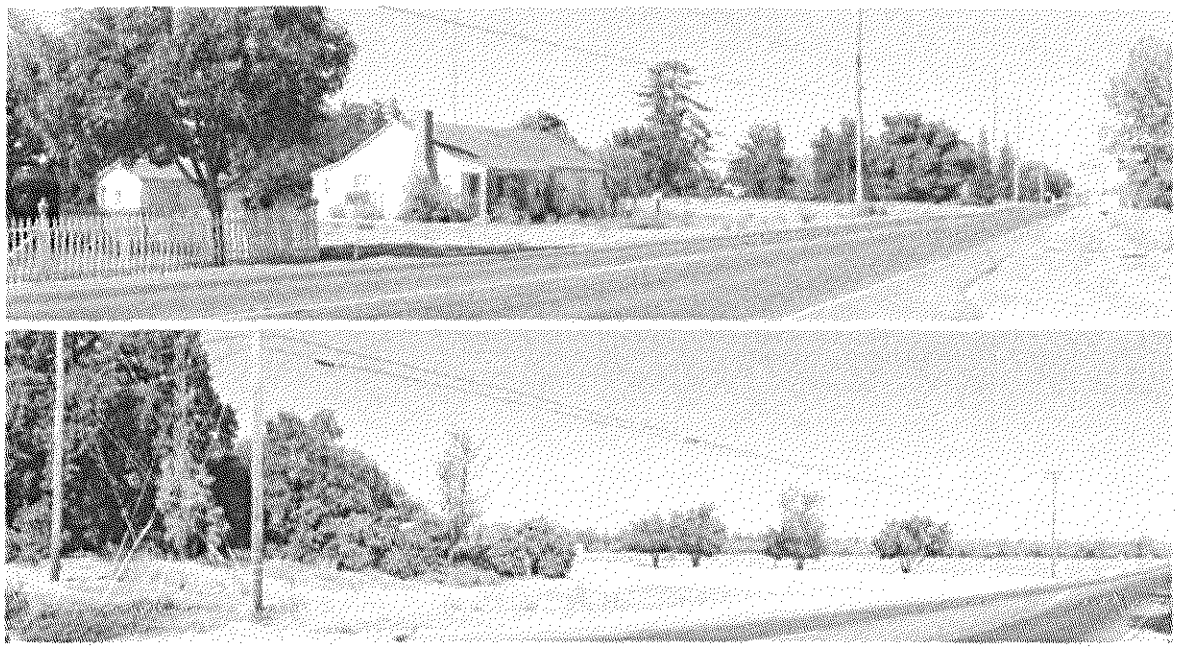
City of Modesto Utilities Department

Draft Environmental Impact Report
Del Rio Tank and Wells Project

Stanislaus County, California

Volume 2: Appendices A-H

November 2016



State Clearinghouse Number: 2015072055; EA/UTL No. 2015-05

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City of Modesto Utilities Department

Draft Environmental Impact Report
Del Rio Tank and Wells Project

Stanislaus County, California

Volume 2: Appendices A-H

State Clearinghouse Number: 2015072055
EA/UTL No. 2015-05

Prepared for: **City of Modesto Utilities Department**
P.O. Box 642 (1010 Tenth Street)
Modesto, CA 95353

Prepared by: **Horizon Water and Environment, LLC**
180 Grand Avenue, Suite 1405
Oakland CA 94612

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November 2016

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Appendix A

Scoping Summary Report

City of Modesto Utilities Department

Del Rio Tank and Wells Project

State Clearinghouse Number: 2015072055

Del Rio, California

CEQA Scoping Summary

Prepared for:
City of Modesto, Utilities Department
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September 2015

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Background and Purpose

Scoping refers to the process to determine the scope, focus, content, and extent of an environmental impact report (EIR). A key feature of the scoping process is to engage the public and public agencies for feedback regarding the proposed project. The scoping comment period offers an important opportunity for the public and agencies to review and comment during the early phases of the environmental compliance process. Scoping helps identify and select an appropriate range of alternatives to be considered in the EIR. Scoping also helps define analysis methods, initially identify potential environmental effects to be considered in detail, and consider mitigation measures to avoid or compensate for adverse effects. In some cases, it may also identify issues that the public feels do not warrant analysis.

This report documents the scoping process undertaken by the City of Modesto Utilities Department (City) for the Del Rio Tank and Wells Project (Proposed Project) to comply with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines. This report also summarizes comments received from agencies consistent with Section 15082(b) of the CEQA Guidelines. Comments are reproduced in their entirety in the appendices to this report.

Proposed Project Scoping Process

Scoping is initiated when the lead agency issues a Notice of Preparation (NOP) announcing the beginning of the EIR process. In accordance with Section 15082 of the CEQA Guidelines, a NOP was developed that provided information on the background, goals, and objectives of the Proposed Project. The NOP announced the EIR's preparation and requested public and agency comment on the Proposed Project. A copy of the NOP is included in **Attachment A**.

The NOP was distributed for review and comment to numerous federal and state agencies; departmental and public services agencies within Stanislaus County, interested parties, and landowners within a 500-foot radius of the project sites. A copy of the mailing list is included in Attachment A. The City did not publish advertisements or post on the City's website to announce EIR scoping. The City did not hold a public scoping meeting for the Proposed Project.

The NOP for the Project was received by the State Office of Planning and Research, State Clearinghouse on July 28, 2015, which initiated the public scoping period. The State Clearinghouse Number for this project is 2015072055 and a copy of the State Clearinghouse posting can be found in **Attachment B**.

The public scoping comment period officially ended on August 28, 2015.

Comments Received

Eleven comment letters were received during the scoping period from the following parties:

- Tuolumne Me-Wuk Tribal Council July 13, 2015
- Central Valley Regional Water Quality Control Board (CVRWQCB) August 19, 2015

- Stanislaus County Environmental Review Committee (Stanislaus County) August 27, 2015
- Stanislaus Union School District (SUSD) August 10, 2015- No comment to project
- Pacific Gas and Electric (PG&E) July 30, 2015- No comment as no gas lines in the area.
- Modesto Irrigation District (MID) August 20, 2015
- Del Rio Property Owners Association (Del Rio POA) August 11, 2015
- North Modesto Groundwater Alliance (NMGA) August 26, 2015
- Dale Denlinger August 14, 2015
- Jim and Joani Matthews August 27, 2015
- Richard A. McCullough August 6, 2015

Copies of the comment letters are included in **Attachment C** of this report and summarized below.

Comment Summary by Topic

The comments received and concerns described during the scoping period involved the project description, alternatives, and project impacts. These comments are summarized below, and the commenter is identified. All comments received will be addressed in the EIR.

Comments on Project Description and Elements

- The NOP is deficient in not referencing the litigation between the Del Rio POA and the City of Modesto regarding the requirements the City has to make to improve the Del Rio Water System. (Del Rio POA).
- The "Draft EIR, Background and Need" section should be updated to address the July 15, 2005 Settlement Agreement as the Del Rio POA is concerned that only two of the five specific improvements have been addressed. (Del Rio POA)
- The Settlement Agreement of 2005 specifies the improvements to the water supply is for "existing City customers". However, the NOP states it addresses "future growth" needs. Concern regarding project capacity and the scope should change to insure that the improvements required by the Agreement of 2005 are met. (Del Rio POA)
- Concern for the 275 year old Heritage Oak Tree located at Stewart and McHenry Avenue. A certified arborist should be involved in the proposed development. (Matthews)
- The proposed water transmission pipelines at Site B should be routed adjacent to and parallel with McHenry Ave. (Matthews)
- Limit work activity around the 275 year old Oak Tree. Provide assurance in writing that no harm will come to the tree. (Matthews)
- Clarify whether the project sites will include the installation of a wall or a fence around the completed project. (NMGA)
- More details requested on landscaping around completed project (trees, brush, etc.) and request for a landscaping plan in the Draft EIR. (NMGA)

- Evaluate potential conflicts with existing irrigation facilities at Proposed Site A (Ladd Road) and Proposed Site B (McHenry/Stewart Rd), including the following conditions:
    - No encroachments are allowed within MIDs existing 60-foot right of way on the Dr. Moore Lateral
    - Existing pipelines are protected by a 15 foot irrigation easement. Otherwise, consultation with those served by the private pipelines is recommended
    - If the existing private pipeline at St. Johns/Ladd Road would be impacted, MID recommends a consultation with those served by the pipeline.
    - A review of MID's irrigation requirements is recommended. (MID)

Comments on Alternatives

- Suggestion to install the well and water tank to the northeast of the Del Rio Country Club ½ mile away from the proposed project site. (Denlinger)
- Rezone property that was changed to residential in 1995 back to agricultural land so it will not be developed. (Matthews)
- Limit growth in the area. (Matthews)
- Consider a "no project" alternative to compare completing the project and its impacts and not completing the project and its impacts. (NMGA)
- Consider alternative locations as the citizens of the Del Rio subdivision receive the benefits of the project, yet none of the construction activities or final project aesthetics will be on Del Rio subdivision property. (NMGA)
- Consider a "Reduced intensity alternative" for one well instead of two wells, or smaller wells with less capacity. (NMGA)
- Analyze if surface water from the MID water treatment plant can be used to serve the Del Rio subdivision instead of using groundwater. (NMGA)
- Evaluate whether a combined use of surface water and groundwater be used to supply the Del Rio subdivision to reduce groundwater usage in the area in order to sustain growth in the area. (NMGA)

Comments on Impacts

Aesthetics

- Concern over the appearance of a "huge tank" adjacent to a residential home. (Denlinger)
- Prepare artist rendering of the end result of the project with respect to a possible chain link fence, parking area, and landscaping near the residence at 117 Stewart Road, in particular as it relates to the existing east wall of the residence and the 275 year old Heritage Oak Tree. (Matthews)
- Include information regarding aesthetic impacts to surrounding land uses in the EIR. (Stanislaus County)
- Mitigation measures requested related to the 250,000 gallon storage tank to lessen the vertical profile. (NMGA)
- Request for the Draft EIR to have specific descriptions of all aesthetic mitigation measures so the public can accurately comment on the proposed project. (NMGA)

Cultural Resources

- Contact the Tuolumne Me-Wuk Tribal Council if discoveries are made during the project construction. (Tribal Council)

Hydrology, Hydraulics, and Water Quality

- Concern related to running water tables down at the Country Club as opposed to near farmland and residential properties (Denlinger)
- Clarification requested to what happens to the groundwater under residential properties when the project begins to pump 175 million gallons per year. What will the negative impacts be to residential properties? Inferior water quality? Lower levels of water? Decline in property values? (Matthews)
- Additional study requested before the approval of expansion on existing wells out of concern for the shallow aquifer below residential properties on Stewart Road. (McCullough)
- Studies related to the effects of the project wells on groundwater quantity, quality, availability and levels should be studied at the maximum capacity of 24 hours a day/7 days a week prior to construction. (NMGA)
- What is the actual (not estimated) sustainable yield of the aquifer at the 2 project well locations? (NMGA)
- Are the aquifers under the Proposed Project interconnected? Specifically the EIR should include:

- Subsurface lithology should be accurately characterized with vertical and lateral extent
- Conclude with certainty which aquifer (s) the project wells will draw from
- Conclude with certainty if the proposed wells will draw from additional aquifers (NMGA)

- Will the project cause groundwater to migrate away from shallow wells not related to the project when water is being extracted from the project wells? (NMGA)
- How will the City's groundwater management or mitigation plan prevent overdraft of groundwater in the vicinity of the project wells? (NMGA)
- Analyze impacts of potential water treatment options. (Stanislaus County)
- Consider the impacts of the project to existing domestic water wells, including withdrawal rate and usage patterns. (Stanislaus County)

Land Use

- Consider the projects' compatibility with surrounding land uses. (Stanislaus County)

Noise

- Evaluate the use of submersible pumps at "Site B" adjacent to the residential property at 117 Stewart Road. Noise concerns related to the starting and operation noise from vertical shaft pumps noted. (Matthews)
- Confirmation requested that a submersible pump will be used as opposed to a vertical shaft assembly as an effort to reduce noise. If confirmation to commit to submersible pump is not received, a request of anticipated decibel levels of the daily operations of the pump should be outlined in the NOP. Mitigation measures for the noise also requested. (Matthews)
- Analyze the specific decibel level the proposed wellheads and pump stations will produce during regular operation. (NMGA)
- Provide the mitigation measures to reduce the noise produced during regular operation. (NMGA)
- Analyze noise impacts of the project. (Stanislaus County)

Cumulative Impacts

- CEQA Guideline Section 15126.2(d) requires the EIR to include a detailed statement regarding the anticipated growth-inducing impacts this project will have the on Projects service area. (NMGA)

- Cumulative impact studies should be completed on the effects of sustainable yields of the Modesto and Turlock-sub basins, groundwater overdraft, and the depletion of water levels of nearby shallow, domestic wells. (NMGA)
- The EIR should analyze impacts on global climate change from the project by the extent to which the project reduces groundwater and redirects to the atmosphere, the extent to which the project will extend the reliance on groundwater during the drought, and how the project might contribute to uncontrolled groundwater development and contamination. (NMGA)
- What are the growth inducing impacts of this project? (Stanislaus County)

Comments on Project Permits and Approvals

- A Construction General Permit and implementation of Storm Water Pollution Prevention Plan may be required if one or more acres of soil or disruption (including clearing, grading, grubbing, etc.) of a larger community occurs during the project. (CVRWQB)
- Phase I and II MS4 permit may be required to reduce pollutants and runoff flows. Best Management Practices (BMPs) must be used and specific designs for low impact development and post-construction BMPs. (CVRWQCB)
- Storm water discharges association with industrial sites must comply with the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. (CVRWQCB)
- Section 404 Guidelines of the Clean Water Act prohibit all discharges of fill material into navigable waters or wetlands, without a permit and confirmation that the discharge does not violate water quality standards. (CVRWQCB)
- The Department of Fish and Game shall be contacted in the project requires surface water drainage realignment. (CVRWQCB)
- A Water Quality Certification must be obtained by the CVRWQCB if a federal permit is required due to water disturbances. (CVRWQCB)
- A Waster Discharge Requirement (WDR) will be required if non-jurisdictional waters of the State are present in the project area. (CVRWQCB)
- Irrigated Lands Regulatory Program compliance is required if the property is used for commercial irrigated agriculture. (CVRWQCB)
- If the proposed project includes construction dewatering into groundwater of the United States, coverage under a National Pollutant Discharge Elimination System (NPDES) permit is required. Applications must be submitted to the CVRWQCB. (CVRWQCB)
- Existing overhead and underground electrical lines shall be protected or relocated per the District's Electrical Engineering Department. (MID)
- Costs for relocation of existing electrical facilities will be the responsibility of the requesting party. (MID)

- MID must review the following :
  - If there are no plans to irrigate the project properties, a Sign-Off of Irrigation Facilities form must be submitted to MID for review.
  - Draft improvement plans for Proposed Site B must be submitted to MID's Irrigation Operation Division for review prior to construction. (MID)

Attachment A:
Notice of Preparation and Distribution List

Notice of Preparation

To: Responsible, Federal and Trustee Agencies (Agency)

(Address)

From: City of Modesto Utilities Department (Agency)

P.O. Box 642 (1010 Tenth Street) (Address)

Modesto, CA 95353

Subject: **Notice of Preparation of a Draft Environmental Impact Report for the Del Rio Tank and Wells Project**

The City of Modesto Utilities Department will be the lead agency and will prepare an environmental impact report (EIR) for the project identified below. We are requesting the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and potential environmental effects are contained in the attached materials. A copy of the initial study ☐ *is* ☒ *is not* attached. Pursuant to State CEQA Guidelines Section 15063(a), the City has opted to forgo preparation of an initial study and proceed directly to the draft EIR.

Because of the time limits mandated by state law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Tamorah Bryant at the address shown above. Please include your name or the name of a contact person in your agency.

Project Title: Del Rio Tank and Wells

Project Applicant, if any:

Date: 7-21-2015

Signature:

Title: Acting Senior Civil Engineer

Telephone: (209) 577-5205

Email: tbryant@modestogov.com

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

Notice of Preparation
of a
Draft Environmental Impact Report
for the
Del Rio Tanks and Wells Project

Prepared for:

City of Modesto
P.O. Box 642 (1010 Tenth Street)
Modesto, CA 95353
Contact: Tamorah Bryant
209/577-5205

Prepared by:

Horizon Water and Environment, LLC.
180 Grand Avenue, Suite 1405
Oakland, CA 94612
Contact: Jill Sunahara
510/986-1854

July 2015

INTRODUCTION

Purpose of the NOP

The City of Modesto (City) is the lead agency for preparation and review of an environmental impact report (EIR) for the Del Rio Tank and Wells project (Proposed Project). The Proposed Project involves construction of a water storage tank, booster pump station, and two domestic water wells, which will provide additional storage volume water supply and pressure for the existing water system serving the Del Rio area. The City's 2008 Water System Engineer's Report Program Environmental Impact Report (Water System PEIR) evaluated the Proposed Project at a program level of detail.

This Notice of Preparation (NOP) presents general background information on the scoping process, the environmental issues to be addressed in the EIR, and the anticipated uses of the EIR. It also describes the Proposed Project as currently envisioned. The project description is subject to refinement during the process of preparing the draft EIR, depending on, among other things, input received in comments responding to this NOP and revisions to the Proposed Project. The City has prepared this NOP pursuant to Section 15082 of the State California Environmental Quality Act (CEQA) Guidelines.

Scope of the EIR

The EIR will be a project-level document which will build on the program-level analysis conducted in the Water System PEIR. The Water System PEIR provided a foundation for any necessary future environmental review documents that focus on individual CIP projects or programs. This project-level EIR will evaluate site-specific impacts and incorporate feasible mitigation measures and alternatives developed in the Water System PEIR as appropriate (CEQA Guidelines, Section 15168[c]).

The following is a preliminary list of potential environmental issues to be addressed in the EIR. The issues to be addressed will be finalized after comments on the NOP are received. The analysis in the draft EIR ultimately will determine whether these impacts actually could occur, will determine their level of significance, and will propose feasible mitigation measures to reduce significant impacts. Thresholds for determining significant impacts will be based on applicable sections of the State CEQA Guidelines, regulatory agency standards, and the judgment of the City of Modesto.

- Aesthetics
- Global Climate Change
- Noise
- Cumulative Impacts
- Groundwater
- Land Use
- Growth-Inducing Impacts
- Alternatives

Public Involvement

The City is soliciting the views of interested persons and agencies on the scope and content of the environmental information that is germane to the Proposed Project. Agencies may use the EIR prepared under the direction of the City when considering permits or other approvals for the Proposed Project. Because of the time limits mandated by state law, your written comments on the scope and content of the EIR must be ***received no later than the 30 calendar days following the date of posting of this notice***. Please send written comments to the City of Modesto, to the attention of Tamorah Bryant, Associate Civil Engineer, at the address provided on the title page of this document. Please include the name and phone number of the contact person for your agency, if applicable.

The City will ensure that adequate public review and input will be available for the EIR. Public input will be solicited at the following points in the process:

- **Scoping comment period:** The City will receive public comments during a 30-calendar day period beginning from the date of posting of this notice to solicit public input on the scope of the EIR.
- **Draft EIR comment period:** The City will provide a standard 45-day review and comment period for the draft EIR.
- **Final EIR comment period:** The City will certify the final EIR at a public meeting, during which the public and agencies can provide additional comments.

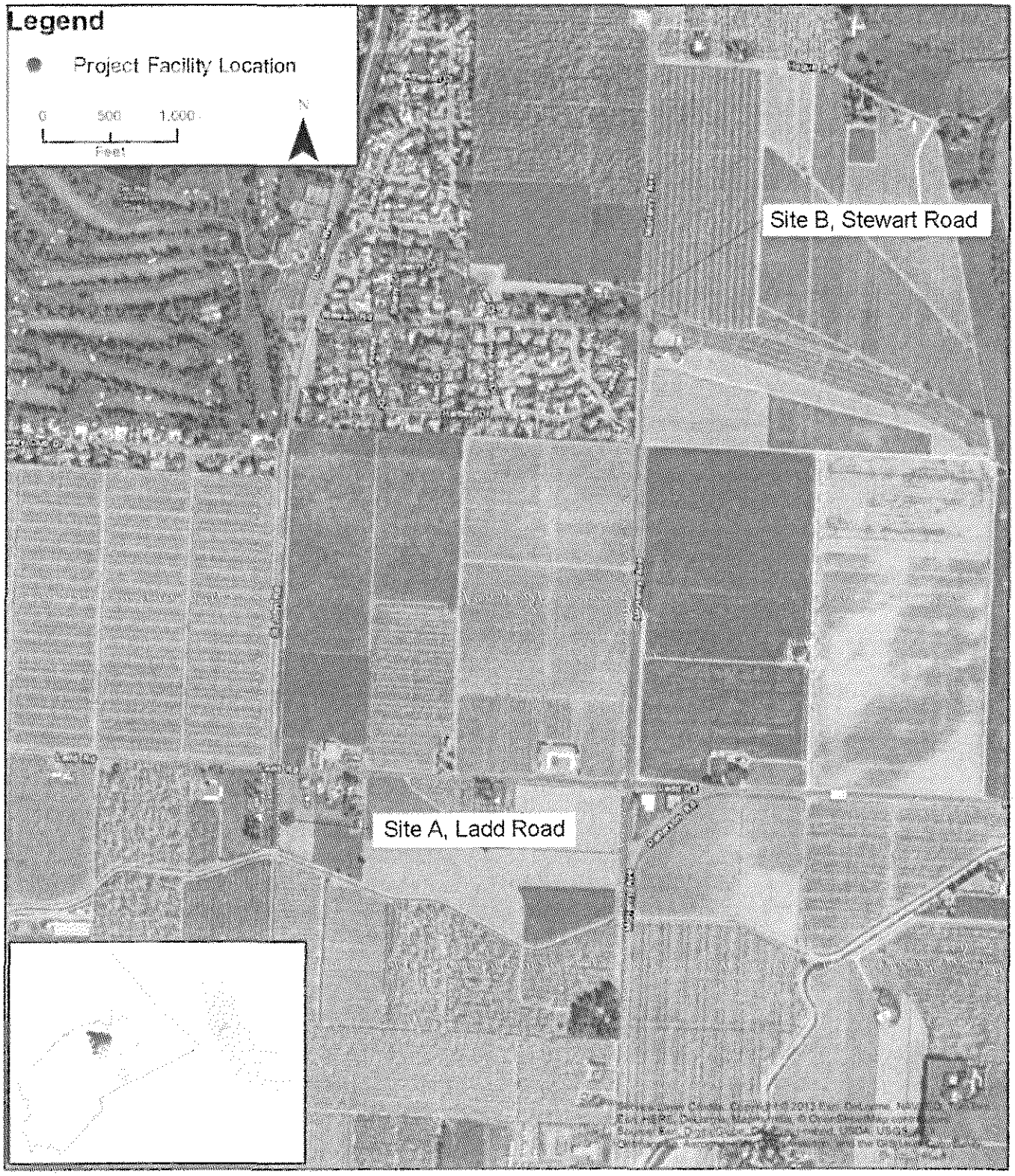
Background and Need

The City provides domestic water service within its incorporated boundaries and to several other areas previously served by the Del Este Water Company (acquired by the City in the mid-1990's), including portions of the cities of Ceres and Turlock, the communities of Salida, Empire, Del Rio, and Grayson. The Del Rio service area includes approximately 41,000 linear feet of City-owned distribution pipeline, ranging from 4 to 10 inches in diameter.

The Del Rio water system currently requires a new storage tank (and associated pump station), well, replacement well, backup generators, and pipelines to correct existing supply deficiencies. The existing Del Rio water system does not meet certain design pressure and storage volume requirements for water supply and fire-flow demand. The existing Del Rio water system also is not sufficient to supply anticipated future growth in the Del Rio area. The future Del Rio service area will include additional acreage that will expand the service area to the north, east, and southwest. According to the Del Rio Community Plan, 'future planned development land use' is proposed for the northwest and eastern portions of the service area, while development in the southwestern area will be residential. Full buildout of the service area will require additional pipelines and pumping capacity, as recommended, to provide adequate water service to meet the anticipated demand.

Project Location

The Proposed Project is located in the census-designated place of Del Rio in Stanislaus County. Del Rio is located approximately two miles north of the City's sphere of influence boundary. The Proposed Project would involve activities at two separate sites within Del Rio: (1) Site A: APNs 004-077-018 and 004-077-019, Ladd Road, and (2) Site B: APN 004-102-003, Stewart Road. **Figure 1** shows the locations of the Proposed Project sites.



Site Details Map

Modesto, California

Figure 1

Project Objectives

The objectives of the Proposed Project are as follows:

- Correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements;
- Ensure sufficient system pressure to provide firefighting flow capacity;
- Improve water system operational flexibility and reliability; and
- Provide additional water supply and storage volume to accommodate anticipated future growth in the Del Rio area.

Proposed Project Facilities

Site A - Tank and Well

The project facilities at this site will consist of an above ground water storage tank, water well and motor, a booster pump station, stand-by generator, and motor control center. Site improvements will include a small parking and access area, fencing or walls, a retention basin, and low-maintenance landscaping. Landscaping will include trees to help screen the tank from adjacent properties and from Ladd Road. As proposed, the water tank would store at least 250,000 gallons of water. The tank will stand a maximum 20 feet above grade and be approximately 70 feet in diameter. The footprint area of the tank will be approximately 3,900 square feet. The booster pump station will be enclosed within a masonry building approximately 2,100 square feet standing a maximum of 22 feet tall.

The site will be enclosed within an eight-foot-tall security wall or fence constructed of either concrete masonry or wrought iron topped with no-climb points. Portions of the site may also include a no-climb chain link fence. The specific type of wall or fence will be determined during the final design. Vehicular access and parking areas within the site will be paved either with Portland cement concrete or asphaltic concrete. Other portions of the site will be covered either with low-maintenance landscaping or gravel.

The water well will be drilled a maximum of 600 feet deep with a desired minimum yield of 1,000 gallons per minute. It is intended to primarily draw water from the confined aquifer below the Corcoran clay layer, which is typically 150 feet to 250 feet below ground. While 1,000 gallons per minute is the desired yield, pumping will vary throughout the year depending upon need, based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as two hours per day in the winter. Pumping is expected to occur for an annual average of eight hours per day, with an annual yield of about 175 million gallons.

Additionally, a transmission main will be constructed within St. John's Road from the tank site. The transmission main will run from the tank site northerly for a distance of

approximately 2,500 feet and will connect to the existing distribution system near the intersection of St. John's Road and Country Club Drive.

Site B - Well

The facilities at this site will consist of a water well and motor, stand-by generator, and motor control center. Site improvements will include paved surfaces around the wellhead, fencing or walls, a small retention basin, and low-maintenance landscaping. Landscaping will be designed to minimize the aesthetic effects of the wall and provide some screening for the well site facilities from adjacent roads.

The water well will be a maximum of 600 feet deep with a desired minimum yield of 1,000 gallons per minute. It is intended to primarily draw water from the confined aquifer below the Corcoran clay layer, which is typically 150 feet to 250 feet below ground. While 1,000 gallons per minute is the desired yield, pumping will vary throughout the year depending upon need, based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as two hours per day in the winter. Pumping is expected to occur for an annual average of eight hours per day, with an annual yield of about 175 million gallons.

The site will be enclosed with an eight-to-12-foot-tall security wall or fence constructed either of concrete masonry block or wrought iron topped with no-climb points. The specific type of wall will be determined during the final design. The retention basin may be enclosed with a chain link fence depending on the final layout, but will be screened from view from adjacent residents. The area surrounding the wellhead will be paved with Portland cement concrete. A gravel access road will be constructed around the proposed retention basin.

A transmission main will be constructed within Stewart Road from the well site. The transmission main will run from the well site westerly approximately 500 feet and will connect to the existing distribution system near the intersection of Stewart Road and Grove Point Drive.

Del Rio Tank and Wells Project
Notice of Preparation Distribtion List
July 2015

First Name	Last Name	Agency/Company	Address	City	State	Zip
Interested Parties from Previous Public Meetings (includes 500-ft Radius of Site A)						
Fred	Eichel	Eichel Real Estate	118 W. Orangeburg	Modesto	CA	95356
Thomas and Judith	Haywood		1637 Ladd Road	Modesto	CA	95356
David and Gladys	Metzger		1691 Ladd Road	Modesto	CA	95356
J.M.	Khatri		1607 Sunrise Avenue, Suite 6	Modesto	CA	95356
Jawahar	Khatri		6530 Carver Road	Modesto	CA	95356
William and Jona	Foster		6636 Carver Road	Modesto	CA	95356
Anthony M. and Gretta	Bruno		1807 Ladd Road	Modesto	CA	95356
Marcus and Jody	Bennedict		6418 Carver Road	Modesto	CA	95356
Fred and Shameran	Adams		6533 Carver Road	Modesto	CA	95356
Michael and Georgia	Wells		6619 Carver Road	Modesto	CA	95356
Chris and Janice	Ronson		6701 Carver Road	Modesto	CA	95356
Dick	McCullough		7024 Walnut Woods Drive	Modesto	CA	95356
Fred	Sichel		118 Geer Court	Modesto	CA	
Robert	Young		7024 Carver Road	Modesto	CA	
Hal	Ballew		7104 Hillcrest	Modesto	CA	
Neal	Khatri		6530 Carver Road	Modesto	CA	95356
Larry	Dempsey		7106 Carolina Court	Modesto	CA	95356
Jami	Aggers		7730 McHenry Avenue	Modesto	CA	95356
Jean	Lowell			Modesto	CA	
Milo	Shelly		7105 Oakmont Drive	Modesto	CA	95356
Bill	Reinheimer		1401 Country View Drive	Modesto	CA	
Lorraine	Young		7024 Carver Road	Modesto	CA	95356
Mike	Crum		1505 River Oaks	Modesto	CA	95356
Steve & Bessie	Grillos		1009 Country Club	Modesto	CA	95356
Johnny	Khatri		6530 Carver Road	Modesto	CA	95356
R.V.	Stone		1404 Country View Drive	Modesto	CA	95356
Clarke	Filippi		1324 Thunderbird Drive	Modesto	CA	95356
John and Neva	Blakeley		6330 Carver Road	Modesto	CA	95356
Dave	Paulson		1408 Country View Drive	Modesto	CA	95356
George	Petrulakis		1300 Woodstone	Modesto	CA	95356
T & V	Oyler		1417 Country View Drive	Modesto	CA	95356
		Berbarian Trust Properties	515 Lyell Drive, Suite 101	Modesto	CA	95356
		Michelotti Fred TRS & Michelotti Mary Ann	625 Ladd Road	Modesto	CA	95356
		Crawshaw Maria E ET AL	23101 Gold Springs Drive	Columbia	CA	95310
		Meagher Sandra L TR EL AL	718 Ladd Road	Modesto	CA	95356
		Denlinger Dale L & ET UX	636 Ladd Road	Modesto	CA	95356
		K Darpinian & Sons	5913 Coffee Road	Modesto	CA	95357
		Ratto Leonard B ET AL TRS	848 Ladd Road	Modesto	CA	95356
		Saso Robert A ET AL	816 Ladd Road	Modesto	CA	95356
Jim & Joani	Matthews		117 Steward Road	Modesto	CA	95356
Robert & Christina	Saso		812 Ladd Road	Modesto	CA	95356
Susan	Broadwell	Matel Realtors				
Dick & Fred	Michelotti		625 Ladd Road	Modesto	CA	95356
Chuck & Debra	Cheek		618 Ladd Road	Modesto	CA	95356
Gary	Darpinian		5913 Coffee Road	Modesto	CA	95356
		OCCUPANT	706 Ladd Road	Modesto	CA	95356
		OCCUPANT	713 Ladd Road	Modesto	CA	95356-9136
Virginia	Ratto		848 Ladd Road	Modesto	CA	95356
Jana	Armstrong		848 Ladd Road	Modesto	CA	95356
Nelson	Hall		406 Ladd Road	Modesto	CA	95356
Bill	Mussman		604 Bing Way	Modesto	CA	95356
Lisa	Druet		848 Ladd Road	Modesto	CA	95356
Joyce	Parker		7305 Stonegate	Modesto	CA	95356
		Del Rio East Homeowners Association	1120 13th Street #C	Modesto	CA	95354
James and Eulala Jo	Champion		7060 Carver Road	Modesto	CA	95356
		Del Rio Lago by Paramount LLC	1015 16th Street	Modesto	CA	95354
		Witt David Louis TR	1030 Princeton Ave	Modesto	CA	95350
		Amerine Properties LP	7025 Serr Court	Modesto	CA	95356
		Amerine Orchards	7025 Serr Court	Modesto	CA	95356
		Dickey Hubert F TRS & Dickey Beverly H.	7700 McHenry Avenue	Modesto	CA	95356
Patricia	Meador		5348 Coffee Road	Modesto	CA	95357
		Ijams Jean C TR	125 Hogue Road	Modesto	CA	95356
		Sbragia Steven F TRS & Sbragia Charlotte Dian	3904 Vlader Drive	Modesto	CA	95356
Madeline	Roddy		3525 Pelandale Avenue	Modesto	CA	95356
James and Lori	Saras		PO Box 646	Zephyr Cove	NV	89448
		Montgomery Mary J TRS HEIRS OF	1636 Ladd Road	Modesto	CA	95356
		Lam Thuong Van TRS & Lam Luu HLE	3869 Thompson Creek Court	San Jose	CA	95135
		Yong Nyet & Jenny TRS	1513 River Oaks Drive	Modesto	CA	95356
		Nguyen Tung Thanh & Duong Lien Thi TRS	3316 Printemps Drive	Modesto	CA	95356
		Lee Robert H TR ET AL	3450 Moraga Street	San Francisco	CA	94122
		Oyler Robert F TRS ET A	1112 Ladd Road	Modesto	CA	95356
Gilbert D.	Bostwick Jr.	Petrulakis Law & Advocacy, APC	1130 12th Street, Suite B	Modesto	CA	95354
Daniel W.	Smith	Law Offices of Daniel W. Smith	3460 American River Drive, Suite 150	Sacramento	CA	95864
Rick W.	Jarvis	Jarvis, Fay, Doporto & Gibson	492 Ninth Street, Suite 310	Oakland	CA	94607

Del Rio Tank and Wells Project
Notice of Preparation Distribtion List
July 2015

First Name	Last Name	Agency/Company	Address	City	State	Zip
Interested Parties from 500-ft Radius of Site B						
		SORANNO KIMBERLY A	204 BLOSSOM VIEW PL	MODESTO	CA	95356
		DE HART RODNEY P	7017 GROVE POINTE	MODESTO	CA	95356
		ZUMWALT CINDY MARIE	7011 HARTLEY CT	MODESTO	CA	95356
		WHITELEY MICHAEL D TR	1401 CITRUS DR	MODESTO	CA	95350
		BEARD BRUCE P & KAREN E	PO BOX 147	EMPIRE	CA	95319
		DITTRICH FRANK A TR	205 BLOSSOM VIEW PL	MODESTO	CA	95356
		KING JAMES S & KING ANNETTE L	7021 GROVE POINTE WAY	MODESTO	CA	95356
		ELSAKR MAGDY & SALLY TRS	201 BLOSSOM VIEW PL	MODESTO	CA	95356
		CALLAHAN HAROLDEAN R & RODRIGUEZ-CALLAHAN DORA G T	7000 HARTLEY CT	MODESTO	CA	95356
		YOUNG ROLAND IAN & BENITA KAY TRS	200 BLOSSOM VIEW PL	MODESTO	CA	95356
		MATTHEWS JIM P & MATTHEWS JOAN T	117 STEWART RD	MODESTO	CA	95356
		SETLIFF ARNOLD W ET AL TRS	2625 BLESSING CT	RIVERBANK	CA	95367
		WITT DAVID LOUIS TR	1030 PRINCETON AVE	MODESTO	CA	95356
		BOHANNON DAN & VICKIE	4317 NORTH STAR WAY	MODESTO	CA	95356
		STAFFORD STANLEY V & DEBRA L TRS	7008 GROVE POINTE WAY	MODESTO	CA	95356
		SMART THOMAS G & VALERIE A	8900 OAK VIEW DR	OAKDALE	CA	95361
		RANGEL JAVIER	319 STEWART RD	MODESTO	CA	95356
		SINGH MANDEEP & EKTA	7001 HARTLEY CT	MODESTO	CA	95356
		BARTONI BART M TR	217 STEWART RD	MODESTO	CA	95356
		WU TONY S & WINIFRED T TRS	7004 HARTLEY CT	MODESTO	CA	95356
		HELOU ANTOINE & GAIL A TRS	204 STEWART RD	MODESTO	CA	95356
		BURROUGHS DOUGLAS M TRS & BURROUGHS PATRICIA L	7005 HARTLEY CT	MODESTO	CA	95356
		KEM SOKHOM & VANTHA TRS	201 STEWARD RD	MODESTO	CA	95356
Interested Parties from City's Planning List						
Debra	Grimes, Cultural Res. Specialist	Calaveras Band of Mi-Wuk Indians	P.O. Box 1015	West Point	CA	95255
Adam	Lewis, Tribal Preservation Assistant	Calaveras Band of Mi-Wuk Indians	P.O. Box 899	West Point	CA	95255
Gloria	Grimes, Chairperson	Calaveras Bank of Mi-Wuk Indians	P.O. Box 899	West Point	CA	95255
Maya	Abood	California Coalition for Rural Housing	717 K Street, Suite 400	Sacramento	CA	95814
Silvia	Burley, Chairperson	California Valley Miwok Tribe	10601 N Escondido Pl	Stockton	CA	95212
Gary	Hinshaw	Modesto Regional Fire Authority	3705 Oakdale Rd	Modesto	CA	95357
Katherine Erolinda	Perez	North Valley Yokuts Tribe	P.O. Box 717	Linden	CA	95236
		San Joaquin Valley Air Pollution Control North Region	4800 Enterprise Way	Modesto	CA	95356
Anthony	Brochini, Chairperson	Southern Sierra Miwuk Nation	P.O. Box 1200	Mariposa	CA	95338
Les	James, Spiritual Leader	Southern Sierra Miwuk Nation	P.O. Box 1200	Mariposa	CA	95338
Jaylen	French	StanCog	1111 "I" Street, Suite 308	Modesto	CA	95354
Carlos	Yamzon	StanCog	1111 "I" Street, Suite 308	Modesto	CA	95354
Reference	Desk	Stanislaus County Library	1500 I Street	Modesto	CA	95354
Angela	Freitas	Stanislaus County Planning & Community Development	1010 Tenth Street, Suite 3400	Modesto	CA	95354
Wayne	Brown	Stanislaus Union School District	3601 Carver	Modesto	CA	95356
Neil	Peyron, Chairperson	Tule River Indian Tribe	P.O. Box 589	Porterville	CA	93258
Mary	Camp, Tribal Administrator	Tuolumne Band of Me-Wuk	P.O. Box 699	Tuolumne	CA	95379
Stanley	Cox, Cultural Resources Director	Tuolumne Band of Me-Wuk	P.O. Box 699	Tuolumne	CA	95379
Kevin	Day, Chairperson	Tuolumne Band of Me-Wuk	P.O. Box 699	Tuolumne	CA	95379
General	Manager	Modesto Irrigation District	P.O. Box 4060	Modesto	CA	95352
Jimi	Netniss	Modesto Irrigation District	4160 Ash Road	Turlock	CA	95382
Adam U.	Lindgren	City of Modesto/City Attorney's Office	P.O. Box 642	Modesto	CA	95353
		PG & E	1524 N. Carpenter	Modesto	CA	95351
		Stanislaus County Department of Environmental Resources	3800 Cornucopia Way, Suite C	Modesto	CA	95358
Kathleen	Cleek	City of Riverbank, Community Development	6707 Third Street	Riverbank	CA	95367
Dick	Monteith	Stanislaus County Board of Supervisors	1010 10th St, Suite 6500	Modesto	CA	95354
William	O'Brien	Stanislaus County Board of Supervisors	1010 10th St, Suite 6500	Modesto	CA	95354
		Del Rio Homeowners Association	7500 Del Cielo Way	Modest	CA	95356

Attachment B:
State Clearinghouse
Notice of Preparation Posting

Del Rio Tanks and Wells Project

SCH Number: 2015072055

Document Type: NOP - Notice of Preparation

Project Lead Agency: Modesto, City of

Project Description

The City of Modesto is the lead agency for preparation and review of an environmental impact report for the Del Rio Tank and Wells project (Proposed Project). The Proposed Project involves construction of a water storage tank, booster pump station, and two domestic water wells, which will provide additional storage volume water supply and pressure for the existing water system serving the Del Rio area. The City's 2008 Water System Engineer's Report Program Environmental Impact Report (Water System PEIR) evaluated the Proposed Project at a program level of detail.

Contact Information

Primary Contact:
Tamorah Bryant
City of Modesto
209 577 5205
P.O. Box 642
1010 Tenth Street
Modesto, CA 95353

Project Location

County: Stanislaus
City: Modesto
Region:
Cross Streets: Site A: Ladd Road at St. John Road; Site B: Stewart Road at McHenry Avenue
Latitude/Longitude: 37° 43' 56.6" / 121° 0' 15.1" Map
Parcel No: 004-007-018, 004-102-003
Township: 2S
Range: 9E
Section: 29
Base: MDB&M
Other Location Info:

Proximity To

Highways: Hwy 108; 219
Airports:
Railways:
Waterways: Stanislaus River
Schools: Stanislaus ES
Land Use: Stanislaus County Sphere of Influence

Development Type

Water Facilities

Local Action

Other Action (Amendment)

Project Issues

Aesthetic/Visual, Air Quality, Noise, Water Supply, Growth Inducing, Landuse, Cumulative Effects

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Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 4; Native American Heritage Commission; California Highway Patrol; Caltrans, District 10; Air Resources Board; State Water Resources Control Board, Divison of Financial Assistance; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Water Rights; **Regional Water Quality Control Bd., Region 5 (Sacramento)**

Date Received: 7/28/2015 **Start of Review:** 7/28/2015 **End of Review:** 8/26/2015

CEQAnet HOME | NEW SEARCH

Attachment C:
Public Comments Received

TUOLUMNE ME-WUK TRIBAL COUNCIL

Post Office Box 699

TUOLUMNE, CALIFORNIA 95379

Telephone (209) 928-5300

Fax (209) 928-1677

Received
Capital Improvement
Services

July 31, 2015

Tamorah Bryant
City of Modesto Utilities Dept
P.O. Box 642
Modesto, CA 95353

Dear Tamorah Bryant,

Subject: NOP of Draft EIR for Del Rio Tank & Wells Project

We are in receipt of your letter concerning the Draft Environmental Impact Report for the Del Rio Tank and Wells Project. At this time we have no concerns as long as no cultural resources will be damaged during this project. We would like to be contacted if there are any inadvertent discoveries during project implementation.

Thank you for sending us the information concerning this project.

Respectfully,

Stanley R. Cox
Cultural Director

California Water Boards

Edmund G. Brown Jr.
Governor

Matthew Rodriquez
Secretary for
Environmental Protection

Central Valley Regional Water Quality Control Board

19 August 2015

Tamorah Bryant
City of Modesto
1010 Tenth Street
Modesto, CA 95353

CERTIFIED MAIL
7014 1200 0000 7154 3946

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, DEL RIO TANKS AND WELLS PROJECT, SCH# 2015072055, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 28 July 2015 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Del Rio Tanks and Wells Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Regulatory Compliance for Commercially Irrigated Agriculture
If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Tracy Cleak

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Stanislaus County
Striving to be the Best

CHIEF EXECUTIVE OFFICE

Stan Risen
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Jody Hayes
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

August 27, 2015

Tamorah Bryant, Acting Senior Civil Engineer
City of Modesto, Utilities Department
PO Box 642 / 1010 Tenth Street
Modesto, CA 95353

SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF MODESTO – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT – THE DEL RIO TANK AND WELLS PROJECT

Ms. Bryant:

Thank you for the opportunity to review the above-referenced project.

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and asks the City of Modesto to consider including the following information in its environmental impact report:

1. Aesthetic impacts to surrounding land uses;
2. The project's compatibility to surrounding land uses;
3. Growth-inducing impacts;
4. Noise impacts;
5. Impacts of potential water treatment options; and
6. The City should consider proper analysis to ensure no adverse impacts occur to existing groundwater users such as domestic wells. This analysis should include, but not be limited to, a drawdown interference analysis based upon the proposed pump(s) withdrawal rate and usage pattern.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

Patrick Cavanah, Management Consultant
Environmental Review Committee

cc: ERC Members

Tamorah Bryant

From: Skavdahl, Britta <BSkavdahl@stanunion.k12.ca.us>
Sent: Monday, August 10, 2015 12:30 PM
To: Tamorah Bryant
Cc: Dempewolf, Kristen
Subject: Del Rio Tank and Wells

Ms. Bryant,

The purpose of this communication is to advise you that the Stanislaus Union School District has no comment nor any concerns with the proposed project.
This communication shall serve as our formal response to the matter.

Best Regards,

Britta M. Skavdahl, Ed.D.

Britta M. Skavdahl, Ed.D.
Superintendent

Tamorah Bryant

From: Pacheco, Wayne T <WTP1@pge.com>
Sent: Thursday, July 30, 2015 3:54 PM
To: Tamorah Bryant
Subject: Del Rio Tank & Well project

Tamorah,

I have reviewed this project and have no comments or changes to the document. Pacific Gas & Electric does have gas lines in the area but there are no other concerns from the utility. If you have any questions you can call me at 209-576-6532.

Thanks
Wayne Pacheco
Senior Environmental Field Specialist
Pacific Gas & Electric Company
209-576-6532

MID Modesto Irrigation District
Water and Power

1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95352
(209) 526-7373

August 20, 2015

City Of Modesto – C&ED/Planning Division
Attention: Tamorah Bryant, Acting Senior Civil Engineer
PO Box 642
Modesto, CA 95353-0642

RE: ***Del Rio tank & Wells***
APN's: 004-077-018, 019 & 004-102-003 (Ladd Road & Stewart Road)

Thank you for the opportunity to comment on this referral. Following are the recommendations from our Risk & Property, Electrical, Irrigation, and Domestic Water Divisions:

Irrigation

Proposed Site A - Ladd Road

- There are potential conflicts with existing irrigation facilities within the proposed Site A project area, as shown on the attached project site map. Modesto Irrigation District (MID) has the following conditions of approval for the proposed project:

  - No encroachments are allowed within MID's existing sixty-foot (60) right-of-way for the Dr. Moore Lateral.
  - There is an existing private pipeline that lies along the southern property line of APNs 004-077-018 and 004-077-019. The existing private pipeline is protected by a fifteen (15) foot private irrigation easement (Inst. No. 16603 dated October 1975). Should the proposed project impact or otherwise alter the existing private infrastructure, MID recommends the City of Modesto (City) consult with those who are served by the existing private pipeline.
  - If the City doesn't plan to irrigate APNs 004-077-018 and 004-077-019 and wants to be removed from irrigation billing, a Sign-Off of Irrigation Facilities form must be completed and submitted to MID for review.
  - There is an existing private pipeline that crosses St. Johns Rd. approximately 200 feet north of Ladd Road. Should the proposed transmission main impact or otherwise alter the existing private infrastructure, MID recommends the City consult with those who are served by the existing private pipeline.

Proposed Site B - McHenry Road at Stewart Road

- There are existing Improvement District (ID No. 125 – Langdon Merle ID) facilities located within APN 004-102-003.

  - Draft improvement plans for proposed Site B project area must be submitted to MID's Irrigation Operation Division for review prior to the start of construction.
  - Irrigation Operations staff recommends a pre-consultation meeting to discuss MID irrigation requirements. MID irrigation standard details will be provided upon request.

Domestic Water

- No comments at this time.

Electrical

- The attached maps show the approximate location of the District's existing electrical facilities.

- In conjunction with related project requirements, existing overhead and underground electric facilities within or adjacent to the proposed projects shall be protected or relocated as required by the District's Electric Engineering Department.

- Costs for relocation and/or undergrounding the Districts existing electrical facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.

- Please contact the District's Electric Engineering Design Department, attention Linh Nguyen at (209) 526-7437 in order to coordinate project requirements. Project cost estimates will be supplied upon request.

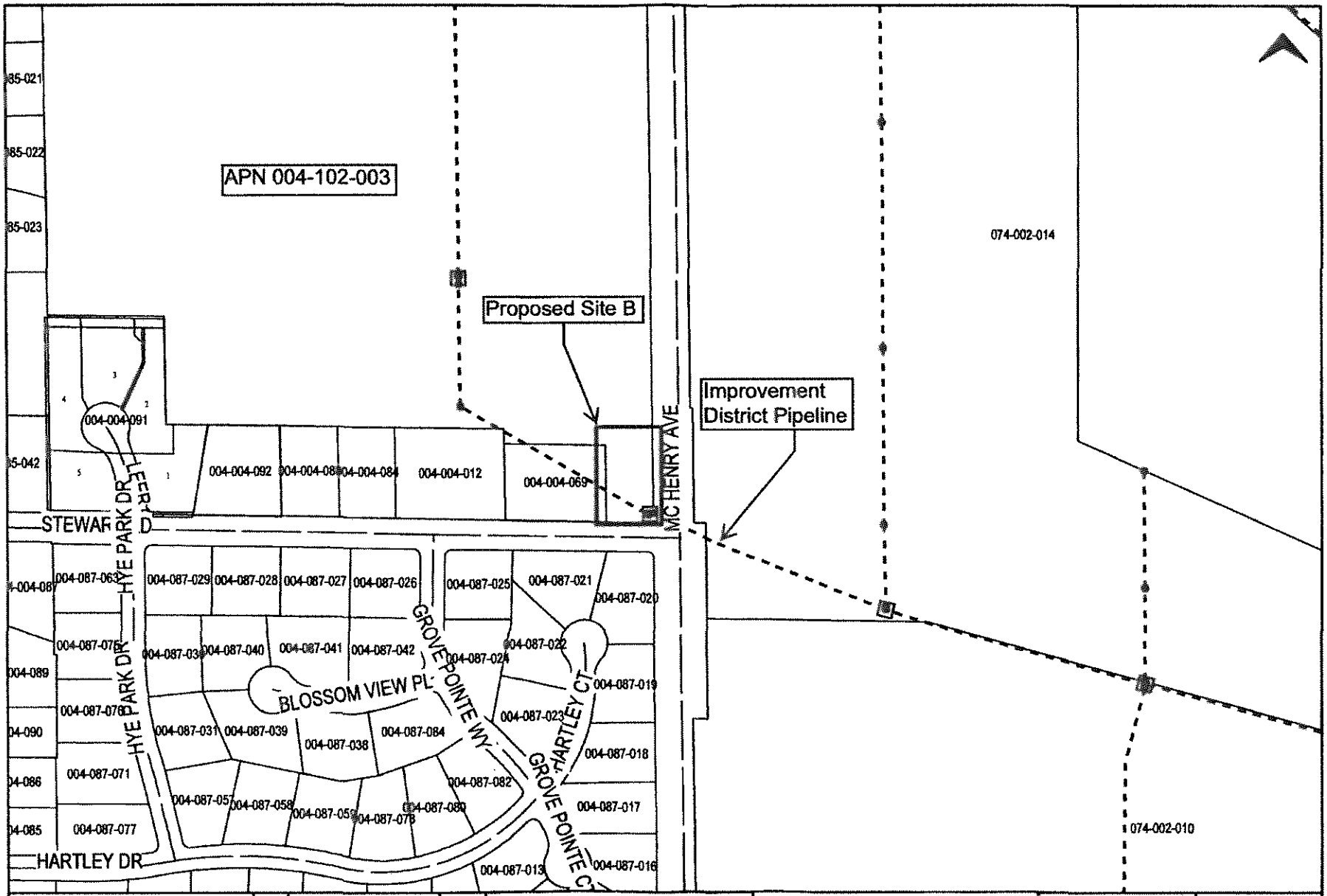
The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, crossarms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

If you have any questions, please contact me at 526-7433.

Sincerely,

Celia Aceves
Risk & Property Analyst

Copy: File



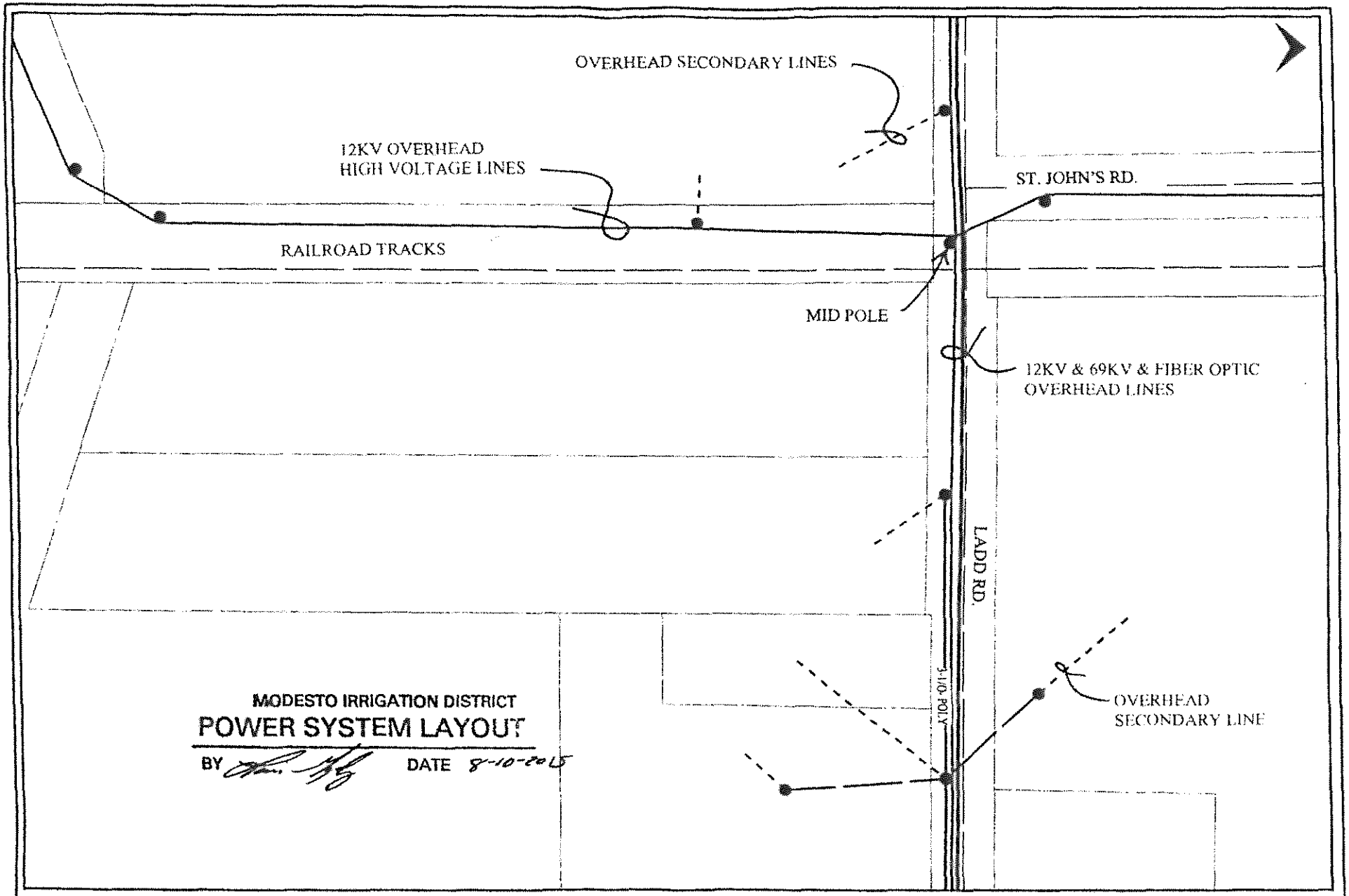
NO.	REVISION	DATE

MID

Irrigation Operations
Site B Project Area

This GIS map was created by the Modesto Irrigation District's Geographic Information System and is not intended to replace a site survey. An independent verification of all data contained hereon should be obtained. The GIS data or cartographic digital files contained herein are not a legal representation of any of the features that they depict. The Modesto Irrigation District does not warrant the accuracy or completeness of its GIS map products and therefore disclaims all liability for their fitness of use. No decision involving a risk of economic loss or physical injury should be made in reliance thereon.

DATE: 08/19/2015	DWG BY: scylin0313
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1



NO.	REVISION	DATE

0feet 80feet 160feet 240feet 320feet

Ladd Rd

Site A

DATE: 08/10/2015	DWG BY: louisg
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PROJECT:	APP. BY:
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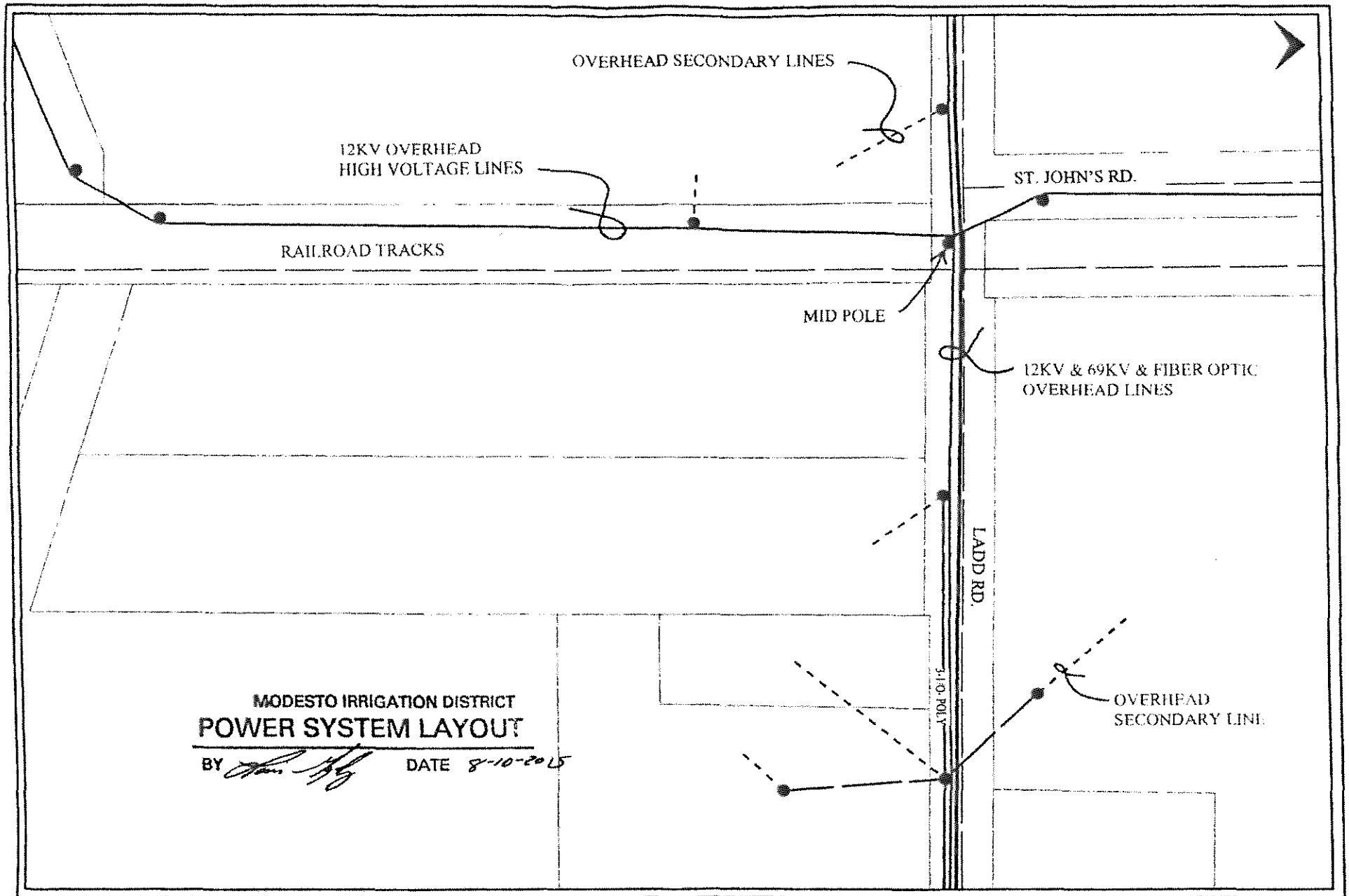

NO.	REVISION	DATE

0feet 80feet 160feet 240feet 320feet

Ladd Rd

Site A

DATE: 08/10/2015	DWG BY: louisg
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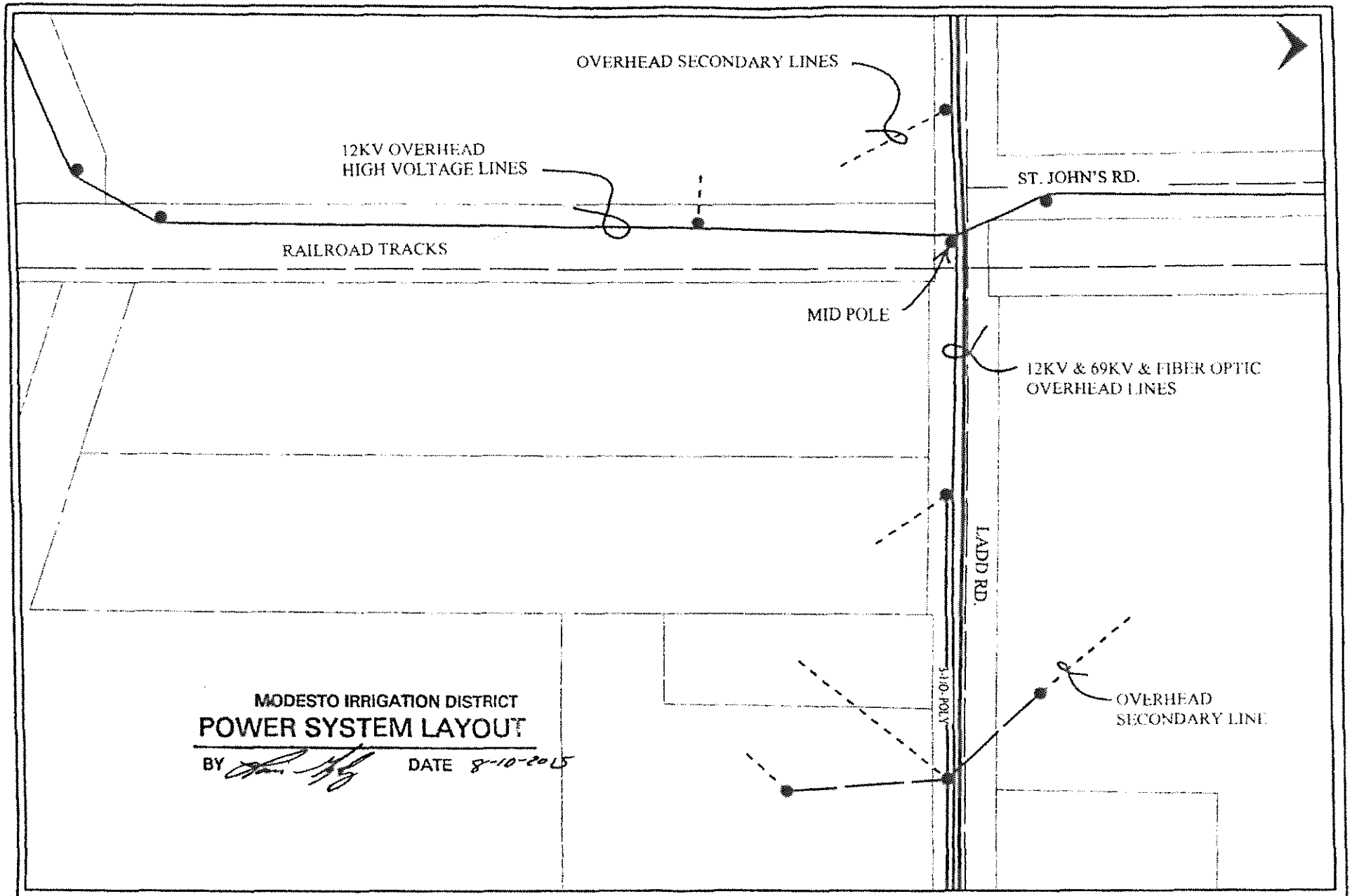


NO.	REVISION	DATE

0feet 80feet 160feet 240feet 320feet

Ladd Rd

Site A

DATE: 08/10/2015	DWG BY: louisg
W.O. NO:	APP. BY:
PROJECT:	APP. BY:
TAG NO:	PAGE: 1 OF 1

Del Rio Property Owners Association
P.O. Box 118
Salida, CA 95368

City of Modesto
Utilities Department
P.O. Box 642
Modesto, California 95353

August 11, 2015

Dear Utilities Department:

We are in receipt of your "Notice of Preparation of a Draft Environmental Impact Report for the Del Rio Tank and Wells Project," together with an invitation to respond.

As an association, we are in support of the Wells Project. However, we believe that your Notice is deficient in that it does not reference the litigation between our association and the City of Modesto, nor the settlement agreement (the "Agreement")in that case which requires the City to make improvements to the Del Rio water system, including those specified in the Tank and Wells Project.

By way of background, in 2004, our organization, the Del Rio Community Association, now called the Del Rio Property Owners Association ("DRPOA"), brought suit against the City of Modesto alleging, inter alia, that the proposed rate increase violated California law in that it far exceeded the cost of providing the service. During that litigation, the City disclosed the West-Yosh Technical Memorandum which specified several improvements that were deemed critical to the Del Rio water system, and which needed to be done immediately at a very significant cost. Based upon that report, the litigation was settled with the City committing in the Agreement to complete all of the West-Yosh critical improvements within eight years of the July 15, 2005 date of that Agreement. Thus, the improvements were all to be in place not later than July 15, 2013.

In spite of this commitment, and its legal obligations to provide adequate water, to date, the City has completed work on only two of these "critical" improvements. We believe that the "Draft EIR, Background and Need" section, must necessarily address the July 15, 2005 Settlement Agreement and the City's obligations under it. For example, it is most concerning to us and our community that of the 5 specific improvements cited in the report, only 2 have been completed, and that there is a possibility that the City is somehow going to be prevented from performing its obligations under the Settlement with us.

The DRPOA and City engineering staff have stayed in communication about these improvements and the DRPOA has given multiple time extensions. However, our position is that the City is still bound by this agreement and must provide the necessary improvements to guarantee sufficient water pressure to assure the safety and supply of the Del Rio community. We make one other point: The initiating cause (i.e. the 1/28/2005 Settlement Agreement)

of the Del Rio Tanks and Wells Project specifies that the City will make such "improvements and repairs ... as necessary to continue to provide water service to ***existing City customers*** in the Del Rio Community." It did not, nor did it intend to, address anticipated future growth as cited in the "Background and Need" section of the Notice. It is the position of the DRPOA that if the size and scope of the project plan includes capacity to provide for future growth and that such provision makes the project unacceptable or infeasible for whatever reason, the obligations undertaken by the City in the Agreement would require the City to scale back the project to only the needs of the current Del Rio Community so that the improvements required by the Agreement can be completed.

If you have further questions, or need copies of the Report or the Settlement Agreement, please contact our board.

Very truly yours,

Bret de St Jean, President
Del Rio Property Owners Association

RECEIVED
AUG 27 2015
CITY OF MODESTO
U.P. & P. CONST. ADMIN.

LAW OFFICES OF
DANIEL W. SMITH
3640 American River Drive, Suite 150 • Sacramento, CA 95864
Tel (916) 485-4102 • Fax (916) 481-6441

August 26, 2015

Via Email and Federal Express

City of Modesto Utilities Department
C/o Tamorah Bryant
1010 Tenth Street, 4th Floor
P.O. Box 642
Modesto, CA 95353

RE: Notice of Preparation of Draft EIR for the Del Rio Tank and Wells Project
Comments Regarding Scope and Content of Draft EIR

Dear Ms. Bryant:

I represent the North Modesto Groundwater Alliance ("the Alliance"). The Alliance is an unincorporated association formed in 2012 and comprised of residents and property owners whose collective goal is to ensure that the environmental effects and impacts to the North Modesto area from the Del Rio Tank and Wells Project ("Project") are analyzed, reviewed and reported in full compliance with the California Environmental Quality Act ("CEQA").

Pursuant to CEQA Guidelines Section 15082, I submit the following response on behalf of the Alliance to the Notice of Preparation of Draft EIR for the Del Rio Tanks and Well Project ("NOP") dated July 21, 2015. The following are significant environmental issues and reasonable alternatives and mitigation measures that the Alliance believes that the City of Modesto Utilities Department ("City") needs to explore and thoroughly study in its draft EIR:

1. Groundwater.

A. Sustainable yield of aquifer.

i) In the City's analysis of the effects that the Project wells will have on groundwater quantity, quality, availability and levels in the region where the Project's wells will be located, the Project wells need to be studied on the basis of operation at their maximum capacity 24 hours per day, seven days per week. The rationale for this requirement is that the City will not be regulated or limited in terms of the quantity of water it will be allowed to pump from the two Project wells over any time period, and with growing demand on the Project wells from buildout of the Del Rio Community Plan and other land uses, the City will only be limited in the amount of water it pumps based upon a) demand for water, and b) the maximum capacity of the wells' pumps. Therefore, the impacts of the two Project wells on regional groundwater availability must be studied as if the wells will operate at maximum capacity, 24 hours per day, seven days per week.

ii) The sustainable yield of an aquifer (layer of groundwater) is defined as the average annual amount of groundwater that can be extracted from a groundwater basin while maintaining a non-overdraft condition. What is the actual (not estimated) sustainable yield of the aquifer in the immediate location of the two proposed Project wells?

iii) Are the aquifers underlying the proposed Project site hydrologically interconnected? The NOP project description for Site A (Ladd Road) states that the Site A well "is intended to primarily draw water from the confined aquifer below the Corcoran clay layer, which is typically 150 feet to 250 feet below ground." Words such as "intended", "primarily" and "typically" are qualifiers that imply that the well may also draw water from other aquifers (Webster's Ninth New Collegiate Dictionary defines "primarily" as "for the most part" or "chiefly") and are inherently vague and ambiguous. Furthermore, it is the Alliance's understanding from discussions with expert geologists who are very familiar with the geology of North Modesto that the Corcoran clay layer terminates west of the proposed Project well sites, and does not extend as far east as the Site A well. Therefore, contrary to the statement in the NOP, the aquifer where the wells will be screened is not confined. **It is critically important to Alliance members that the EIR: a) comprehensively and accurately characterize the subsurface lithology, including its vertical and lateral extent, in the area of the proposed Project wells, b) state unambiguously and with certainty and precision which aquifer(s) each of the proposed Project wells will draw from, c) state whether the proposed wells will in fact draw from other aquifers too, and if they will, d) state which other aquifers they will draw from. There are many people, including but certainly not limited to the members of the Alliance, who must have this information because their own wells are at risk because of the proposed Project.**

iv) When groundwater is extracted from the aquifer in which the proposed Project wells will be screened, will such extraction draw groundwater from shallower aquifers in the vicinity of the Project wells or cause groundwater to migrate away from wells that are not as deep as the Project wells?

B. Groundwater Management and/or Mitigation Plan.

i) What is the City's groundwater management and/or mitigation plan to prevent an overdraft condition in the vicinity of the Project wells?

2. Growth-inducing Impacts.

How will the proposed Project foster economic or population growth, or the construction of additional housing, either directly or indirectly in the proposed Project's service area? CEQA Guideline Section 15126.2(d) requires an EIR to include a detailed statement of the proposed project's anticipated growth-inducing impacts in the North Modesto area.

3. Noise.

What levels of noise, in terms of specific decibel levels, will the engines at the proposed wellheads and pump stations produce during operation? What specific measures or mitigation will the City definitely install at the Project site to reduce such noise to acceptable residential levels?

4. Aesthetics.

The City must fully analyze the aesthetic impacts of the Project on the neighborhood in the immediate vicinity of the proposed Project. What specifically does the City intend to do to mitigate the permanent degradation of the visual character and quality of the nearby neighborhood caused by the Project? Will the 250,000 gallon storage tank be partially set below-grade to lessen its vertical profile? If so, specifically in a measurement of feet how deep will the tank be set?

What specific type of fencing or wall (height, type, and material) will surround the Project? The NOP repeatedly states that the City will install "an eight-foot-tall security wall or fence" without committing to one or the other. Instead, it procrastinates making such commitment by stating that "The specific type of wall or fence will be determined during the final design." The proposed Project was originally approved by the City Council 3½ years ago on March 13, 2012. Certainly, the City must know by now whether it plans to install a fence or a wall. Unless the specific visual mitigation measure is stated in the Draft EIR, with a full description of height, type, material and finish, the public will be unable to comment on whether or not such measure is adequate.

What ***specific*** type of landscaping will be used to mitigate the visual blight caused by the Project? How much landscaping will be used (i.e. number and type of trees, shrubs, etc.). How will the landscaping be maintained? Will the landscaping plan be in the Draft EIR?

The City's Program EIR and the Finding of Conformance were both hopelessly vague and ambiguous in discussing these aesthetic mitigation issues. As a result, the public was left guessing exactly what the City would do to mitigate the visual degradation and blight caused by the proposed Project, and the City maintained complete discretion right up to the moment of installation as to what measures it would ultimately employ. The Draft EIR must contain a **specific** description of all aesthetic mitigation measures that it will **definitely** install.

5. Analysis of Alternatives to the Project.

CEQA Guidelines Section 15126.6(a) requires that an EIR describe a range of reasonable alternatives to the proposed Project.

A. "No-project" Alternative.

The purpose of describing and analyzing a "no project" alternative is to allow decision

makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The City has always represented that the purpose of the Project is limited to upgrading the quality of water being delivered to the existing Del Rio subdivision and to increase pressure within the fire suppression water lines for better fire protection. The City has also consistently denied that the Project is being constructed to serve the build-out of the Del Rio Community Plan. If the City is correctly representing the true purpose of the Project, why are two wells with such high capacity for pumping and delivering groundwater necessary?

The City needs to discuss the existing conditions at the time the Notice of Preparation was published, and also analyze and discuss whether upgrades to the existing wells serving the existing Del Rio subdivision, such as abandonment/closure of the existing shallow well and re-drilling a larger and deeper well in the same location, could supply a higher quality water and simultaneously better water pressure for the fire suppression system to the existing Del Rios subdivision in lieu of the Project.

B. Alternative Location.

The key question and first step in this analysis is whether any of the significant effects of the Project would be avoided or substantially lessened by putting the project in another location. The Project is being constructed for the exclusive use and benefit of the Del Rio subdivision, yet with the exception of the Stewart Road well, not one part of the proposed Project – the Site A well, the storage tank, or the masonry building enclosing the pump station – will be constructed on Del Rio property. Based upon the current Project design, Del Rio residents living west of St. John's Road will receive all of the benefits of the Project with none of the burdens, and Petitioner's members will shoulder all of the burdens with none of the benefits. What alternative sites within the Del Rio subdivision west of St. John's Road that will be served by the Project are being analyzed by the City for construction of the Project?

C. Alternatives to the Project.

Depending upon how much groundwater is available on a sustained basis for the proposed Project (which can only be determined by analyzing the sustainable yield of the aquifer being used to deliver water to the Project) and how much impact the Project wells will have on the aquifers and existing nearby wells, the EIR should consider a "reduced intensity alternative" of only one well instead of two, or smaller wells with less capacity.

Two other alternatives to the Project that need to be thoroughly analyzed are 1) the use of surface water from the MID water treatment plant to serve the Del Rio community instead of groundwater, and 2) a conjunctive use of surface water and groundwater to supply the Del Rio community, which is the same combination that the City uses to serve residents within the City limits. This latter alternative would result in a reduction of the amount of groundwater needed for Del Rio, and in the Alliance's view is the best alternative because it is the only sustainable option that will serve the needs of the Del Rio area as growth continues and simultaneously maintain water quality and long-term aquifer viability.

6. Cumulative Impacts.

Pursuant to CEQA Guidelines Section 15130, the City should analyze in the EIR the cumulative impacts of the Project created as a result of the combination of the Project with other City and MID groundwater projects causing related impacts. As defined in CEQA Guidelines Section 15355, a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. The City derives approximately 60% of its water from groundwater wells from its other projects, so it needs to study the cumulative impact associated with the Project's incremental effect and the effects of other projects on the sustainable yields of the Modesto and Turlock sub-basins, the cumulative impact of the Project on the creation of a condition of groundwater overdraft, and the cumulative impact of the Project on the depletion of water levels of nearby shallow domestic and agricultural wells.

7. Project Impact on Global Climate Change.

The City should analyze in the EIR the Project's potential impact on global climate change, including:

a) The extent to which the Project reduces the amount of stored water deep underground and redirects it to the more active hydrologic system at the land-surface, where it evaporates into the atmosphere and ultimately falls as precipitation into the ocean or elsewhere;

b) The extent to which the prolonged drought in California is increasing dependence on groundwater for agriculture, and the impact that the Project will have on exacerbating that condition; and

c) The extent to which the Project contributes to uncontrolled groundwater development, overexploitation of groundwater and contamination of groundwater.

The Alliance looks forward to reviewing the Draft EIR.

Sincerely,

Daniel W. Smith

Daniel W. Smith

Tamorah Bryant

From: dbrushwhiz@gmail.com
Sent: Friday, August 14, 2015 8:54 PM
To: Tamorah Bryant
Subject: Fw:

forgot to add name dale denlinger

Sent from Windows Mail

From: dbrushwhiz@gmail.com
Sent: Friday, August 14, 2015 8:53 PM
To: dbrushwhiz@gmail.com

Sent from Windows Mail

From: dbrushwhiz@gmail.com
Sent: Friday, August 14, 2015 8:41 PM
To: tbryant@modestogov.com

we are very much against the well being dug and put on the property next to us. It makes no sense to pump water and pipe it 1/2 mile to the country club. They have property right to the north east of the del Rio club. no one would see the huge tank and it would be right there. let them run their water tables down, not ours. farmers in this area are very upset. this is farm land not country club property..

Sent from Windows Mail

RECEIVED
AUG - 7 2015
City of Modesto
Transit Division

Jim and Joani Matthews
117 Stewart Road
Modesto, Ca. 95356
August 23, 2015

Tamorah Bryant
Acting Civil Engineer
City of Modesto-Utilities

Dear Ms. Bryant:

We have received a Notice of Preparation (NOP) concerning the formulation of the Draft Environmental Impact Report for the Del Rio Tanks and wells project. As the adjacent property (117 Stewart Rd.) of the proposed Site "B" Facility, there will be of course, not only consequential impacts to our lives and property-but also direct impacts which we expect the City of Modesto to mitigate to the best of their ability. We would like to address some of these concerns as listed in the Introduction to the NOP and outlined by Horizon Water and Environment, 2015, in sequence as listed.

AESTHETICS:

Aesthetics should be an integral part in the planning of any project. Too often, a utilitarian mindset prevails when planning such a project as the well development. This is always a short -sighted approach which leads to the substantial lack of pride in the completed project and an incremental loss of pride in the community as a whole. The description of the proposed site development unfortunately leaves a lot of latitude in this respect; "portions of the site may also include a no-climb chain link fence"; "parking areas within the site will be paved either with Portland Cement Concrete or asphaltic concrete"; ---either low-maintenance landscaping or gravel." The end result of such a project under these parameters could be pretty much anything. We would like to request an artist's rendering of the proposed site, including its proximity to our existing east wall and the 275 year old Heritage Oak Tree on the corner lot. With this in hand, we will be able to offer a more considered opinion.

GLOBAL CLIMATE CHANGE:

Past my paygrade.

NOISE:

Noise is of course one of several factors that will directly impact both the quiet enjoyment of our property and its resale value in a negative fashion. In our previous discussions with civil engineer, Robert Christensen, we expressed our concern about this matter and were assured that this would be looked into. The main area of concern of course are the vertical shaft pumps that are unfortunately the primary choice for such projects. The starting and operational noise from this style of pump can have a substantial impact to adjacent properties. With this in mind, we would request that the use of submersible pumps be thoroughly evaluated and not just dismissed off-hand. There are any number of manufacturers that have developed pumps that are ready, willing and able to handle the requirements as outlined in the NOP with efficiency and reliability, such as the Grundfor-SP Series Model 1100S, capable of 220 -1,400 G.P.M.- and heads up to 1,200 ft. If we would receive a commitment in writing that the well adjacent to our property will be submersible, we will consider this matter to be resolved. If we do not receive such a commitment we will by necessity assume that the pump will be of the conventional vertical shaft assembly with all of the inherent issues of noise involved. In this regard we would request the anticipated decibel levels of the operational facility such as outlined in the NOP, along with the measures proposed by the city to eliminate or mitigate these noises.

CUMULATIVE IMPACTS:

No statement.

GROUNDWATER:

As we are all aware, the groundwater issue has become a major issue for Valley Residents and a deep concern of ours especially in the context of this proposed development. Our home was built in 1929, and as far as I know, we are using the original well and pump house. Though I have changed out the conventional well pump to a submersible, we have had zero issues with our well. Groundwater level when I changed out our conventional (1996) was at 40 feet, and I set our pump at 60 feet (consistent with the old pump). When this new well starts pumping out 1,000 G.P.M. From under our house, what will happen? The projected annual average of 175 million gallons a year is a staggering number. Is our well and our neighbors wells going to be immune to this water grab underneath our property, or will it suffer the fate of so many small wells in the

foot-hills that have gone dry. As per the Modesto Bee article of May 10, 2015, by retired U.S. Geological Hydrologist, Vance Kennedy, we would be naive not to be concerned. We would like to know what the City of Modesto proposes to do for us and the residents of our community who might start having water issues, coincidental, or not, with the proposed development. What is meant by the statement that the water will be "primarily" drawn from the confined aquifer below the Corcoran clay level? While we believe the goal to be 100% what is the projected actual? 90%? 99%? 99.9%? Unknown? Even at a 99% effective rate, that would mean an annual projected loss of 1.75 million gallons a year from our groundwater supply. In its attempt to regulate groundwater resources, the Stanislaus County Board of Supervisors has submitted a draft resolution (Draft CS-Section 9.37.020) in which it sights several concerns about the effects of drafting (overdrafting) groundwater resources. Among its concerns, it sights the fact that mining of groundwater resources can lead to impacts ranging from movement of inferior quality water, lower levels of water, and groundwater degradation. It goes on to state that mining of groundwater resources could have adverse economic impacts including, but not limited to, loss of arable land, "a decline in property values", increased pumping costs, replacement of wells, etc. These findings are in the context of limiting the export of groundwater to third parties outside of Stanislaus County. That does not however, change the fact that groundwater over drafting can and does lead to negative impacts. I would venture to say that 175 million gallons/year times two equals potential troubles for all concerned.

LANDUSE:

No statement.

GROWTH INDUCING IMPACTS:

Obviously this falls under the category "If you build it, they will come."

ALTERNATIVES:

1. Rezone property that was changed from agricultural to residential in 1995, back to its proper designation of agricultural The properties involved in this rezoning have not been developed, nor should they be.
2. Limit growth in the area.

ADDITIONAL CONCERN:

Another issue that has been previously addressed with Mr. Christensen was the health and welfare of the Heritage Oak Tree that lives on the corner of Stewart and McHenry. This Heritage Oak is some 275 years old and has been the subject of a Modesto Bee Article and a item of concern of the noted late arborist author and columnist, John Haller. Mr. Haller once referred to this Heritage Oak, as quote: "One of the premier specimens of a valley oak." This coming from someone who devoted his career to the understanding and care of trees and author of the book Tree Care, by Audel Publishing John Haller c. 1997. We need to acknowledge and respect not only the beauty and heritage of this tree, but also take any and all measures to protect this tree in all phases of the proposed development, including, but not limited to:

1. Recognition of the status of this Heritage Oak and a commitment to its continued health and welfare; including the guidance of a certified arborist in all phases of the proposed development to make sure that no harm comes its way.

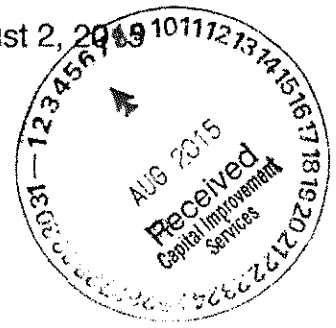
2. Routing of water pipe west to Stewart Rd. Water main needs to be kept away by running it adjacent to and parallel with McHenry Ave.

3. Limited Activity Around Oak. We were assured by Mr. Christensen that the city would take all necessary measures to insure that no harm comes to this tree, we would like to see such assurance in writing.

Sincerely Yours,

Jim and Joani Matthews
117 Stewart Rd.
Modesto, Ca. 95356

August 2, 2015



To: Tamorah Bryant
City of Modesto Utilities Department
P.O. Box 642 (1010 Tenth Street)
Modesto, CA 95353

From: Richard A. McCullough
7024 Walnut Woods Drive (Del Rio)
Modesto, CA 95356 (209)524-7667

Subject: Response to Draft Environment Impact Report for the Del Rio Tank and Well Project

I went to a meeting several years ago sponsored by The City of Modesto and at that meeting we were told that a deep well would not affect the more shallow aquifer in our area. Later I read in The Modesto Bee another expert who wrote that was untrue.

In The Modesto Bee August 2, 2015 "Well data base faces a drought of user data?" In that article I saw a very real lack of data for the Del Rio area. With this in mind, I believe more study should be done before any approval of any expansion of existing wells or adding of a new well to site B: APN004-102-003 on Stewart Road. There are a number of private homes off of Stewart that have always been on shallow private wells.

I am sending a copy of this letter to Mr. Dick Monteith, District 4 Representative on the Stanislaus County Board of Supervisors asking for his help to ensure we are not harmed by this proposal.

Appendix B

Environmental Checklist

B. Environmental Checklist

Project Title:	Del Rio Tank and Wells Project
Lead Agency Name and Address:	City of Modesto Utilities Department P.O. Box 642 (1010 Tenth Street) Modesto, CA 95353
Contact Person and Phone Number:	Tamorah Bryant, Senior Civil Engineer (209) 577-5205
Project Location:	Unincorporated Stanislaus County Site A: APN 004-077-018 and 004-077-019 (718 Ladd Road), southeast of the intersection of Ladd Road and St. John Road Site B: APN 004-102-003, northwest of the intersection of McHenry Avenue and Stewart Road (portion near Stewart Road)
County General Plan Designation:	Site A: AG, Agriculture Site B: PD, Planned Development
County Zoning Classifications:	Site A: A-2-40, 40-acre lot Agriculture Site B: PD, Planned Development
Description of Project:	See EIR Chapter 2, *Project Description*
Surrounding Land Uses and Setting:	Site A: vacant on the west parcel, 1 single-family house and accessory buildings on the east parcel Site B: vacant land, formerly agriculture
Other Public Agencies whose Approval or Input May Be Needed:	▪ California State Water Resources Control Board ▪ Central Valley Regional Water Quality Control Board ▪ California Department of Public Health ▪ San Joaquin Valley Air Pollution Control District ▪ Stanislaus County ▪ Modesto Irrigation District

1. Environmental Factors Potentially Affected

In accordance with Section 15168 of the California Code of Regulations, this Initial Study discloses whether the proposed project described in Chapter 2 may cause any project-specific significant effect on the environment that was not examined in the Final Program Environmental Impact Report (Program EIR) for the Water System Engineer's Report (City of Modesto 2010) and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the Proposed Project is "within the scope" of the Program EIR. Topics fully evaluated in the EIR for the Proposed Project were chosen because this IS identified the potential for a significant impact beyond that identified and analyzed in the Program EIR. Applicable mitigation measures identified in the Program EIR and additional project-specific mitigation measures identified in the Proposed Project EIR would be applied to the Proposed Project as necessary to reduce impacts to a level that is less than significant.

The environmental factors checked below would potentially be affected by this Proposed Project (i.e., the Project would involve at least one impact that is a "Potentially Significant Impact"), as indicated by the checklist on the following pages.

[X] Aesthetics	[ ] Agricultural and Forestry Resources	[X] Air Quality
[X] Biological Resources	[X] Cultural Resources	[X] Geology / Soils
[X] Greenhouse Gas Emissions	[ ] Hazards and Hazardous Materials	[X] Hydrology / Water Quality
[X] Land Use & Planning	[ ] Mineral Resources	[X] Noise
[ ] Population & Housing	[ ] Public Services	[ ] Recreation
[ ] Transportation/Traffic	[ ] Utilities & Service Systems	[ ] Mandatory Findings of Significance

2. Evaluation of Environmental Impacts

The degree of change from existing conditions resulting from implementation of the Proposed Project is compared to the impact evaluation criteria to determine if the change is significant. Where it is determined that one or more significant impacts could result from implementation of the Proposed Project that was not examined in Program EIR, the topic is carried forward for analysis in the EIR. Existing conditions serve as a baseline for evaluating the impacts of the Proposed Project.

The following terminology is used in this document to describe the various levels of environmental impacts associated with the Proposed Project:

- A finding of *no impact* is identified if the analysis concludes that the Proposed Project would not affect a particular environmental topical area in any way.

- An impact is considered *less than significant* if the analysis concludes that the Proposed Project would not cause a substantial adverse change in the environment.
- An impact would be considered to have *potentially significant issues* if the analysis concludes that the Proposed Project could cause a significant environmental impact. A program that potentially produces significant impact(s) warrants a greater level of analysis and consideration provided by an EIR.

3. CEQA Environmental Checklist

I. AESTHETICS: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	X		
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a designated scenic highway?	X		
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	X		
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	X		

The Proposed Project would involve construction and operation of quasi-industrial uses (water storage tank, wells, pump station building, security lighting) in an area that is currently occupied by and surrounded by open space, agricultural fields, and residential uses. In addition, the Program EIR identified potentially significant impacts and mitigation measures to reduce those impacts to a less-than-significant level (City of Modesto 2010: pp. 3.1-9–3.1-11). The potential exists for the Proposed Project to result in significant impacts. Therefore, a full analysis of the Proposed Project's potential effects on aesthetic resources is provided in the EIR.

II. AGRICULTURAL AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC section 12220(g)), timberland (as defined by PRC section 4526), or timberland zoned Timberland Protection (as defined by Government Code section 51104(g)?			X
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?			X

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: pp. 3.2-5–3.2-8), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to agricultural and forestry resources have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA.

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use – *No Impact*

According to the California Department of Conservation's map, "Stanislaus County Important Farmland 2014," Site A is designated Rural Residential and Site B is designated as Urban and Built-Up (California Department of Conservation 2015). The pipeline connecting Site A to an existing pipeline at Country Club Drive would be installed fully within the right-of-way of St. John Road and Ladd Road. The pipeline connecting Site B to an existing pipeline on Stewart Road at Grove Point Way would be installed fully within the right-of-way of McHenry Avenue. Therefore, no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would be converted to non-agricultural use for this project. No additional impact on Prime Agricultural land is anticipated, compared to the Program EIR. There would be **no impact**.

Note that the Program EIR identified this impact as significant and unavoidable because other projects would adversely affect Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. However, this Project does not adversely affect any Prime Agricultural land.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract – *No Impact*

According to the California Department of Conservation, no Williamson Act contracts are in effect on the project sites (California Department of Conservation 2012). Therefore, the Proposed Project would not conflict with a Williamson Act contract.

Site B is zoned as P-D (Planned Development) and therefore would not conflict with zoning for agricultural use. The Site A and Site B pipelines would be installed within road rights-of-way and therefore would not conflict with zoning for agricultural uses.

Site A is zoned as A-2-40 (General Agriculture District), which permits various uses, including (but not limited to) agricultural uses, single-family dwellings, mobile homes, buildings and appurtenances that are incidental or related to farming purposes, garage sales, and temporary agricultural service airports. According to Section 21.20.030 of the Stanislaus County Code, the A-2 district allows "Tier Three" uses that are not directly related to agriculture but may be necessary to serve the A-2 district. Specifically, public buildings and facilities for public utilities may be permitted on parcels zoned A-2, but such uses are subject to permit approval by the Stanislaus County Planning Commission. In addition, the Agricultural Element of the *Stanislaus County General Plan 2015* includes buffer setback guidelines for new or expanding uses in or adjacent to parcels zoned A-2, requiring that all projects incorporate a minimum 150-foot-wide buffer setback (Stanislaus County 2016a). Uses permitted within the buffer area include utilities, drainage facilities, landscaping, parking lots, and similar low-intensity uses.

The proposed facilities would likely meet the "Tier Three" criteria of a permitted use. Although agricultural uses are located immediately east of Site A, a berm and retention basin would be constructed within the 150-foot-wide buffer setback, both of which qualify as permitted buffer uses. As required by County Code, the City would apply for a use permit from Stanislaus County. In addition, Site A is currently occupied by a residence and is not used for agricultural

purposes. For these reasons, the Proposed Project would not result in a conflict with the County's zoning district. There would be **no impact**.

c) Conflict with existing zoning for forest land or timberland – *No Impact*

The Proposed Project would not conflict with zoning for forest land. No zoning for forest land or timberland is identified in the project area (Stanislaus County 2015) and Stanislaus County does not classify land as Timberland Protection Zones. There would be **no impact**.

d) Cause a loss of forest lands – *No Impact*

The Proposed Project would not result in the loss of forest lands or the conversion of forest land to non-forest use. No zoning for forest land is identified in the project area (Stanislaus County 2015). There would be **no impact** on forest lands.

e) Cause changes to the existing environment due to conversion of agricultural or forest lands – *No Impact*

As mentioned in items (a) and (b) above, the Proposed Project would not directly or indirectly lead to changes in the existing environment that could have adverse effects on agricultural land. Therefore, the Proposed Project would not result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. There would be **no impact**.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of applicable air quality plans?	X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	X		
d) Expose sensitive receptors to substantial pollutant concentrations?	X		
e) Create objectionable odors affecting a substantial number of people?	X		

Explanations

a-d) Conflict with air quality plans, violate air quality standards, result in cumulatively considerable increase of criteria pollutants, expose sensitive receptors to substantial pollutant concentrations – *Potentially Significant Issues*

The Proposed Project would be located in Stanislaus County, which is one of eight counties that comprise the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the San Joaquin Valley Air Basin (Basin). The County's portion of the Basin has been designated as nonattainment for the federal and state standards for ozone and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$), as well as for the state standard for particulate matter less than 10 microns in diameter (CARB 2016, USEPA 2016). The portion of the Basin within Stanislaus County is in attainment or unclassified for all other criteria pollutants. The SJVAPCD has developed air quality plans for ozone and $PM_{2.5}$, as required under the Clean Air Act.

The Proposed Project would have the potential to emit PM from ground-disturbing construction activities and to emit ozone precursor pollutants (i.e., reactive organic gases and nitrogen oxides) from fuel combustion by construction equipment, materials delivery and fill hauling vehicles, and construction worker vehicle trips. In addition, diesel PM, a toxic air contaminant, would be emitted from equipment and vehicles using diesel as a fuel source. These construction-related emissions could occur near or adjacent to sensitive receptors. These impacts would be **potentially significant**. This issue is investigated further in the Proposed Project EIR.

The project area is not within an area identified as likely to contain naturally occurring asbestos (NOA), which is a toxic air contaminant. Therefore, it is unlikely that the Proposed Project's ground-disturbing activities would result in any NOA emissions.

e) Create objectionable odors affecting a substantial number of people – *Potentially Significant Issue*

Construction of the Proposed Project components could generate objectionable odors through emissions of diesel particulate matter by construction equipment and through the use of diesel emergency backup generators during project operations. These impacts would be **potentially significant** and are investigated further in the EIR.

IV. BIOLOGICAL RESOURCES: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X
d) Interfere substantially with the movement of any native resident or migratory species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	X		

Explanations

a) Substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species - *Potentially Significant Issues*

Potential impacts on candidate, sensitive, or special-status species could occur from direct impacts due to construction of Project components, or from Project-related modification of potential habitat. These impacts would be **potentially significant**. The EIR evaluates the potential for candidate, sensitive, or special-status species to occur in proposed improvement locations based on known occurrences and habitat requirements of these species.

b) Substantial adverse effect on any riparian habitat or other sensitive natural community – *No Impact*

Riparian habitat occurs in the vicinity of the project area along the Stanislaus River. Other sensitive natural communities may also be present in the project area. Potential impacts on these habitats or communities could occur as a result of construction and/or operation of the proposed wells and tank and proposed transmission pipelines at both project sites.

A field survey of Sites A and B was conducted by a trained biologist on May 4, 2016. No riparian habitat or other sensitive natural communities are present within the study area. Thus, **no impact** would result to these habitats or communities.

c) Substantial adverse effects on federally protected wetlands – *No Impact*

Federally protected wetlands and waters and other surface waters or wetland features may be present in the project area. Activities associated with the Proposed Project could result in the disturbance or loss of jurisdictional wetland and aquatic communities. A field survey of the Site A and Site B study areas was conducted by a trained biologist on May 4, 2016. No waters of the United States (waters of the U.S.) are present within the study area. The study area was surveyed for the presence of hydrophytic vegetation, hydric soils, and wetland hydrology. None of these wetland indicators were present in the study area. The Modesto Irrigation District canal immediately south of Site A would not be affected by Proposed Project activities, based on City compliance with construction-related and operational drainage requirements as described in Chapter 2, *Project Description*, of the EIR and in Section IX, "Hydrology," of this Environmental Checklist. There would be **no impact**.

d) Substantial interference with wildlife movement, established wildlife corridors, or the use of native wildlife nursery sites – *Potentially Significant Issues*

The Proposed Project could interfere with breeding or migration of wildlife species. Specifically, if construction of project components occurs during the breeding season for migratory species, impacts on these species could result. These impacts would be **potentially significant** and are evaluated in the EIR.

e) Conflict with local policies or ordinances protecting biological resources – *Potentially Significant Issues*

The *Stanislaus County General Plan 2015* Conservation/Open Space Element (Stanislaus County 2016a) establishes several policies (notably Goal One, Policies Three and Four, and Goal Ten, Policy Twenty-nine) to protect sensitive species, along with habitats such as vernal pools, riparian habitats, and oak woodlands. The Proposed Project does not conflict with any local policies protecting biological resources because no vernal pools, riparian habitats, or oak woodlands are present in the study area, based on field surveys conducted by a qualified biologist on May 4, 2016. As indicated in item (a) above, impacts on sensitive species are **potentially significant issues** and are evaluated in Chapter 6, *Biological Resources,* of the DEIR.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan – *No Impact*

The PG&E San Joaquin Valley Operation & Maintenance Habitat Conservation Plan (PG&E O&M HCP) (PG&E 2006) covers specific PG&E activities throughout nine counties in the San Joaquin Valley, including Stanislaus County. The PG&E O&M HCP complies with the federal and state ESAs and addresses multiple species and critical habitats. The PG&E O&M HCP outlines steps to minimize, avoid, and compensate for possible direct, indirect, and cumulative adverse effects on threatened and endangered species that could result from PG&E operation and maintenance activities in the San Joaquin Valley. The Proposed Project is within the PG&E O&M HCP boundaries but is not within PG&E's service area and is not a covered activity under the PG&E O&M HCP.

Wildlife species covered by the PG&E O&M HCP with the potential to be affected by the Proposed Project are Swainson's Hawk and Burrowing Owl. There is no overlap between the Proposed Project and PG&E's San Joaquin Valley O&M activities, as the Proposed Project is not located within a PG&E service area The Proposed Project would not conflict with implementation of the HCP's conservation strategy for these species because the project is not within a PG&E service area. Therefore, there would be **no impact**. In any event, the EIR for the Proposed Project includes mitigation measures to address any impacts on Burrowing Owls and Swainson's Hawk.

V. CULTURAL RESOURCES: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	X		
d) Disturb any human remains, including those interred outside of formal cemeteries?	X		
e) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in §21074?	X		

Explanations

a-b) Adverse change in the significance of a historical resource or an archaeological resource – *Potentially Significant Issues*

Historical resources, as defined in Public Resources Code (PRC) Section 15064.5, include, but are not limited to, any resource that is listed, or is eligible for listing, in the California Register of Historical Resources (CRHR); any resource that is included in a local register of historical resources; or any object, building, structure, site, area, place, record, or manuscript determined to be historically significant by a lead agency. Furthermore, historical resources, as defined under PRC Section 5024.1, include resources listed, or eligible for listing, in the National Register of Historical Places; State Historical Landmarks; and points of historical interest.

There is potential for the discovery of new historical resources of an archaeological nature within the project area. Potential impacts on historical resources would occur if these resources are present and would be physically disturbed by project-related construction activities (e.g., direct ground disturbance or vibration from ground disturbance). Impacts that result in de-listing of a resource from the CRHR, or render the resource ineligible for listing in the CRHR, would also be considered significant. These impacts would be **potentially significant.**

The EIR compares the locations of currently known or newly identified historical resources with the activities that make up the Proposed Project to evaluate potential effects to those resources.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature – *Potentially Significant Issues*

The Proposed Project area is underlain by Pleistocene alluvial deposits consisting of poorly sorted gravel, sand, silt, and clay that are more than 400 feet thick. These materials in the Central Valley are known to contain a variety of fossils, including extinct horses, mammoths, and giant ground sloth. Other animals noted are marine-living animals such as marine turtles, shark teeth, and sea urchins (Sierra College 2016).

Directly below the alluvial deposits is the Mehrten Formation, which was deposited during the Miocene to Pliocene Epochs. The Mehrten Formation is composed of sandstone, breccia, conglomerate, tuff, siltstone, and claystone and is approximately 800 feet thick and may lie as shallow as 400 feet beneath the City of Modesto (Stanislaus and Tuolumne Rivers Groundwater Basin Association 2005). The Mehrten Formation is not known for containing fossils; however, there is a possibility that fossils could be encountered during project construction; which would constitute a **potentially significant** impact. This topic is evaluated further in the EIR.

d) Disturbance of any human remains, including those interred outside of formal cemeteries – *Potentially Significant Issues*

Human remains are not currently known to exist at the project sites; however, they may be present without any surface manifestation and, as a result, could be disturbed by the Proposed Project's activities. This impact would be **potentially significant**. The EIR addresses the potential presence of and impacts on human remains during construction.

e) Adverse change in the significance of a tribal cultural resource as defined in PRC 21074 – *Potentially Significant Issues*

The Proposed Project is within a geographic area associated with the Northern Valley Yokuts tribes, which have a traditional and cultural affiliation with the region. Assembly Bill 52, which was enacted on May 12, 2016, requires that a state lead agency consult with California Native American tribes that have a traditional and cultural affiliation to a project area to determine if any tribal cultural resources (TCRs) would be affected by the proposed project. PRC Section 21074 defines TCRs as resources that are historical resources under California Code of Regulations (CCR) Section 15064.5; cultural landscapes that meet the criteria of CCR Section 15064.5; and as unique archaeological sites under PRC Section 21083.2. There is the potential for TCRs to be located in the project area and for the Proposed Project to have an adverse change to any such resources.

The City will consult with local tribes about the presence of TCRs within the project area and, should any be identified, the protection of TCRs from project-related actions. The consultation efforts and the identification of TCRs, if present, are analyzed in the EIR.

VI. GEOLOGY AND SOILS: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death related to:			
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X
ii) Strong seismic ground shaking?		X	
iii) Seismic-related ground failure, including liquefaction?		X	
iv) Landslides?			X
b) Result in substantial soil erosion or the loss of topsoil?		X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?			X

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: pp. 3.6-9–3.6-10), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that, with the exception of Checklist item (c), the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to geology or soils have been identified for the Proposed Project. Therefore, no further review of impacts is required under CEQA except for Checklist item (c). Information presented below is based on the geotechnical investigation conducted at Site A (Blackburn Consultants 2012), Phase I Environmental Site Assessments conducted at Site A (ATC

Associates 2012a) and Site B (ATC Associates 2012b), and other information sources identified below. A geotechnical study would be completed at Site B as part of the design process.

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Seismic-related rupture of a known earthquake fault – *No Impact*

The Proposed Project is not located within an Alquist-Priolo designated hazard zone. The nearest active faults are the Carnegie Fault (approximately 29 miles west), Greenville Fault (approximately 33 miles west), and Ortigalita Fault (approximately 36 miles southwest) (California Geological Survey 2010). Since there are no known faults in the project area, there would be **no impact** from fault rupture.

ii) Strong seismic ground shaking – *Less than Significant*

As analyzed in the Program EIR (City of Modesto 2010: p. 3.6-5), the Central Valley generally experiences lower levels of more infrequent ground shaking than many other regions of California due to the substantial distance to active faults and the underlying geologic and soil conditions. In Stanislaus County, the level of seismic ground shaking ranges from "High" risk along the western border of the County and the foothills of the Diablo Range, to "Moderate" risk in the central part of the County, to "Low" risk in the eastern portion (California Geological Survey 2008). The project area lies within the Central portion of the County and is considered to be at "Moderate" risk for earthquake shaking potential. The Proposed Project would be required to comply with the most recent California Building Code seismic standards for construction, ensuring that any adverse effects to structures or people would be **less than significant**.

iii) Seismic-related ground failure, including liquefaction – *Less Than Significant*

Settlement is the lowering of the land-surface elevation as a result of the compression, compaction, or consolidation of underlying soils, sediment, or rock. These processes are exacerbated under increased loading (e.g., additional sediment deposition or construction of structures, including fills) or the withdrawal of subsurface water. Soils consisting of fine-grained silts and clays with a high water table are more susceptible to differential settlement. Liquefaction is the temporary transformation of soils that are saturated and have very low cohesion, or are cohesionless, into a viscous liquid as a result of ground shaking. Liquefaction may occur in water-saturated soils during moderate to severe earthquakes. The potential for liquefaction to occur depends on soil composition, soil saturation levels, and the intensity and duration of seismic ground shaking.

The Program EIR (City of Modesto 2010: pp. 3.6-9–3.6-10) noted that there may be potentially significant impacts from liquefaction if individual projects were constructed on expansive soils. Pursuant to Mitigation Measure GEO-1 in the Program EIR, the City hired a registered engineer to conduct a project-specific geotechnical investigation at Site A; a geotechnical investigation would be conducted at Site B as part of the design process.

Site A is underlain by Hanford soils generally have a sandy loam texture (Natural Resources Conservation Service [NRCS] 2016). A geotechnical study for Site A (Blackburn Consulting 2012) identified loose to very dense silty sand to approximately 8 feet below ground surface (bgs), loose to medium-dense poorly graded sand to about 13–20 feet bgs, and hard elastic silt with sand to hard sandy silt at greater depths. Groundwater was encountered at 40 feet bgs. Based on the subsurface soil and groundwater conditions and the estimated magnitude and duration of ground shaking at Site A, the potential for liquefaction is considered very low.

Site B is predominantly underlain by Delhi sand with some Oakdale sandy loam (NRCS 2016). Delhi sands generally consist of sand up to 44 inches bgs with loamy fine sand at greater depths. Estimated depth to groundwater ranges between 50 and 60 feet bgs (California Department of Water Resources 2016). Based on the subsurface groundwater conditions and the estimated magnitude and duration of ground shaking at Site B, the potential for liquefaction is considered low. A geotechnical investigation would be conducted at Site B as part of the design process, to confirm the understanding of these conditions.

The proposed transmission lines connecting the new wells at Site A and Site B to the City's existing distribution system would be installed under St. John Road, McHenry Avenue, and Stewart Road. Existing soils under the roadways would be excavated and the new transmission lines constructed using suitable backfill soils and levels of compaction to meet engineering specifications.

Due to the existence of sandy loam and loamy sand soils and a relatively low water table, seismic-induced differential settlement, ground failure, or liquefaction would not be expected. Therefore, potential impacts would be less than significant.

The Proposed Project includes the installation of production wells and extraction of groundwater resources. Groundwater withdrawal has the potential to result in subsidence and/or collapse during a seismic event and may be **potentially significant**. Analysis of groundwater resources and the Proposed Project's potential risk of land subsidence or collapse will be addressed in detail in Chapter 9, *Groundwater*, of the EIR.

iv) Landslides – *No Impact*

As described in the Program EIR (City of Modesto 2010: pp. 3.6-9–3.6-10), and pursuant to Mitigation Measure GEO-1 in the Program EIR, the City hired a registered engineer to conduct project-specific geotechnical investigation at Site A; a geotechnical investigation would be conducted at Site B as part of the design process. Landslides are not likely to occur on or near the project sites. Landslides are downward movement of a slope, generally increasing in occurrence in relation to steepening slope angles, following precipitation events or saturation of soils, wildfires, and/or human disturbance. Similar to landslides but typically on gentler slopes, lateral spreading or lateral flow can occur where saturated soils lose cohesion and have a rapid, fluid-like movement.

The floor of the Central Valley where the Proposed Project is located is relatively flat, with only minor changes in topography. The Proposed Project does not include any features that would

increase the exposure of people to landslide hazards. Therefore, there would be **no impact** related to landslide effects.

b) Substantial soil erosion or the loss of topsoil – *Less Than Significant*

Site A is underlain by Hanford sandy loam (Blackburn Consultants 2012, NRCS 2016). Hanford sandy loam has moderate infiltration rates, and is deep and well drained with moderately coarse texture. This unit has a moderate susceptibility to erosion. Site B is predominately underlain by Delhi sand with some Oakdale sandy loam (NRCS 2016). Delhi sand and Oakdale sandy loam have high infiltration rates, and are deep and well drained to excessively drained sands and gravels (NRCS 2016). Delhi sand and Oakdale sandy loam have low to moderate susceptibility to erosion.

The Proposed Project may include grading, excavation, trenching, or other construction-related activities that leave soils exposed to erosion; however, after construction, the project sites would be flat, and loss of topsoil and soil erosion would not be substantial. Compliance with statutory regulations governing discharges from construction activities, as discussed in Chapter 2 of the EIR and Section IX, "Hydrology," of this Environmental Checklist, would reduce the potential for erosion and topsoil impacts to a less-than-significant level. During facility operations at Site A, the proposed stormwater retention basin and berm slopes may be susceptible to erosion. As stated in the Project Description, however, the Proposed Project includes planting vegetation on the berms and stabilizing the slopes of the retention basin by hydroseeding or planting with drought-tolerant plants. At Site B, the wells, pipeline, and standby generator would be installed on level ground and the site would connect to the City's storm drainage system in McHenry Avenue. Therefore, these impacts are considered **less than significant**.

c) Location on a geologic unit or soil that is unstable or that would become unstable as a result of the Proposed Project and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse – *Potentially Significant Issue*

Pursuant to the site-specific geotechnical investigations, and as described above in item a) iv), the project sites are located in an area that is relatively flat with only minor changes in topography; landslides and lateral spreading are not likely to occur on either of the proposed sites. Construction-related ground-disturbing or excavation activities could alter the soil stability at the construction locations. Excavation and trenching for the transmission pipelines may create unstable slopes during construction; however, open trenches and excavation would be conducted according to California Building Code standards and engineering plan specifications, ensuring the risk of localized slope failure would be **less than significant**.

As discussed in item a) iii) above, soil and groundwater characteristics for the proposed sites are not conducive to the effects of liquefaction. Impacts related to liquefaction would be **less than significant**.

Soil collapse occurs when the land surface is saturated at depths greater than those reached by typical rain events, effectively eliminating the clay bonds holding the soil grains together. Collapsible soils generally consist of loose, dry, low-density, low-plasticity, silt- to fine-sand-

sized materials that compact under the addition of water or excessive loading. Collapse typically occurs in areas underlain by young alluvial fans, debris flow sediments, and loess (wind-blown sediment) deposits. Similar to expansive soils, collapsible soils result in structural damage such as cracking of the foundation, floors, and walls in response to differential settlement. A geotechnical investigation conducted at Site A did not identify geologic or soil conditions susceptible to collapse (Blackburn Consultants 2012). Similar geologic and soil conditions underlie Site B and the pipeline alignment. Impacts related to collapse are considered **less than significant**.

The Proposed Project includes the installation of production wells and extraction of groundwater resources. Groundwater withdrawal has the potential to result in subsidence and/or collapse and may be **potentially significant**. Analysis of groundwater resources and the Proposed Project's potential risk of land subsidence or collapse will be addressed in detail in Chapter 9, *Groundwater*, of the EIR.

d) Location on expansive soil, creating substantial risks to life or property – *Less Than Significant*

Pursuant to Mitigation Measure GEO-1 in the Program EIR, the City conducted a geotechnical investigation at Site A. The geotechnical investigation at Site A indicated that the soils at these sites do not contain a relatively high percentage of clay minerals. Clay minerals have the potential to shrink and swell with changing moisture conditions. Extensive shrinking/swelling can fracture building foundations and damage infrastructure. Instead, Site A is underlain by Hanford soils (NRCS 2016), which are loose to very dense silty sand to approximately 8 feet bgs, loose to medium-dense poorly graded sand to about 13–20 feet bgs, and hard elastic silt with sand to hard sandy silt at greater depths (Blackburn Consulting 2012).

A geotechnical investigation would be conducted at Site B as part of the design process. Site B is predominantly underlain by Delhi sand with some Oakdale sandy loam (NRCS 2016). Delhi sands generally consist of sand up to 44 inches bgs with loamy fine sand at greater depths. Estimated depth to groundwater ranges between 50 and 60 feet bgs (California Department of Water Resources 2016). Soils on the Hanford sandy loam, Delhi sand, and Oakdale sandy have a low plasticity rating (NRCS 2016). These soils are not considered expansive and would not be susceptible to frequent shrinking/swelling. Impacts related to expansive soils are therefore **less than significant.**

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater – *No Impact*

The Proposed Project does not involve construction of septic tanks or alternative wastewater disposal systems. Therefore, there would be **no impact** related to the suitability of soils to support septic tanks or alternative disposal systems.

VII. GREENHOUSE GAS EMISSIONS: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	X		
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purposed of reducing the emissions of GHGs?	X		
c) Encourage activities that result in the use of substantial amounts of fuel or energy, or use these resources in a wasteful manner?	X		

The Proposed Project would involve construction activities, including truck trips, worker vehicle trips, and operation of heavy equipment; all of these activities would result in GHG emissions. Operation-related emissions would result as well, including standby generators, use of electricity, and worker vehicle trips. The potential exists for the Proposed Project to have a significant impact with regard to GHG emissions. Therefore, a full analysis of the Proposed Project's potential effects on greenhouse gas emissions and energy resources is provided in the EIR.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, storage or disposal of hazardous materials?		X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?			X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?		X	
e) Be located within an airport land use plan area or, where such a plan has not been adopted, be within 2 miles of a public airport or public use airport and result in a safety hazard for people residing or working in the study area?			X
f) Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the study area?			X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		X	
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: pp. 3.7-8–3.7-11), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to hazards and hazardous materials have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA.

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials – *Less Than Significant*

Construction of the Proposed Project would involve use of heavy equipment that uses hazardous materials, such as fuel and lubricants. Consistent with the analysis and finding in the Program EIR (City of Modesto 2010: p. 3.7-8), compliance with existing, standard federal, state, and local regulations regarding hazardous waste handling and disposal would be sufficient to prevent a significant impact from transport, use, or disposal of such hazardous materials.

Once construction is complete, continued maintenance of the proposed groundwater well and water storage facilities at Sites A and B would require routine transport and use of hazardous materials. In addition, backup generators would require diesel fuel (at both sites) and calcium hypochlorite (at Site A only), which would be stored onsite; diesel fuel and calcium hypochlorite are considered hazardous materials. Routine transport of diesel and calcium hypochlorite to the project sites would be required to maintain project operations. Transport and handling of hazardous materials would be conducted in accordance with applicable federal, state, and local regulations. Such regulations would include accidental spill handling and notification procedures such as those issued by City of Modesto Fire Prevention Department; Stanislaus County Spill Prevention, Control, and Countermeasures (SPCC) standards; and Occupational Safety and Health Administration (OSHA) requirements. Therefore, this impact is considered **less than significant**.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment – *Less Than Significant*

As described in item (a) above, construction of the Proposed Project would require use and storage of hazardous materials such as fuel and lubricants. As described in the Program EIR (City of Modesto 2010: p. 3.7-9), compliance with existing, standard federal, state, and local regulations regarding hazardous waste handling and disposal would be sufficient to prevent and address release of hazardous materials to the environment.

The Proposed Project would include storage of hazardous materials, including diesel fuel (at both sites) and calcium hypochlorite (at Site A only). Storage and use of such hazardous materials could create a significant hazard to the public or the environment through upset and accident conditions (e.g., if storage containers were to leak or rupture, or hazardous materials were to otherwise spill), resulting in a significant impact. Further, as described in Chapter 2, *Project Description*, of the EIR, the Proposed Project sites would be designed according to applicable federal, state, and local regulations, including providing secondary containment for all chemical storage and fuel storage, and compliance with City of Modesto Fire Prevention Department requirements, Stanislaus County SPCC standards, the Uniform Fire Code (UFC), and OSHA requirements. Therefore, this impact is considered **less than significant**.

c) Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school – *No Impact*

No portion of the Proposed Project would take place within 0.25 mile of an existing or proposed school. The nearest schools to the project sites are Stanislaus Elementary School, 1.9 miles southwest of Site A and 2.75 miles southwest of Site B; and Rio Altura Elementary School, 3.0 miles east of Site A and 2.3 miles southeast of Site B. The Proposed Project would have **no impact** on schools.

d) Located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment – *Less Than Significant*

As analyzed in the Program EIR (City of Modesto 2010: pp. 3.7-9–3.7-10), construction would disturb and excavate soils within existing roadways and undeveloped areas for installation of storage tanks, pipelines, and groundwater wells. However, because the exact locations of these facilities were not finalized at the time the Program EIR was certified, it was not known whether areas of known hazardous material contamination existed within specific project sites. Mitigation Measure HAZ-1 in the Program EIR required that, prior to the commencement of construction activities, the City prepare a risk assessment in accordance with ASTM Standard 1527-05, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process."

Pursuant to Mitigation Measure HAZ-1, the City conducted Phase I Environmental Site Assessments at Site A and Site B in 2012 (ATC Associates 2012a, 2012b). Site A currently supports a single-family residence and occupied buildings on the east portion of the project site. Historical land uses for Site A (ATC Associates 2012a) consisted of undeveloped land, residential, and agricultural uses. Evidence of large-scale use or disposal of pesticides, herbicides, or fertilizers (such as mixing tanks, chemical storage areas, sprayers, or stressed vegetation) was not observed in aerial photographs, topographic mapping, or a site visit of the property. Database queries of the State and Tribal Registered Underground Storage Tanks (UST, INDIAN UST) list, Historical UST (HIST UST) list, California Facility Manifest Database (CA FID UST), and Statewide Environmental Evaluation and Planning System (SWEEPS UST) reported three underground storage tank (UST) sites:

- A 500-gallon diesel fuel UST is located west of Site A beyond the Union Pacific Railroad track. There is no evidence of soil or groundwater contamination related to this UST and no impacts on Site A.
- An Open-Inactive cleanup site listed by the Central Valley Regional Water Quality Control Board is located 446 feet west of Site A. Contamination consists of pesticide or herbicide releases to soils only; groundwater was not affected. There is no evidence of migration of contamination offsite and no impacts on Site A.

- An active 390-gallon gasoline UST for agricultural uses is located 606 feet east of Site A. There are no reports and no evidence of soil or groundwater contamination related to this UST and no impacts on Site A.

Other potential sources of hazardous materials at Site A include asbestos-containing materials and lead-based paint within the residential buildings (ATC Associates 2012a). Although the presence of these hazards was not confirmed in the Phase I Environmental Site Assessment, building materials used at the time of construction of the homestead (circa 1946) commonly contained asbestos-containing materials and/or lead-based paint. Abatement of asbestos-containing materials and lead-based materials during any demolition of existing buildings would be supervised by a contractor certified by the California Occupational Safety and Health Administration and would be conducted in a manner compliant with federal, state, and local regulations. These regulations would protect construction workers by requiring the use of personal protective equipment, and would protect the public by implementing dust-control procedures or other means to prevent the release of airborne particulates.

The homestead is served by an existing septic tank and leach lines located just south of the main residence. Removal or abandonment of the treatment system would be conducted in accordance with local and state regulations to prevent any potential release of or worker exposure to waste material or contaminated soils.

Historical land uses for Site B (ATC Associates 2012b) consist of an agricultural field or undeveloped land. Evidence of large-scale use or disposal of pesticides, herbicides, or fertilizers (such as mixing tanks, chemical storage areas, sprayers, or stressed vegetation) was not observed in aerial photographs, topographic mapping, or a site visit of the property. A database query of the UST and INDIAN UST list reported one 1,000-gallon gasoline UST and one 500-gallon gasoline UST at the property for agricultural uses. Further investigation of county and state resources could not confirm the presence of these USTs, however, and no files, reports of releases, or violations were identified with the property or addresses near Site B.

There are no records of hazardous materials sites or hazardous cleanup sites along St. John Road and the proposed pipeline alignment.

In summary, Phase I Environmental Site Assessments conducted at Sites A and B did not identify any documented hazardous materials storage areas, hazardous materials cleanup sites, or leaking USTs that may affect the project sites. Demolition of existing buildings and wastewater treatment systems would be conducted in accordance with local and state regulations. In addition, the Program EIR included Mitigation Measure HAZ-2, which specifies worker training and mandates City remediation for any unanticipated hazardous waste materials encountered during construction activities. By following regulatory requirements and implementing Mitigation Measure HAZ-2, the potential for hazardous materials to create a significant hazard to the public or the environment is considered **less than significant**.

e) Located within an airport land use plan area, or where such a plan has not been adopted, or be within 2 miles of a private or public airport and result in a safety hazard for people residing or working in the study area – *No Impact*

The Proposed Project is not located within an airport land use plan area or within 2 miles of a public or private airport. The nearest airport or private airstrip is the Modesto City-County Airport, approximately 7.2 miles south of the project sites. As such, there would be **no impact**.

f) Create a safety hazard for people working in the area due to the presence of a private airstrip – *No Impact*

The Proposed Project is not located within an airport land use plan area or within 2 miles of a public or private airport. The nearest airport or private airstrip is the Modesto City-County Airport, approximately 7.2 miles south of the project sites. As such, there would be no impact on safety hazards for people due to presence of a private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan – *Less Than Significant*

Consistent with the analysis in the Program EIR (City of Modesto 2010: p. 3.7-11), the majority of the Proposed Project's facilities would be located underground or within the public right-of-way. As such, when fully constructed, the Proposed Project would have no impact on the implementation of, or physical interference with, an adopted emergency response plan or emergency evacuation plan. However, the Proposed Project would include installation of pipelines within the public right-of-way and other facilities that may require temporary closure of at least one lane of traffic during construction. Depending on the specific location of the proposed facilities and the construction activities required, effects on roads or building ingress and egress could impede the movement of emergency response vehicles or otherwise interfere with an emergency response plan or emergency evacuation plan. Project facilities would be constructed in accordance with the City's Standard Construction Procedures; these include preparing and implementing a traffic control plan, public notification, and preconstruction meetings. Once constructed, the Proposed Project would not affect implementation of emergency response plans. Consistent with the finding in the Program EIR, this impact is considered **less than significant**.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands – *No Impact*

The Proposed Project would be located in a rural area surrounded by agricultural lands. Consistent with the analysis and finding in the Program EIR (City of Modesto 2010: p. 3.7-11), there are no wildlands in the project area and, therefore, there is no potential for people or structures to be exposed to a significant risk of loss, injury, or death involving wildland fires. There would be **no impact**.

IX. HYDROLOGY: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?		X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	X		
c) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X	
d) Substantially alter the existing drainage patterns of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X	
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X	
f) Otherwise substantially degrade water quality?		X	
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?			X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X
j) Inundation by seiche, tsunami, or mudflow?			X

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: pp. 3.8-17–3.8-22), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that, with the exception of item (b), the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to geology or soils have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA except for item (b).

a) Violate any water quality standards or waste discharge requirements – *Less Than Significant*

Construction of proposed facilities and improvements would involve excavation, grading, and use of heavy construction equipment, all of which would have the potential to cause water quality degradation in local waterways. Use and storage of hazardous materials during construction could also result in water contamination (e.g., from leaks or spills) without adequate safeguards. Because the project sites cover more than 1 acre, project construction would be conducted according to standard protocols of the Clean Water Act Section 402 General Construction Permit (State Water Resource Control Board Order No. 2009-0009-DWQ). As required under the National Pollutant Discharge Elimination System, a stormwater pollution prevention plan would be implemented for the sites. Proposed storage tanks for diesel fuel (at both sites) and calcium hypochlorite (at Site A only) would be operated and maintained according to federal, state, and local protocols, as discussed in Section VIII, "Hazards and Hazardous Materials," of the Program EIR. With implementation of standard construction and operational procedures, this impact would be **less than significant**.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or lowering of the local groundwater table level – *Potentially Significant Issue*

The purpose of the Proposed Project is to extract groundwater supplies. The Proposed Project has the potential to interfere with groundwater supplies and recharge to some degree by increasing impervious surface area (e.g., from pump buildings and storage tanks). These impacts are considered **potentially significant** and are evaluated in the EIR.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, resulting in substantial erosion or siltation on-site or off-site, or create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff – *Less Than Significant*

The Program EIR evaluated the potential for projects to affect water quality through changes in drainage patterns and found it to be less than significant (City of Modesto 2010: 3.8-20). The Proposed Project would not alter the course of any stream or river, but would change the existing drainage patterns at the project sites. As described in Chapter 2, *Project Description*, of

the EIR, proposed facilities at Site A would result in an increase of impervious surfaces and could, therefore, increase the amount of runoff or otherwise change patterns of drainage and infiltration. Site A includes construction of a stormwater retention basin to capture and infiltrate stormwater runoff from the project site. The basin would be designed with the appropriate capacity to receive rainfall runoff and water from the water storage tank, if it were to fail. Runoff from new impervious surfaces proposed at Site B would be retained onsite.

The Proposed Project would involve grading, excavation, trenching, and other construction-related activities that leave soils exposed to erosion. During construction, runoff at the sites would be controlled through implementation of a stormwater pollution prevention plan as required under the National Pollutant Discharge Elimination System; after construction, the project sites would be flat, and loss of topsoil and soil erosion would not be substantial. At Site A, the proposed stormwater retention basin and berm slopes may be susceptible to erosion; however, as stated in Chapter 2, *Project Description*, of the EIR, the Proposed Project includes planting vegetation on the berms and stabilizing the slopes of the retention basin with hydroseeding or planting with drought-tolerant plants.

As described in Section VIII, "Hazards and Hazardous Materials," of this Environmental Checklist, potential water quality pollutants, including diesel fuel and calcium hypochlorite, would be handled according to standard federal, state, and local regulations. The Proposed Project would not result in substantial erosion or siltation, exceed the capacity of existing or planned stormwater drainage systems, or generate substantial new sources of polluted runoff. This impact would be **less than significant**.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff resulting in flooding on-site or off-site – *Less Than Significant*

As described in item (c) above, the Proposed Project would alter the existing drainage patterns through addition of impervious surfaces, although these effects are not anticipated to be significant. The amount of increased surface runoff generated from both project sites would be captured and allowed to percolate to groundwater onsite; increased surface runoff generated at the project sites would not be sufficient to result in flooding, either onsite or offsite. This impact is considered **less than significant**.

e) Create runoff that would exceed the existing stormwater systems – *Less Than Significant*

As described in items (c) and (d) above, the Proposed Project would include construction of impervious surfaces that could increase the amount of surface runoff generated at the project sites. Runoff generated at Sites A and B would be captured in onsite retention basins. This impact is considered **less than significant**.

f) Substantially degrade water quality – *Less Than Significant*

Apart from the potential construction-related water quality impacts discussed in item (a) above, the Proposed Project would not substantially degrade water quality. Operation of the Proposed Project facilities would not involve direct discharges to surface waters; stormwater runoff at both sites would be captured and infiltrated to groundwater. Onsite safety measures would be implemented to prevent spills of hazardous materials. Groundwater quality around the well location could be degraded during the well drilling process; however, any turbidity or suspended solids around the well would be flushed out while preparing the well system for operation. This impact is considered **less than significant**.

g) Place housing within a 100-year flood hazard area, as mapped on a federal flood hazard boundary or flood insurance map or other flood hazard delineation map - *No Impact*

The Proposed Project would not involve placement of housing within a flood hazard area. **No impact** would occur.

h) Place structures within a 100-year flood hazard area resulting in impeding or redirect flood flows – *No Impact*

The Proposed Project is not located within a 100-year flood hazard area. According to the Federal Emergency Management Agency's Flood Insurance Rate Map for the area, Sites A and B are located in Zone X (unshaded) or "areas determined to be outside the 0.2% annual chance flood plain" (ATC Associates 2012a, 2012b). **No impact** would occur.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding resulting from the failure of a levee or dam – *No Impact*

According to the dam inundation map included in the *Stanislaus County General Plan 2015* (2016a), the Proposed Project is not located in a dam inundation area and is therefore not subject to significant loss due to flooding if an upstream dam were to fail. **No impact** would occur.

j) Contribute to inundation by seiche, tsunami, or mudflow – *No Impact*

The Proposed Project would be located in the Central Valley of California and is not near any lakes or other large bodies of water. There is no potential for seiche or tsunami in the project area. The topography of the area is generally flat, and mudflow is not a noted hazard in the area. **No impact** would occur.

X. LAND USE AND PLANNING: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Physically divide an established community?	X		
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	X		
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	X		

Explanations

a) Physically divide an established community – *Less Than Significant*

The Proposed Project is expected to improve water system flexibility and reliability and provide additional water supply and storage to accommodate anticipated growth in the Del Rio community. As a result, the Proposed Project would improve development of Del Rio, rather than divide it. During the construction phase, however, the Proposed Project could temporarily disrupt surrounding land uses. Construction vehicles may cause short-term delays on access roads. This issue is considered **potentially significant** and is evaluated further in the EIR.

b) Conflict with an applicable land use plan, policy, or regulation with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect – *Potentially Significant Issue*

Although the Proposed Project would improve water system flexibility and reliability for the Del Rio community, construction and operation of the Proposed Project could conflict with policies contained in the *Del Rio Community Plan* (Stanislaus County 1992) and *Stanislaus County General Plan 2015* (Stanislaus County 2016a). This impact is considered **potentially significant** and is evaluated further in the EIR.

c) Conflict with an applicable habitat conservation plan or natural community conservation plan – *Potentially Significant Issue*

As described in Section IV, "Biological Resources," above, the Proposed Project could conflict with an adopted habitat conservation plan or natural community conservation plans. This issue is considered **potentially significant** and is evaluated further in the EIR.

XI. MINERAL RESOURCES: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?			X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X

Explanation

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: p. 3.6-10), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to mineral resources have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA.

a-b) Loss of availability of mineral resources – *No Impact*

The Program EIR found that the proposed infrastructure would have no effect on the availability of sand and gravel operations in the area. Based on review of the *Stanislaus County General Plan 2015* (2016a) and California Department of Conservation Surface Mining and Reclamation Act Mineral Lands Classification mapping (California Department of Conservation 1993), there are no known mineral resource zones or historic or active mines or quarries within the project area. In addition, construction and operation of the Proposed Project would not directly affect mineral production sites or prevent future availability of mineral resources. As a result, the Proposed Project would have **no impact** on mineral resources.

XII. NOISE: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	X		
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	X		
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing levels without the project?	X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	X		
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	X		

The Program EIR identified several noise-related impacts as significant (City of Modesto 2010: pp. 3.10-8–3.10-12). Construction activities for the Proposed Project would involve operation of heavy machinery during an approximately 15-month construction period, in the vicinity of residential uses that would be defined as sensitive receptors. Operation of the Proposed Project would involve pumps running an average of 8 hours per day, occasional use of standby generators, and other noise-producing activities. These activities have the potential to result in noise impacts on nearby sensitive receptors. Therefore, a full analysis of the Proposed Project's potential effects on noise is provided in the EIR.

XIII. POPULATION AND HOUSING: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?		X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: pp. 3.11-7–3.11-11), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to population and housing have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA.

a) Induce population growth, either directly or indirectly – *Less Than Significant*

The Program EIR evaluated the potential to induce substantial population growth and found it to be a significant and unavoidable impact (City of Modesto 2010: pp. 3.11-8–3.11-11). This conclusion was primarily based on the determination (p. 3.11-8) that

> *[E]xpansion of and upgrades to the water system to provide new service to currently undeveloped parcels within the communities of North Ceres, Turlock, and Waterford, and the planned urbanizing areas of Del Rio, Grayson, Hickman, and Modesto (including the contiguous service area), would remove an obstacle to population growth.*

This is not the case with the Proposed Project. The Proposed Project would improve existing water pressure and volume storage deficiencies, ensure that system pressure is sufficient for firefighting, improve water system flexibility and reliability, and provide additional water supply and storage to accommodate the anticipated growth of the Del Rio community in accordance with the *Del Rio Community Plan* and the *Stanislaus County General Plan 2015.*

Throughout the Proposed Project's construction phases, workers would be temporarily employed at project sites. It is anticipated that regional labor could meet the project's construction workforce requirements. While some workers might temporarily relocate from other areas, the increase would likely be minor and short term. It is anticipated that existing City staff

would operate and maintain the project facilities in the long term. The Proposed Project would not result in the construction of new homes. No new long-term employment opportunities or substantial population growth would occur in the project area due to construction of the Proposed Project.

One of the primary objectives of the Proposed Project is to ensure that adequate water supply and appropriate water pressure for fire-fighting services are available to the City's Del Rio service area. The City is also committed to providing water supply to meet the buildout population growth projected by the *Del Rio Community Plan* (Stanislaus County 1992). As such, although the Proposed Project would not include any residential housing or businesses, it would remove potential obstacles to growth in the Del Rio community, and thereby could have an indirect effect on population growth within the Program area. However, because population growth induced by the Proposed Project would occur only within the bounds of planned growth; the Proposed Project would not contribute to unplanned growth. All growth would be consistent with that contemplated in the Program EIR, and therefore this issue is considered **less than significant**.

b) Displace existing housing – *No Impact*

The Program EIR identified no impact with regard to displacement of housing or people (City of Modesto 2010: pp. 3.11-7–3.11-8). The Proposed Project would be constructed within the public right-of-way and on parcels owned by the City. The Proposed Project would not displace existing housing. **No impact** would occur.

c) Displace existing populations – *No Impact*

The Program EIR identified no impact with regard to displacement of housing or people (City of Modesto 2010: pp. 3.11-7–3.11-8). As described in item (b) above, the proposed facilities would be constructed within the public right-of-way and would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. **No impact** would occur.

XIV. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Fire protection?		X	
b) Police protection?		X	
c) Schools?		X	
d) Parks?		X	
e) Other public facilities?		X	

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: p. 3.12-9), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to public services have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA.

a-b) Need for additional or physically altered fire and police services – *Less than Significant*

The Program EIR evaluated impacts on fire and police services and found them to be less than significant (City of Modesto 2010: p. 3.12-9). As noted in Section XIII, "Population and Housing," of this Environmental Checklist, construction of the Proposed Project would employ construction workers at the project sites, which would likely come from the regional labor force. While some construction workers could temporarily relocate from other areas, the project would not result in a substantial increase in the local population. During construction, potential incidents could require the involvement of local law enforcement, fire protection, or emergency services. However, such increases in incidents are not anticipated to be of a magnitude that would adversely affect response times or other performance objectives of these public services. The Proposed Project's impacts on fire and police services would be **less than significant.** Potential conflicts with emergency response plans are addressed in Section IX, "Hazards and Hazardous Materials," and construction-related effects on emergency access are described in Section XVI, "Transportation and Traffic," of this Environmental Checklist.

c-e) Need for additional or physically altered schools, parks, or other public facilities – *Less than Significant*

The Program EIR evaluated impacts on schools, parks, and other public services and found them to be less than significant (City of Modesto 2010: p. 3.12-9). As described in items (a-b) above, construction of the Proposed Project would employ construction workers who would likely originate from the regional labor force. While some construction workers could temporarily relocate from other areas, the project would not result in a substantial increase in the local population. In addition, project operations following implementation of the Proposed Project would be similar to existing conditions. No need for additional schools or public facilities or physical modifications to schools or other public facilities would result from the Proposed Project.

Furthermore, during the EIR scoping period, the Stanislaus Union School District submitted a comment letter stating that the school district had no comments or concerns with the Proposed Project (Stanislaus Union School District 2015). The Pacific Gas and Electric Company submitted a comment letter during the scoping period stating that the agency had no comments or concerns regarding the Proposed Project (Pacific Gas and Electric Company 2015).

The project's impacts on local schools, parks, and other public facilities would be **less than significant**. Potential effects on parks are evaluated in Section XV, "Recreation," of this Environmental Checklist.

XV. RECREATION: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: p. 3.13-9), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to recreation have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA.

a) Increase use of existing parks or recreational facilities – *Less than Significant*

The Program EIR determined that there would be no impact on parks and recreational facilities (City of Modesto 2010: p. 3.13-9). The Proposed Project would not directly generate increased demand for recreational facilities. Potential increased demand for parks or recreation facilities due to potential population growth is addressed in Section XIII, "Population and Housing," of this Environmental Checklist. There are no parks or recreational facilities in the vicinity of the project sites. The Proposed Project would not substantially increase the use of any existing parks or recreational facilities such that physical deterioration of those facilities would occur or be accelerated. This impact would be **less than significant**.

b) Creation of new or altered recreational facilities – *No Impact*

The Program EIR determined that there would be no impact on recreational facilities (City of Modesto 2010: p. 3.13-9). The Proposed Project does not include recreational facilities and would not directly require the construction or alteration of any such facilities. Potential increased needs for new or altered parks or recreation facilities due to potential population growth are addressed in Section XIII, "Population and Housing," of this Environmental Checklist. There would be **no impact**.

XVI. TRANSPORTATION/TRAFFIC. Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?		X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?		X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X	
e) Result in inadequate emergency access?		X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?		X	

Explanations

Based on the below supporting environmental analysis derived from the Program EIR (City of Modesto 2010: pp. 3.14-15–3.14-19), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the Proposed Project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts related to transportation and traffic have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA.

a-b) Conflict with applicable circulation plans, ordinances or policies or conflict with an applicable congestion management program – *Less Than Significant*

The Program EIR determined that traffic impacts related to conflicts with plans, ordinances, policies, or congestion management programs were less than significant (City of Modesto 2010: p. 3.14-17–3.14-18) because the "minor amount of new trips would not cause a noticeable increase in traffic on adjacent streets." Project construction activities at Sites A and B would result in an estimated 48-52 vehicle trips (refer to Table 2-1 in Chapter 2, *Project Description*). Construction trips would result from the conveyance of equipment to the site and from construction workers arriving and departing the site.

Operation of the wells and tank would result in occasional visits to the site, primarily for maintenance purposes. Operation-related trips to the project sites are estimated to be worker per day.

The Proposed Project would involve no continuous demand for parking for maintenance staff. Any needed parking would be accommodated onsite.

Construction of the Proposed Project would result in a temporary increase in roadway traffic in the project area and potentially in the broader area of Modesto and Stanislaus County. In addition, construction of some improvements may require temporary road or lane closures and would be conducted within the road right-of-way. These activities could conflict with applicable circulation plans, ordinances, or policies or congestion management plans. These impacts were disclosed in the Program EIR, however, and no greater impacts would be expected to occur as a result of the Proposed Project. The City's Standard Construction Procedures would be implemented during construction; these include preparing a traffic control plan, public notification, and preconstruction meetings. Adherence to the City's Standard Construction Procedures would ensure a **less-than-significant impact**, consistent with the Program EIR.

c) Change in air traffic patterns – *No Impact*

The Program EIR determined that impacts related to air traffic patterns were not pertinent to the analysis (City of Modesto 2010: p. 3.14-16) because no elements of the program would affect air traffic. Neither Site A nor Site B is located near any airport or airstrip, or the infrastructure that would have an effect on air traffic, due to any of its features. This is consistent with the analysis in the Program EIR. Furthermore, the construction of the tank, wells, and associated infrastructure would result in no substantial changes to the affected roadways or traffic on them, after construction is complete. The Proposed Project would not conflict with plans or policies for non-automobile transportation. There would be **no impact**.

d-e) Increased hazards due to design features and inadequate emergency access – *Less Than Significant*

The Program EIR determined that impacts related to hazards due to design features and emergency access were not pertinent to the analysis (City of Modesto 2010: p. 3.14-16) because no program features that would obstruct or change the design of any roadway. At Site A, construction activities would temporarily increase emergency response times due to lane

narrowing or lane closures to allow the installation of approximately 2,500 linear feet of water transmission pipeline in St. John Road from the Site A parcels on Ladd Road to the intersection with Country Club Drive.

At Site B, construction activities would temporarily increase emergency response times due to lane narrowing or lane closures to allow the installation of approximately 500 linear feet of water transmission pipeline from the Site B parcel on McHenry Avenue to the intersection of Stewart Road and Grove Point Drive.

These temporary construction-related impacts were disclosed in the Program EIR, and no greater impacts would be expected to occur as a result of the Proposed Project. The City's Standard Construction Procedures would be implemented during construction; these include preparing a traffic control plan, public notification, and preconstruction meetings. Adherence to the City's Standard Construction Procedures would ensure a **less-than-significant impact**, consistent with the Program EIR.

f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities – *Less Than Significant*

The Program EIR determined that impacts related to alternative transportation were not pertinent to the analysis (City of Modesto 2010: p. 3.14-16) because "The program would not generate any substantial traffic and would not place any above-surface facilities within road rights-of-way. Therefore, it would not affect the provision of alternative transportation." The Proposed Project's construction activities, including construction activities to install pipelines within the public right-of-way, could conflict with adopted non-motorized transportation plans, including the Stanislaus Council of Government's *Non-Motorized Transportation Master Plan* (2013). No existing paths or bicycle routes have been identified in the project area. Pedestrian sidewalks, where present, would be closed temporarily during construction. The City's Standard Construction Procedures would be implemented during construction; these include preparing a traffic control plan, public notification, and preconstruction meetings. Adherence to the City's Standard Construction Procedures would ensure a **less-than-significant impact**, consistent with the Program EIR.

The Stanislaus Council of Government's *Non-Motorized Transportation Master Plan* (2013) identifies a future Class 3 bicycle route along McHenry Avenue adjacent to Site B. There are no immediate plans to develop this route, however, and implementation of the bicycle route will depend on available funding. If and when the bicycle route along McHenry Avenue near Site B is implemented, the Site B facilities within the right-of-way (pipeline installed beneath McHenry Avenue) would already be in place and would not impede use of the bicycle lanes. Operational impacts of the Proposed Project on non-motorized transportation would be **less than significant**.

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable RWQCB?		X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	X		
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		X	
g) Comply with federal, State, and local statutes and regulations related to solid waste?			X

Explanations

Based on the below environmental analysis derived from the Program EIR (City of Modesto 2010: pp. 3.15-12–3.15-13), and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that, with the exception of Checklist item (d), the proposed project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts on wastewater treatment demands have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA except for Checklist item (d).

a,b,e) Exceed or require new or expanded wastewater treatment facilities or exceed wastewater treatment requirements of the RWQCB – *Less Than Significant*

The proposed new water supply infrastructure at Sites A and B would not directly result in a substantial increase in the demand for wastewater treatment facilities. The Proposed Project

would serve planned growth in the project area, as described in Section XIII, "Population and Housing," of this Environmental Checklist.

This impact is considered **less than significant**.

c) Require the construction of new stormwater drainage facilities or expansion of existing facilities – *Less Than Significant*

The proposed new water supply infrastructure at Sites A and B would not directly result in a substantial increase in the demand for stormwater drainage facilities. The Proposed Project would serve planned growth in the project area, as described in Section XIII, "Population and Housing," of this Environmental Checklist.

The Proposed Project would result in increased impervious surfaces and subsequent stormwater runoff. However, as described in Section IX, "Hydrology and Water Quality," of this Environmental Checklist, stormwater runoff generated at Sites A and B would be retained and infiltrated onsite.

Based on this evaluation, and pursuant to Sections 15168 and 15162 of the CEQA Guidelines, the City has determined, on the basis of substantial evidence in the light of the whole record, that the proposed project is consistent with the project described and analyzed in the Program EIR. No new or additional significant impacts on stormwater drainage demands have been identified for the Proposed Project. Therefore, no further review for this impact is required under CEQA. This impact is considered **less than significant**.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources – *Potentially Significant Issues*

The purpose of the Proposed Project is to extract groundwater supplies. The Proposed Project would not directly affect surface water supplies or surface water rights. The potential impact of the Proposed Project on groundwater supplies is fully evaluated in the EIR.

f, g) Have available landfill capacity to accommodate the project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste – *Less Than Significant*

The Program EIR evaluated impacts of the program with regard to landfill capacity and determined that they were less than significant (City of Modesto 2010: pp. 3.15-13–3.15-14) because

> *generation of construction waste ...would not require existing disposal facilities or conveyance transfer and haul systems to be expanded. The proposed program would not result in the creation of additional solid waste once proposed facilities are operational.*

Construction-related activities for the Proposed Project would generate waste material during demolition of existing structures at Site A, excavation of soils, and installation of new infrastructure. Disposal of all solid waste material would comply with all federal, state, and local

statutes and regulations. Where feasible, the excavated soil and demolition debris would be recycled, reused, and/or disposed of onsite. Excess material may be transported to the Fink Road Sanitary Landfill, located near Crows Landing in Stanislaus County (Stanislaus County 2016b) or other nearby solid waste facilities for disposal. The Fink Road Sanitary Landfill has a remaining capacity of 8 million cubic yards and is not anticipated to reach full capacity until 2023 (California Department of Resources Recycling and Recovery 2016).

Once construction is completed, no solid waste would be generated at the project sites. There would be **less than significant** impacts on landfill capacity and compliance on solid waste disposal regulations.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE: Does the project:	Potentially Significant Issues	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	X		
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)	X		
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	X		

Explanations

a) Effects on environmental quality, fish or wildlife, and historic resources – *Potentially Significant Issues*

Construction activities associated with the various proposed improvements could result in **potentially significant** impacts on special-status plant and animal species as well as cultural and historical resources. These issues are evaluated in Chapter 6, *Biological Resources*, and Chapter 7, *Cultural Resources,* of the EIR.

b) Cumulative Impacts – *Potentially Significant Issues*

The degree to which project effects would contribute to a significant cumulative impact are evaluated in an EIR. To meet the adequacy standard established by CEQA Guidelines Section 15130, the EIR identifies past, present, and reasonably probable future projects and programs producing related or cumulative impacts.

Stanislaus County adopted its General Plan Update on August 23, 2016. The update is limited to revisions to the land use, circulation, conservation/open space, noise, safety, and agricultural elements but does not change specific land uses in the County. The Del Rio Community Plan Map will be updated to reflect amendments approved since 1992, but the remainder of the plan has not changed. The General Plan Update Draft EIR was circulated for public review between

April 19 and June 3, 2016. The General Plan Update Final EIR was also certified on August 23, 2016.

For the purposes of this initial study, cumulative impacts related to aesthetics, air quality, biology, cultural resources, global climate change, groundwater supply, land use, and noise, are considered **potentially significant** and are evaluated in the EIR. The potential for cumulatively significant contributions to aesthetics and land use impacts are also evaluated in the EIR.

The following impacts are also considered cumulatively significant in the context of the Proposed Project, and are evaluated below to determine whether the Proposed Project's contribution would be considerable:

- Traffic—Automobile traffic congestion is already a severe problem in the County, particularly within cities. Provisions for adequate automotive transportation networks and reducing automobile traffic by providing alternative means of transportation are identified as key issues to be addressed in general plans. Traffic conditions may worsen as development in the County continues.

- Utilities and Service Systems—Similar to transportation infrastructure, provisions for adequate water, wastewater, stormwater, and solid waste infrastructure are key issues as the County continues to grow.

Cumulative Impacts due to Disruption to Automobile Traffic Patterns (*Less than Significant*) Construction related to the Proposed Project would generate traffic in the form of construction vehicles, deliveries of construction materials, and worker trips. In addition, construction activities may result in temporary lane or road closures. As part of the Proposed Project, however, standard practices would be employed to minimize effects on traffic, including scheduling of work, implementation of a public information program, coordination with appropriate agencies, and implementation of a traffic control plan. In addition, traffic effects in any given location would be short term and affected roadways are not areas where traffic problems exist. Therefore, the Proposed Project is not anticipated to make a considerable contribution to cumulative impacts related to traffic.

Cumulative Effects on Utilities and Service Systems (*Beneficial*) During construction, standard measures such as notification to public service providers and surveys to locate existing underground utilities would be implemented to avoid any interruptions to utilities and service systems. Over the long term, the Proposed Project would not generate the need for additional stormwater or wastewater infrastructure or increased solid waste disposal needs. The Proposed Project would not generate wastewater or solid waste. Stormwater runoff generated at Sites A and B would be captured and infiltrated onsite. Additionally, the Proposed Project would provide necessary water supply infrastructure to support planned development identified in the *Del Rio Community Plan* (Stanislaus County 1992). As such, the Proposed Project is anticipated to be beneficial from the standpoint of cumulative impacts related to utilities and service systems.

c) Effects on Human Beings – *Potentially Significant Issues*

Construction activities could result in temporary adverse impacts on people due to effects such as air pollutant and GHG emissions, noise disturbances, and increased traffic on local roads. Project operation could result in permanent increases in air pollutant and GHG emissions and noise disturbances. Such impacts are considered **potentially significant** and are evaluated in the EIR in Chapter 4, *Aesthetics;* Chapter 5, *Air Quality*; Chapter 8, *Global Climate Change*; Chapter 10, *Land Use;* and Chapter 11, *Noise,* of the EIR.

C. Determination

On the basis of this initial evaluation:

	I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
X	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have an impact on the environment that is "potentially significant" or "potentially significant unless mitigated" but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

City of Modesto

T. Bryant 11.3.2016

Tamorah Bryant
Senior Civil Engineer

Date

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Appendix C

Air Quality and Global Climate Change Impacts Evaluation
Supporting Documentation

Modesto Del Rio Project - GHG-related Calculations for use with CALEEMOD

Table Appx-1. Pump Energy Use Calculations

Pumps	Pump Size (hp)	Pump Size (KW)	Average use per year (assuming 8 hours use per day)	Energy Intensity (KWhr/year)
Site A- Pump 1	60	44.8	3942	176,444
Site A- Pump 2	60	44.8	3942	176,444
Site A- Pump 3	60	44.8	3942	176,444
Site A- Pump 4	60	44.8	3942	176,444
Site B Pump	200	149.2	3942	588,146

1,293,922	**TOTAL (KWhr/Year)**
640.6	**KWhr/Year/sqft** (assuming project building = 2020 sf)

Table Appx-2. Proposed Building Calculations:

Pump Station Building:	2020	sqft
Tank	173	sqft

Table Appx-3. Landscaping Water Use Calculations

Landscaping Area (Sqft)	Landscaping Area (acres)	Water Use Factor (for City Park from CALEEMOD User Guide Appendix D Table 9-1) (Gallons/acre/year)	Water Use (gallons/year)
10522	0.2416	1191481	287862

Table Appx-4. Hauling Truck Trip Estimates for Soils Generated during Pipeline Activities		
Pipeline (combined) = 3000 linear feet (approx. 0.57 miles)		
Disturbance area width = 20 feet		
Total area disturbed = 60000 sf (1.38 acres)		
Assume install approximately 200 feet of pipeline/day then add 1 week for buffer = 4 weeks (20 days) to install pipelines		
Maximum area disturbed daily = 8000 square feet		
Estimate trench depth of 6 feet, trench width of 6 feet, estimate approximately 90% of excavated soil is returned to trench.		
Total excavated volume =	180000 cubic feet	6667 cubic yards
Total spoils to be disposed of =	18000 cubic feet	667 cubic yards
Volume disposed of per day (assuming 200 linear sf disturbed each day)	**900 cubic feet**	**33 cubic yards**
	Assume each hauling truck can carry 20 cubic yards. That would result in approx. 2 roundtrip truck trips (4 one-way trips) per day for pipeline trenching to carry the approximately 33 cubic yards requiring disposal. It was assumed pipeline jack and bore trips would be about half of the trenching. Trips would be to Site A and an assumed distance of 2 miles per roundtrip for all pipeline activities. These values were used for CALEEMOD's Trips and VMT section.	

Table Appx-5. Soil Export Calculations (Project Sites)		
Total area disturbed Site A + Site B = 190,000 sf (4.4 acres)		
Assume entire site acreage will require exported soil for a 0.5-ft depth		
Soil excavated volume =	95000 cubic feet	3519 cubic yards
Assume only 10% needs to be exported. Assume 25% is exported during site preparation and 75% exported during grading.		
Site Prep Soil Export Volume	**2375 cubic feet**	**88 cubic yards**
Grading Soil Export Volume	**7125 cubic feet**	**264 cubic yards**

These ***cubic yard*** values were used in CALEEMOD's Grading section for the Site Preparation and Grading construction phases.

Modesto Del Rio

Stanislaus County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Industrial	1.00	User Defined Unit	4.40	2,020.00	0

1.2 Other Project Characteristics

Urbanization	Rural	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	46
Climate Zone	3			**Operational Year**	2018
Utility Company	Modesto Irrigation District				
CO2 Intensity (lb/MWhr)	833.46	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - Lot acreage reflects actual acreage of the combined Site A and Site B parcels (4.4 acres). Square feet = pump station building (2,020 sf).

Construction Phase - Pipe duration =3000total ft of pipe / install 200 ft pipe/day =15 days + 5 for issues. Duration of well drilling activities and jack/bore based on City input.

Off-road Equipment -

Off-road Equipment -

Off-road Equipment -

Off-road Equipment - Used RoadMod equipment assumptions from its drainage/subgrade phase.

Off-road Equipment -

Off-road Equipment - Specific equipment details, including 475 hp of drilling rig, were provided by City.

Off-road Equipment - Equipment list based on Sacramento Roadmod equipment defaults for trenching activities.

Off-road Equipment -

Off-road Equipment - Specifics of well drilling equipment, including 475 horsepower of drilling rig, were provided by City.

Trips and VMT - Estimated worker trips using ~2.5 trips/worker and estimated bldg const (10 workers), well drill (5), and jack/bore (6). Adjusted vendor to 2 per day. Arch. coating workers ~20% of bldng const. Pipe hauling assumed to be 2 miles roundtrip to Site A.

Demolition - Estimated square footages of 5 structures to be removed at Site A based on aerial images. 5 structures include a house (1828 square feet), garage (465sf), pump house (37sf), shed (363sf), and shop (768sf).

Grading - Updated acres disturbed to match total Site A+Site B for Grading/Site Prep, and estimated pipe disturbed area. Well Drilling area is based on an assumed disturbance area of 100 feet by 100 feet (approx. 0.23 acres).

Vehicle Trips - Assume an average of 1 daily trip for facility maintenance/operation.

Energy Use - Sum of the Site A + Site B pump energy intensities.

Water And Wastewater - Based on 60 percent design, 10,522 square feet (approx. 0.241 acres) would be irrigated. Matched CALEEMOD City Park use.

Land Use Change - Assume grassland replaced by mulch or paved areas. Sequestration notes indicate new trees.

Sequestration - Trees quantity/type from 60percent design (16 crabapple, 6 Chinese Tallow, and 48 Coast Redwood).

Water Mitigation -

Operational Off-Road Equipment - Site A + Site B each have 1 generator with the same 450 kw (603hp) size. Assumed that they each would be run for approximately 20 hours annually for routine maintenance.

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	8.00	20.00
tblConstructionPhase	NumDays	8.00	20.00

tblConstructionPhase	PhaseEndDate	2/28/2017	1/31/2017
tblConstructionPhase	PhaseEndDate	2/24/2017	2/23/2017
tblConstructionPhase	PhaseEndDate	5/10/2016	4/12/2016
tblConstructionPhase	PhaseStartDate	4/13/2016	3/16/2016
tblConstructionPhase	PhaseStartDate	2/1/2017	1/31/2017
tblConstructionPhase	PhaseStartDate	4/13/2016	3/16/2016
tblEnergyUse	NT24E	0.00	640.60
tblGrading	AcresOfGrading	0.00	0.23
tblGrading	AcresOfGrading	10.00	0.01
tblGrading	AcresOfGrading	0.00	1.40
tblGrading	MaterialExported	0.00	264.00
tblGrading	MaterialExported	0.00	88.00
tblLandUse	LandUseSquareFeet	0.00	2,020.00
tblLandUse	LotAcreage	0.00	4.40
tblOffRoadEquipment	HorsePower	205.00	475.00
tblOffRoadEquipment	HorsePower	205.00	475.00
tblOffRoadEquipment	UsageHours	8.00	0.00
tblOffRoadEquipment	UsageHours	8.00	0.00
tblOffRoadEquipment	UsageHours	8.00	0.00
tblOffRoadEquipment	UsageHours	8.00	0.00
tblOperationalOffRoadEquipment	OperDaysPerYear	260.00	20.00
tblOperationalOffRoadEquipment	OperHorsePower	84.00	603.00
tblOperationalOffRoadEquipment	OperHoursPerDay	8.00	1.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	2.00
tblProjectCharacteristics	OperationalYear	2014	2018
tblProjectCharacteristics	UrbanizationLevel	Urban	Rural
tblSequestration	NumberOfNewTrees	0.00	70.00
tblTripsAndVMT	HaulingTripLength	20.00	2.00

tblTripsAndVMT	HaulingTripLength	20.00	2.00
tblTripsAndVMT	HaulingTripNumber	0.00	40.00
tblTripsAndVMT	HaulingTripNumber	0.00	80.00
tblTripsAndVMT	VendorTripNumber	0.00	1.00
tblTripsAndVMT	VendorTripNumber	0.00	1.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	WorkerTripNumber	30.00	13.00
tblTripsAndVMT	WorkerTripNumber	30.00	15.00
tblTripsAndVMT	WorkerTripNumber	1.00	25.00
tblTripsAndVMT	WorkerTripNumber	0.00	5.00
tblVehicleTrips	CNW_TTP	0.00	100.00
tblVehicleTrips	PR_TP	0.00	100.00
tblVehicleTrips	WD_TR	0.00	1.00
tblWater	OutdoorWaterUseRate	0.00	287,862.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2016	0.5934	5.4242	3.7739	5.7300e-003	0.1788	0.3274	0.5063	0.0837	0.3064	0.3900	0.0000	515.2565	515.2565	0.1257	0.0000	517.8971
2017	0.0682	0.4660	0.3596	5.7000e-004	6.3400e-003	0.0303	0.0366	1.6900e-003	0.0284	0.0301	0.0000	49.6611	49.6611	0.0116	0.0000	49.9036
Total	**0.6616**	**5.8902**	**4.1334**	**6.3000e-003**	**0.1852**	**0.3577**	**0.5429**	**0.0853**	**0.3347**	**0.4201**	**0.0000**	**564.9176**	**564.9176**	**0.1373**	**0.0000**	**567.8007**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2016	0.5934	5.4241	3.7739	5.7300e-003	0.1788	0.3274	0.5063	0.0837	0.3064	0.3900	0.0000	515.2559	515.2559	0.1257	0.0000	517.8965
2017	0.0682	0.4660	0.3596	5.7000e-004	6.3400e-003	0.0303	0.0366	1.6900e-003	0.0284	0.0301	0.0000	49.6610	49.6610	0.0116	0.0000	49.9036
Total	**0.6616**	**5.8901**	**4.1334**	**6.3000e-003**	**0.1852**	**0.3577**	**0.5429**	**0.0853**	**0.3347**	**0.4201**	**0.0000**	**564.9170**	**564.9170**	**0.1373**	**0.0000**	**567.8001**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	9.2900e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	489.2027	489.2027	0.0170	3.5200e-003	490.6519
Mobile	4.8000e-004	1.4300e-003	4.9800e-003	1.0000e-005	6.5000e-004	2.0000e-005	6.7000e-004	1.7000e-004	2.0000e-005	1.9000e-004	0.0000	0.8215	0.8215	3.0000e-005	0.0000	0.8221
Offroad	4.2300e-003	0.0466	0.0202	1.0000e-004		1.3800e-003	1.3800e-003		1.3800e-003	1.3800e-003	0.0000	10.1435	10.1435	3.4000e-004	0.0000	10.1506
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.3809	0.3809	1.0000e-005	0.0000	0.3820
Total	**0.0140**	**0.0481**	**0.0252**	**1.1000e-004**	**6.5000e-004**	**1.4000e-003**	**2.0500e-003**	**1.7000e-004**	**1.4000e-003**	**1.5700e-003**	**0.0000**	**500.5485**	**500.5485**	**0.0174**	**3.5200e-003**	**502.0066**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	9.2900e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	489.2027	489.2027	0.0170	3.5200e-003	490.6519
Mobile	4.8000e-004	1.4300e-003	4.9800e-003	1.0000e-005	6.5000e-004	2.0000e-005	6.7000e-004	1.7000e-004	2.0000e-005	1.9000e-004	0.0000	0.8215	0.8215	3.0000e-005	0.0000	0.8221
Offroad	4.2300e-003	0.0466	0.0202	1.0000e-004		1.3800e-003	1.3800e-003		1.3800e-003	1.3800e-003	0.0000	10.1435	10.1435	3.4000e-004	0.0000	10.1506
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.3577	0.3577	1.0000e-005	0.0000	0.3587
Total	**0.0140**	**0.0481**	**0.0252**	**1.1000e-004**	**6.5000e-004**	**1.4000e-003**	**2.0500e-003**	**1.7000e-004**	**1.4000e-003**	**1.5700e-003**	**0.0000**	**500.5253**	**500.5253**	**0.0174**	**3.5200e-003**	**501.9833**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**30.21**	**97.02**	**80.21**	**90.91**	**0.00**	**98.57**	**67.32**	**0.00**	**98.57**	**87.90**	**0.00**	**2.03**	**2.03**	**1.95**	**0.00**	**2.03**

2.3 Vegetation

Vegetation

	CO2e
Category	MT
New Trees	49.5600
Vegetation Land Change	-18.9640
Total	**30.5960**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2016	1/28/2016	5	20	
2	Site Preparation	Site Preparation	1/29/2016	2/4/2016	5	5	
3	Grading	Grading	2/5/2016	2/16/2016	5	8	
4	Well Construction (Drilling)	Grading	2/17/2016	3/15/2016	5	20	
5	Pipeline Construction (Jack/Bore)	Grading	3/16/2016	4/12/2016	5	20	
6	Pipeline Construction (Trenching)	Trenching	3/16/2016	4/12/2016	5	20	
7	Building Construction	Building Construction	3/16/2016	1/31/2017	5	230	
8	Paving	Paving	1/31/2017	2/23/2017	5	18	
9	Architectural Coating	Architectural Coating	2/24/2017	3/21/2017	5	18	

Acres of Grading (Site Preparation Phase): 1.4

Acres of Grading (Grading Phase): 4

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 3,030; Non-Residential Outdoor: 1,010 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Excavators	3	8.00	162	0.38
Demolition	Rubber Tired Dozers	2	8.00	255	0.40
Site Preparation	Rubber Tired Dozers	3	8.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	4	8.00	97	0.37
Grading	Excavators	1	8.00	162	0.38
Grading	Graders	1	8.00	174	0.41
Grading	Rubber Tired Dozers	1	8.00	255	0.40
Grading	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Well Construction (Drilling)	Bore/Drill Rigs	1	8.00	475	0.50
Well Construction (Drilling)	Cement and Mortar Mixers	1	8.00	9	0.56
Well Construction (Drilling)	Excavators	1	0.00	162	0.38
Well Construction (Drilling)	Graders	1	0.00	174	0.41
Well Construction (Drilling)	Other Construction Equipment	1	8.00	171	0.42
Well Construction (Drilling)	Other Material Handling Equipment	1	8.00	167	0.40
Well Construction (Drilling)	Pressure Washers	1	8.00	13	0.30
Well Construction (Drilling)	Rubber Tired Dozers	1	0.00	255	0.40
Well Construction (Drilling)	Surfacing Equipment	1	8.00	253	0.30
Well Construction (Drilling)	Tractors/Loaders/Backhoes	3	0.00	97	0.37
Pipeline Construction (Jack/Bore)	Bore/Drill Rigs	1	8.00	475	0.50
Pipeline Construction (Jack/Bore)	Cement and Mortar Mixers	1	8.00	9	0.56
Pipeline Construction (Jack/Bore)	Excavators	1	8.00	162	0.38

Pipeline Construction (Jack/Bore)	Graders	1	8.00	174	0.41
Pipeline Construction (Jack/Bore)	Other Construction Equipment	1	8.00	171	0.42
Pipeline Construction (Jack/Bore)	Other Material Handling Equipment	1	8.00	167	0.40
Pipeline Construction (Jack/Bore)	Pressure Washers	1	8.00	13	0.30
Pipeline Construction (Jack/Bore)	Rubber Tired Dozers	1	8.00	255	0.40
Pipeline Construction (Jack/Bore)	Surfacing Equipment	1	8.00	253	0.30
Pipeline Construction (Jack/Bore)	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Pipeline Construction (Trenching)	Air Compressors	1	8.00	78	0.48
Pipeline Construction (Trenching)	Generator Sets	1	8.00	84	0.74
Pipeline Construction (Trenching)	Graders	1	8.00	174	0.41
Pipeline Construction (Trenching)	Plate Compactors	1	8.00	8	0.43
Pipeline Construction (Trenching)	Pumps	1	8.00	84	0.74
Pipeline Construction (Trenching)	Rough Terrain Forklifts	1	8.00	100	0.40
Pipeline Construction (Trenching)	Scrapers	2	8.00	361	0.48
Pipeline Construction (Trenching)	Signal Boards	2	8.00	6	0.82
Pipeline Construction (Trenching)	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Building Construction	Cranes	1	7.00	226	0.29
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	3	7.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Cement and Mortar Mixers	2	6.00	9	0.56
Paving	Pavers	1	8.00	125	0.42
Paving	Paving Equipment	2	6.00	130	0.36
Paving	Rollers	2	6.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	6	15.00	0.00	16.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	7	18.00	0.00	11.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	0.00	33.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Well Construction (Drilling)	12	13.00	1.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Pipeline Construction (Jack/Bore)	12	15.00	0.00	40.00	16.80	6.60	2.00	LD_Mix	HDT_Mix	HHDT
Pipeline Construction (Trenching)	12	30.00	1.00	80.00	16.80	6.60	2.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	25.00	2.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Paving	8	20.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	5.00	0.00	0.00	16.80	6.60	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.7000e-003	0.0000	1.7000e-003	2.6000e-004	0.0000	2.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0429	0.4566	0.3503	4.0000e-004		0.0229	0.0229		0.0214	0.0214	0.0000	37.0974	37.0974	0.0101	0.0000	37.3092
Total	**0.0429**	**0.4566**	**0.3503**	**4.0000e-004**	**1.7000e-003**	**0.0229**	**0.0246**	**2.6000e-004**	**0.0214**	**0.0216**	**0.0000**	**37.0974**	**37.0974**	**0.0101**	**0.0000**	**37.3092**

3.2 Demolition - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.6000e-004	2.1300e-003	1.8300e-003	1.0000e-005	1.4000e-004	3.0000e-005	1.7000e-004	4.0000e-005	3.0000e-005	7.0000e-005	0.0000	0.5454	0.5454	0.0000	0.0000	0.5455
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.6000e-004	9.7000e-004	9.7000e-003	2.0000e-005	1.8600e-003	1.0000e-005	1.8800e-003	5.0000e-004	1.0000e-005	5.1000e-004	0.0000	1.6570	1.6570	9.0000e-005	0.0000	1.6588
Total	**8.2000e-004**	**3.1000e-003**	**0.0115**	**3.0000e-005**	**2.0000e-003**	**4.0000e-005**	**2.0500e-003**	**5.4000e-004**	**4.0000e-005**	**5.8000e-004**	**0.0000**	**2.2023**	**2.2023**	**9.0000e-005**	**0.0000**	**2.2042**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.7000e-003	0.0000	1.7000e-003	2.6000e-004	0.0000	2.6000e-004	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0429	0.4566	0.3503	4.0000e-004		0.0229	0.0229		0.0214	0.0214	0.0000	37.0973	37.0973	0.0101	0.0000	37.3092
Total	**0.0429**	**0.4566**	**0.3503**	**4.0000e-004**	**1.7000e-003**	**0.0229**	**0.0246**	**2.6000e-004**	**0.0214**	**0.0216**	**0.0000**	**37.0973**	**37.0973**	**0.0101**	**0.0000**	**37.3092**

3.2 Demolition - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.6000e-004	2.1300e-003	1.8300e-003	1.0000e-005	1.4000e-004	3.0000e-005	1.7000e-004	4.0000e-005	3.0000e-005	7.0000e-005	0.0000	0.5454	0.5454	0.0000	0.0000	0.5455
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.6000e-004	9.7000e-004	9.7000e-003	2.0000e-005	1.8600e-003	1.0000e-005	1.8800e-003	5.0000e-004	1.0000e-005	5.1000e-004	0.0000	1.6570	1.6570	9.0000e-005	0.0000	1.6588
Total	**8.2000e-004**	**3.1000e-003**	**0.0115**	**3.0000e-005**	**2.0000e-003**	**4.0000e-005**	**2.0500e-003**	**5.4000e-004**	**4.0000e-005**	**5.8000e-004**	**0.0000**	**2.2023**	**2.2023**	**9.0000e-005**	**0.0000**	**2.2042**

3.3 Site Preparation - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0459	0.0000	0.0459	0.0249	0.0000	0.0249	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0127	0.1366	0.1028	1.0000e-004		7.3500e-003	7.3500e-003		6.7600e-003	6.7600e-003	0.0000	9.2193	9.2193	2.7800e-003	0.0000	9.2777
Total	**0.0127**	**0.1366**	**0.1028**	**1.0000e-004**	**0.0459**	**7.3500e-003**	**0.0533**	**0.0249**	**6.7600e-003**	**0.0317**	**0.0000**	**9.2193**	**9.2193**	**2.7800e-003**	**0.0000**	**9.2777**

3.3 Site Preparation - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.1000e-004	1.4600e-003	1.2600e-003	0.0000	9.0000e-005	2.0000e-005	1.2000e-004	3.0000e-005	2.0000e-005	5.0000e-005	0.0000	0.3749	0.3749	0.0000	0.0000	0.3750
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-004	2.9000e-004	2.9100e-003	1.0000e-005	5.6000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4971	0.4971	3.0000e-005	0.0000	0.4976
Total	**3.1000e-004**	**1.7500e-003**	**4.1700e-003**	**1.0000e-005**	**6.5000e-004**	**2.0000e-005**	**6.8000e-004**	**1.8000e-004**	**2.0000e-005**	**2.0000e-004**	**0.0000**	**0.8720**	**0.8720**	**3.0000e-005**	**0.0000**	**0.8726**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0459	0.0000	0.0459	0.0249	0.0000	0.0249	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0127	0.1366	0.1028	1.0000e-004		7.3500e-003	7.3500e-003		6.7600e-003	6.7600e-003	0.0000	9.2193	9.2193	2.7800e-003	0.0000	9.2777
Total	**0.0127**	**0.1366**	**0.1028**	**1.0000e-004**	**0.0459**	**7.3500e-003**	**0.0533**	**0.0249**	**6.7600e-003**	**0.0317**	**0.0000**	**9.2193**	**9.2193**	**2.7800e-003**	**0.0000**	**9.2777**

3.3 Site Preparation - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.1000e-004	1.4600e-003	1.2600e-003	0.0000	9.0000e-005	2.0000e-005	1.2000e-004	3.0000e-005	2.0000e-005	5.0000e-005	0.0000	0.3749	0.3749	0.0000	0.0000	0.3750
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-004	2.9000e-004	2.9100e-003	1.0000e-005	5.6000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4971	0.4971	3.0000e-005	0.0000	0.4976
Total	**3.1000e-004**	**1.7500e-003**	**4.1700e-003**	**1.0000e-005**	**6.5000e-004**	**2.0000e-005**	**6.8000e-004**	**1.8000e-004**	**2.0000e-005**	**2.0000e-004**	**0.0000**	**0.8720**	**0.8720**	**3.0000e-005**	**0.0000**	**0.8726**

3.4 Grading - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0262	0.0000	0.0262	0.0135	0.0000	0.0135	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0147	0.1538	0.1043	1.2000e-004		8.7900e-003	8.7900e-003		8.0900e-003	8.0900e-003	0.0000	11.2266	11.2266	3.3900e-003	0.0000	11.2977
Total	**0.0147**	**0.1538**	**0.1043**	**1.2000e-004**	**0.0262**	**8.7900e-003**	**0.0350**	**0.0135**	**8.0900e-003**	**0.0216**	**0.0000**	**11.2266**	**11.2266**	**3.3900e-003**	**0.0000**	**11.2977**

3.4 Grading - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.3000e-004	4.3900e-003	3.7800e-003	1.0000e-005	2.8000e-004	7.0000e-005	3.5000e-004	8.0000e-005	6.0000e-005	1.4000e-004	0.0000	1.1248	1.1248	1.0000e-005	0.0000	1.1250
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	3.9000e-004	3.8800e-003	1.0000e-005	7.5000e-004	1.0000e-005	7.5000e-004	2.0000e-004	1.0000e-005	2.0000e-004	0.0000	0.6628	0.6628	3.0000e-005	0.0000	0.6635
Total	**5.9000e-004**	**4.7800e-003**	**7.6600e-003**	**2.0000e-005**	**1.0300e-003**	**8.0000e-005**	**1.1000e-003**	**2.8000e-004**	**7.0000e-005**	**3.4000e-004**	**0.0000**	**1.7876**	**1.7876**	**4.0000e-005**	**0.0000**	**1.7885**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0262	0.0000	0.0262	0.0135	0.0000	0.0135	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0147	0.1538	0.1043	1.2000e-004		8.7900e-003	8.7900e-003		8.0900e-003	8.0900e-003	0.0000	11.2265	11.2265	3.3900e-003	0.0000	11.2977
Total	**0.0147**	**0.1538**	**0.1043**	**1.2000e-004**	**0.0262**	**8.7900e-003**	**0.0350**	**0.0135**	**8.0900e-003**	**0.0216**	**0.0000**	**11.2265**	**11.2265**	**3.3900e-003**	**0.0000**	**11.2977**

3.4 Grading - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	3.3000e-004	4.3900e-003	3.7800e-003	1.0000e-005	2.8000e-004	7.0000e-005	3.5000e-004	8.0000e-005	6.0000e-005	1.4000e-004	0.0000	1.1248	1.1248	1.0000e-005	0.0000	1.1250
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.6000e-004	3.9000e-004	3.8800e-003	1.0000e-005	7.5000e-004	1.0000e-005	7.5000e-004	2.0000e-004	1.0000e-005	2.0000e-004	0.0000	0.6628	0.6628	3.0000e-005	0.0000	0.6635
Total	**5.9000e-004**	**4.7800e-003**	**7.6600e-003**	**2.0000e-005**	**1.0300e-003**	**8.0000e-005**	**1.1000e-003**	**2.8000e-004**	**7.0000e-005**	**3.4000e-004**	**0.0000**	**1.7876**	**1.7876**	**4.0000e-005**	**0.0000**	**1.7885**

3.5 Well Construction (Drilling) - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.2000e-004	0.0000	1.2000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0236	0.2938	0.1549	4.0000e-004		0.0122	0.0122		0.0113	0.0113	0.0000	36.9186	36.9186	0.0110	0.0000	37.1491
Total	**0.0236**	**0.2938**	**0.1549**	**4.0000e-004**	**1.2000e-004**	**0.0122**	**0.0124**	**1.0000e-005**	**0.0113**	**0.0113**	**0.0000**	**36.9186**	**36.9186**	**0.0110**	**0.0000**	**37.1491**

3.5 Well Construction (Drilling) - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.1000e-004	9.2000e-004	1.3200e-003	0.0000	6.0000e-005	2.0000e-005	7.0000e-005	2.0000e-005	1.0000e-005	3.0000e-005	0.0000	0.1967	0.1967	0.0000	0.0000	0.1967
Worker	5.7000e-004	8.4000e-004	8.4100e-003	2.0000e-005	1.6200e-003	1.0000e-005	1.6300e-003	4.3000e-004	1.0000e-005	4.4000e-004	0.0000	1.4360	1.4360	7.0000e-005	0.0000	1.4376
Total	**6.8000e-004**	**1.7600e-003**	**9.7300e-003**	**2.0000e-005**	**1.6800e-003**	**3.0000e-005**	**1.7000e-003**	**4.5000e-004**	**2.0000e-005**	**4.7000e-004**	**0.0000**	**1.6327**	**1.6327**	**7.0000e-005**	**0.0000**	**1.6343**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.2000e-004	0.0000	1.2000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0236	0.2938	0.1549	4.0000e-004		0.0122	0.0122		0.0113	0.0113	0.0000	36.9185	36.9185	0.0110	0.0000	37.1491
Total	**0.0236**	**0.2938**	**0.1549**	**4.0000e-004**	**1.2000e-004**	**0.0122**	**0.0124**	**1.0000e-005**	**0.0113**	**0.0113**	**0.0000**	**36.9185**	**36.9185**	**0.0110**	**0.0000**	**37.1491**

3.5 Well Construction (Drilling) - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.1000e-004	9.2000e-004	1.3200e-003	0.0000	6.0000e-005	2.0000e-005	7.0000e-005	2.0000e-005	1.0000e-005	3.0000e-005	0.0000	0.1967	0.1967	0.0000	0.0000	0.1967
Worker	5.7000e-004	8.4000e-004	8.4100e-003	2.0000e-005	1.6200e-003	1.0000e-005	1.6300e-003	4.3000e-004	1.0000e-005	4.4000e-004	0.0000	1.4360	1.4360	7.0000e-005	0.0000	1.4376
Total	**6.8000e-004**	**1.7600e-003**	**9.7300e-003**	**2.0000e-005**	**1.6800e-003**	**3.0000e-005**	**1.7000e-003**	**4.5000e-004**	**2.0000e-005**	**4.7000e-004**	**0.0000**	**1.6327**	**1.6327**	**7.0000e-005**	**0.0000**	**1.6343**

3.6 Pipeline Construction (Jack/Bore) - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0602	0.0000	0.0602	0.0331	0.0000	0.0331	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0602	0.6782	0.4157	6.9000e-004		0.0342	0.0342		0.0315	0.0315	0.0000	64.9849	64.9849	0.0194	0.0000	65.3933
Total	**0.0602**	**0.6782**	**0.4157**	**6.9000e-004**	**0.0602**	**0.0342**	**0.0944**	**0.0331**	**0.0315**	**0.0646**	**0.0000**	**64.9849**	**64.9849**	**0.0194**	**0.0000**	**65.3933**

3.6 Pipeline Construction (Jack/Bore) - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-004	8.9000e-004	3.5000e-003	0.0000	3.0000e-005	1.0000e-005	4.0000e-005	1.0000e-005	1.0000e-005	2.0000e-005	0.0000	0.1649	0.1649	0.0000	0.0000	0.1650
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.6000e-004	9.7000e-004	9.7000e-003	2.0000e-005	1.8600e-003	1.0000e-005	1.8800e-003	5.0000e-004	1.0000e-005	5.1000e-004	0.0000	1.6570	1.6570	9.0000e-005	0.0000	1.6588
Total	**8.6000e-004**	**1.8600e-003**	**0.0132**	**2.0000e-005**	**1.8900e-003**	**2.0000e-005**	**1.9200e-003**	**5.1000e-004**	**2.0000e-005**	**5.3000e-004**	**0.0000**	**1.8219**	**1.8219**	**9.0000e-005**	**0.0000**	**1.8237**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0602	0.0000	0.0602	0.0331	0.0000	0.0331	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0602	0.6782	0.4157	6.9000e-004		0.0342	0.0342		0.0315	0.0315	0.0000	64.9849	64.9849	0.0194	0.0000	65.3932
Total	**0.0602**	**0.6782**	**0.4157**	**6.9000e-004**	**0.0602**	**0.0342**	**0.0944**	**0.0331**	**0.0315**	**0.0646**	**0.0000**	**64.9849**	**64.9849**	**0.0194**	**0.0000**	**65.3932**

3.6 Pipeline Construction (Jack/Bore) - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-004	8.9000e-004	3.5000e-003	0.0000	3.0000e-005	1.0000e-005	4.0000e-005	1.0000e-005	1.0000e-005	2.0000e-005	0.0000	0.1649	0.1649	0.0000	0.0000	0.1650
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.6000e-004	9.7000e-004	9.7000e-003	2.0000e-005	1.8600e-003	1.0000e-005	1.8800e-003	5.0000e-004	1.0000e-005	5.1000e-004	0.0000	1.6570	1.6570	9.0000e-005	0.0000	1.6588
Total	**8.6000e-004**	**1.8600e-003**	**0.0132**	**2.0000e-005**	**1.8900e-003**	**2.0000e-005**	**1.9200e-003**	**5.1000e-004**	**2.0000e-005**	**5.3000e-004**	**0.0000**	**1.8219**	**1.8219**	**9.0000e-005**	**0.0000**	**1.8237**

3.7 Pipeline Construction (Trenching) - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0663	0.6867	0.4514	6.5000e-004		0.0365	0.0365		0.0344	0.0344	0.0000	59.0022	59.0022	0.0146	0.0000	59.3085
Total	**0.0663**	**0.6867**	**0.4514**	**6.5000e-004**		**0.0365**	**0.0365**		**0.0344**	**0.0344**	**0.0000**	**59.0022**	**59.0022**	**0.0146**	**0.0000**	**59.3085**

3.7 Pipeline Construction (Trenching) - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	4.1000e-004	1.7900e-003	6.9900e-003	0.0000	7.0000e-005	2.0000e-005	9.0000e-005	2.0000e-005	2.0000e-005	4.0000e-005	0.0000	0.3298	0.3298	0.0000	0.0000	0.3299
Vendor	1.1000e-004	9.2000e-004	1.3200e-003	0.0000	6.0000e-005	2.0000e-005	7.0000e-005	2.0000e-005	1.0000e-005	3.0000e-005	0.0000	0.1967	0.1967	0.0000	0.0000	0.1967
Worker	1.3100e-003	1.9500e-003	0.0194	4.0000e-005	3.7300e-003	3.0000e-005	3.7600e-003	9.9000e-004	3.0000e-005	1.0200e-003	0.0000	3.3139	3.3139	1.7000e-004	0.0000	3.3175
Total	**1.8300e-003**	**4.6600e-003**	**0.0277**	**4.0000e-005**	**3.8600e-003**	**7.0000e-005**	**3.9200e-003**	**1.0300e-003**	**6.0000e-005**	**1.0900e-003**	**0.0000**	**3.8404**	**3.8404**	**1.7000e-004**	**0.0000**	**3.8441**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0663	0.6867	0.4514	6.5000e-004		0.0365	0.0365		0.0344	0.0344	0.0000	59.0021	59.0021	0.0146	0.0000	59.3084
Total	**0.0663**	**0.6867**	**0.4514**	**6.5000e-004**		**0.0365**	**0.0365**		**0.0344**	**0.0344**	**0.0000**	**59.0021**	**59.0021**	**0.0146**	**0.0000**	**59.3084**

3.7 Pipeline Construction (Trenching) - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	4.1000e-004	1.7900e-003	6.9900e-003	0.0000	7.0000e-005	2.0000e-005	9.0000e-005	2.0000e-005	2.0000e-005	4.0000e-005	0.0000	0.3298	0.3298	0.0000	0.0000	0.3299
Vendor	1.1000e-004	9.2000e-004	1.3200e-003	0.0000	6.0000e-005	2.0000e-005	7.0000e-005	2.0000e-005	1.0000e-005	3.0000e-005	0.0000	0.1967	0.1967	0.0000	0.0000	0.1967
Worker	1.3100e-003	1.9500e-003	0.0194	4.0000e-005	3.7300e-003	3.0000e-005	3.7600e-003	9.9000e-004	3.0000e-005	1.0200e-003	0.0000	3.3139	3.3139	1.7000e-004	0.0000	3.3175
Total	**1.8300e-003**	**4.6600e-003**	**0.0277**	**4.0000e-005**	**3.8600e-003**	**7.0000e-005**	**3.9200e-003**	**1.0300e-003**	**6.0000e-005**	**1.0900e-003**	**0.0000**	**3.8404**	**3.8404**	**1.7000e-004**	**0.0000**	**3.8441**

3.8 Building Construction - 2016

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.3543	2.9647	1.9247	2.7900e-003		0.2046	0.2046		0.1922	0.1922	0.0000	251.8397	251.8397	0.0625	0.0000	253.1514
Total	**0.3543**	**2.9647**	**1.9247**	**2.7900e-003**		**0.2046**	**0.2046**		**0.1922**	**0.1922**	**0.0000**	**251.8397**	**251.8397**	**0.0625**	**0.0000**	**253.1514**

3.8 Building Construction - 2016

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.3700e-003	0.0191	0.0275	5.0000e-005	1.2200e-003	3.3000e-004	1.5500e-003	3.5000e-004	3.0000e-004	6.5000e-004	0.0000	4.0904	4.0904	4.0000e-005	0.0000	4.0911
Worker	0.0114	0.0169	0.1682	3.9000e-004	0.0323	2.5000e-004	0.0326	8.5800e-003	2.3000e-004	8.8100e-003	0.0000	28.7206	28.7206	1.4800e-003	0.0000	28.7517
Total	**0.0137**	**0.0360**	**0.1957**	**4.4000e-004**	**0.0335**	**5.8000e-004**	**0.0341**	**8.9300e-003**	**5.3000e-004**	**9.4600e-003**	**0.0000**	**32.8110**	**32.8110**	**1.5200e-003**	**0.0000**	**32.8428**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.3543	2.9647	1.9247	2.7900e-003		0.2046	0.2046		0.1922	0.1922	0.0000	251.8394	251.8394	0.0625	0.0000	253.1511
Total	**0.3543**	**2.9647**	**1.9247**	**2.7900e-003**		**0.2046**	**0.2046**		**0.1922**	**0.1922**	**0.0000**	**251.8394**	**251.8394**	**0.0625**	**0.0000**	**253.1511**

3.8 Building Construction - 2016

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.3700e-003	0.0191	0.0275	5.0000e-005	1.2200e-003	3.3000e-004	1.5500e-003	3.5000e-004	3.0000e-004	6.5000e-004	0.0000	4.0904	4.0904	4.0000e-005	0.0000	4.0911
Worker	0.0114	0.0169	0.1682	3.9000e-004	0.0323	2.5000e-004	0.0326	8.5800e-003	2.3000e-004	8.8100e-003	0.0000	28.7206	28.7206	1.4800e-003	0.0000	28.7517
Total	**0.0137**	**0.0360**	**0.1957**	**4.4000e-004**	**0.0335**	**5.8000e-004**	**0.0341**	**8.9300e-003**	**5.3000e-004**	**9.4600e-003**	**0.0000**	**32.8110**	**32.8110**	**1.5200e-003**	**0.0000**	**32.8428**

3.8 Building Construction - 2017

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0341	0.2905	0.1994	2.9000e-004		0.0196	0.0196		0.0184	0.0184	0.0000	26.3427	26.3427	6.4800e-003	0.0000	26.4789
Total	**0.0341**	**0.2905**	**0.1994**	**2.9000e-004**		**0.0196**	**0.0196**		**0.0184**	**0.0184**	**0.0000**	**26.3427**	**26.3427**	**6.4800e-003**	**0.0000**	**26.4789**

3.8 Building Construction - 2017

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.1000e-004	1.7800e-003	2.6700e-003	0.0000	1.3000e-004	3.0000e-005	1.6000e-004	4.0000e-005	3.0000e-005	6.0000e-005	0.0000	0.4252	0.4252	0.0000	0.0000	0.4253
Worker	1.0400e-003	1.5700e-003	0.0156	4.0000e-005	3.4200e-003	3.0000e-005	3.4400e-003	9.1000e-004	2.0000e-005	9.3000e-004	0.0000	2.9128	2.9128	1.4000e-004	0.0000	2.9158
Total	**1.2500e-003**	**3.3500e-003**	**0.0182**	**4.0000e-005**	**3.5500e-003**	**6.0000e-005**	**3.6000e-003**	**9.5000e-004**	**5.0000e-005**	**9.9000e-004**	**0.0000**	**3.3381**	**3.3381**	**1.4000e-004**	**0.0000**	**3.3411**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0341	0.2905	0.1994	2.9000e-004		0.0196	0.0196		0.0184	0.0184	0.0000	26.3427	26.3427	6.4800e-003	0.0000	26.4788
Total	**0.0341**	**0.2905**	**0.1994**	**2.9000e-004**		**0.0196**	**0.0196**		**0.0184**	**0.0184**	**0.0000**	**26.3427**	**26.3427**	**6.4800e-003**	**0.0000**	**26.4788**

3.8 Building Construction - 2017

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.1000e-004	1.7800e-003	2.6700e-003	0.0000	1.3000e-004	3.0000e-005	1.6000e-004	4.0000e-005	3.0000e-005	6.0000e-005	0.0000	0.4252	0.4252	0.0000	0.0000	0.4253
Worker	1.0400e-003	1.5700e-003	0.0156	4.0000e-005	3.4200e-003	3.0000e-005	3.4400e-003	9.1000e-004	2.0000e-005	9.3000e-004	0.0000	2.9128	2.9128	1.4000e-004	0.0000	2.9158
Total	**1.2500e-003**	**3.3500e-003**	**0.0182**	**4.0000e-005**	**3.5500e-003**	**6.0000e-005**	**3.6000e-003**	**9.5000e-004**	**5.0000e-005**	**9.9000e-004**	**0.0000**	**3.3381**	**3.3381**	**1.4000e-004**	**0.0000**	**3.3411**

3.9 Paving - 2017

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0149	0.1512	0.1124	1.7000e-004		9.0500e-003	9.0500e-003		8.3400e-003	8.3400e-003	0.0000	15.2992	15.2992	4.5600e-003	0.0000	15.3950
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0149**	**0.1512**	**0.1124**	**1.7000e-004**		**9.0500e-003**	**9.0500e-003**		**8.3400e-003**	**8.3400e-003**	**0.0000**	**15.2992**	**15.2992**	**4.5600e-003**	**0.0000**	**15.3950**

3.9 Paving - 2017

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.8000e-004	1.0300e-003	0.0102	3.0000e-005	2.2400e-003	2.0000e-005	2.2500e-003	5.9000e-004	2.0000e-005	6.1000e-004	0.0000	1.9066	1.9066	9.0000e-005	0.0000	1.9085
Total	**6.8000e-004**	**1.0300e-003**	**0.0102**	**3.0000e-005**	**2.2400e-003**	**2.0000e-005**	**2.2500e-003**	**5.9000e-004**	**2.0000e-005**	**6.1000e-004**	**0.0000**	**1.9066**	**1.9066**	**9.0000e-005**	**0.0000**	**1.9085**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0149	0.1512	0.1124	1.7000e-004		9.0500e-003	9.0500e-003		8.3400e-003	8.3400e-003	0.0000	15.2991	15.2991	4.5600e-003	0.0000	15.3950
Paving	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0149**	**0.1512**	**0.1124**	**1.7000e-004**		**9.0500e-003**	**9.0500e-003**		**8.3400e-003**	**8.3400e-003**	**0.0000**	**15.2991**	**15.2991**	**4.5600e-003**	**0.0000**	**15.3950**

3.9 Paving - 2017

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	6.8000e-004	1.0300e-003	0.0102	3.0000e-005	2.2400e-003	2.0000e-005	2.2500e-003	5.9000e-004	2.0000e-005	6.1000e-004	0.0000	1.9066	1.9066	9.0000e-005	0.0000	1.9085
Total	**6.8000e-004**	**1.0300e-003**	**0.0102**	**3.0000e-005**	**2.2400e-003**	**2.0000e-005**	**2.2500e-003**	**5.9000e-004**	**2.0000e-005**	**6.1000e-004**	**0.0000**	**1.9066**	**1.9066**	**9.0000e-005**	**0.0000**	**1.9085**

3.10 Architectural Coating - 2017

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0140					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.9900e-003	0.0197	0.0168	3.0000e-005		1.5600e-003	1.5600e-003		1.5600e-003	1.5600e-003	0.0000	2.2979	2.2979	2.4000e-004	0.0000	2.3030
Total	**0.0170**	**0.0197**	**0.0168**	**3.0000e-005**		**1.5600e-003**	**1.5600e-003**		**1.5600e-003**	**1.5600e-003**	**0.0000**	**2.2979**	**2.2979**	**2.4000e-004**	**0.0000**	**2.3030**

3.10 Architectural Coating - 2017

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.7000e-004	2.6000e-004	2.5500e-003	1.0000e-005	5.6000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4767	0.4767	2.0000e-005	0.0000	0.4771
Total	**1.7000e-004**	**2.6000e-004**	**2.5500e-003**	**1.0000e-005**	**5.6000e-004**	**0.0000**	**5.6000e-004**	**1.5000e-004**	**0.0000**	**1.5000e-004**	**0.0000**	**0.4767**	**0.4767**	**2.0000e-005**	**0.0000**	**0.4771**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0140					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.9900e-003	0.0197	0.0168	3.0000e-005		1.5600e-003	1.5600e-003		1.5600e-003	1.5600e-003	0.0000	2.2979	2.2979	2.4000e-004	0.0000	2.3030
Total	**0.0170**	**0.0197**	**0.0168**	**3.0000e-005**		**1.5600e-003**	**1.5600e-003**		**1.5600e-003**	**1.5600e-003**	**0.0000**	**2.2979**	**2.2979**	**2.4000e-004**	**0.0000**	**2.3030**

3.10 Architectural Coating - 2017

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.7000e-004	2.6000e-004	2.5500e-003	1.0000e-005	5.6000e-004	0.0000	5.6000e-004	1.5000e-004	0.0000	1.5000e-004	0.0000	0.4767	0.4767	2.0000e-005	0.0000	0.4771
Total	**1.7000e-004**	**2.6000e-004**	**2.5500e-003**	**1.0000e-005**	**5.6000e-004**	**0.0000**	**5.6000e-004**	**1.5000e-004**	**0.0000**	**1.5000e-004**	**0.0000**	**0.4767**	**0.4767**	**2.0000e-005**	**0.0000**	**0.4771**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	4.8000e-004	1.4300e-003	4.9800e-003	1.0000e-005	6.5000e-004	2.0000e-005	6.7000e-004	1.7000e-004	2.0000e-005	1.9000e-004	0.0000	0.8215	0.8215	3.0000e-005	0.0000	0.8221
Unmitigated	4.8000e-004	1.4300e-003	4.9800e-003	1.0000e-005	6.5000e-004	2.0000e-005	6.7000e-004	1.7000e-004	2.0000e-005	1.9000e-004	0.0000	0.8215	0.8215	3.0000e-005	0.0000	0.8221

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Industrial	1.00	0.00	0.00	1,716	1,716
Total	1.00	0.00	0.00	1,716	1,716

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Industrial	14.70	6.60	6.60	0.00	0.00	100.00	100	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.435645	0.065590	0.158610	0.181188	0.054616	0.007833	0.019470	0.064481	0.001777	0.001153	0.006200	0.000656	0.002782

5.0 Energy Detail

5.1 Fleet Mix

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	489.2027	489.2027	0.0170	3.5200e-003	490.6519
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	489.2027	489.2027	0.0170	3.5200e-003	490.6519
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	1.29401e+006	489.2027	0.0170	3.5200e-003	490.6519
Total		**489.2027**	**0.0170**	**3.5200e-003**	**490.6519**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Industrial	1.29401e+006	489.2027	0.0170	3.5200e-003	490.6519
Total		**489.2027**	**0.0170**	**3.5200e-003**	**490.6519**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	9.2900e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Unmitigated	9.2900e-003	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	1.4000e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	7.8900e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Total	**9.2900e-003**	**0.0000**	**1.0000e-005**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0000**	**2.0000e-005**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	1.4000e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	7.8900e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	1.0000e-005	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	2.0000e-005	2.0000e-005	0.0000	0.0000	2.0000e-005
Total	**9.2900e-003**	**0.0000**	**1.0000e-005**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0000**	**2.0000e-005**

7.0 Water Detail

7.1 Mitigation Measures Water

Use Water Efficient Irrigation System

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.3577	1.0000e-005	0.0000	0.3587
Unmitigated	0.3809	1.0000e-005	0.0000	0.3820

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0.287862	0.3809	1.0000e-005	0.0000	0.3820
Total		**0.3809**	**1.0000e-005**	**0.0000**	**0.3820**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Industrial	0 / 0.270302	0.3577	1.0000e-005	0.0000	0.3587
Total		**0.3577**	**1.0000e-005**	**0.0000**	**0.3587**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Generator Sets	2	1.00	20	603	0.74	Diesel

UnMitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	tons/yr										MT/yr					
Generator Sets	4.2300e-003	0.0466	0.0202	1.0000e-004		1.3800e-003	1.3800e-003		1.3800e-003	1.3800e-003	0.0000	10.1435	10.1435	3.4000e-004	0.0000	10.1506
Total	**4.2300e-003**	**0.0466**	**0.0202**	**1.0000e-004**		**1.3800e-003**	**1.3800e-003**		**1.3800e-003**	**1.3800e-003**	**0.0000**	**10.1435**	**10.1435**	**3.4000e-004**	**0.0000**	**10.1506**

10.0 Vegetation

	Total CO2	CH4	N2O	CO2e
Category	MT			
Unmitigated	30.5960	0.0000	0.0000	30.5960

10.1 Vegetation Land Change

Vegetation Type

	Initial/Final	Total CO2	CH4	N2O	CO2e
	Acres	MT			
Grassland	4.4 / 0	-18.9640	0.0000	0.0000	-18.9640
Total		**-18.9640**	**0.0000**	**0.0000**	**-18.9640**

10.2 Net New Trees

Species Class

	Number of Trees	Total CO2	CH4	N2O	CO2e
		MT			
Miscellaneous	70	49.5600	0.0000	0.0000	49.5600
Total		**49.5600**	**0.0000**	**0.0000**	**49.5600**

Appendix D

Biological Resources Impacts Evaluation
Supporting Documentation

U.S. Fish & Wildlife Service

Del Rio Tank and Wells Project

IPaC Trust Resources Report

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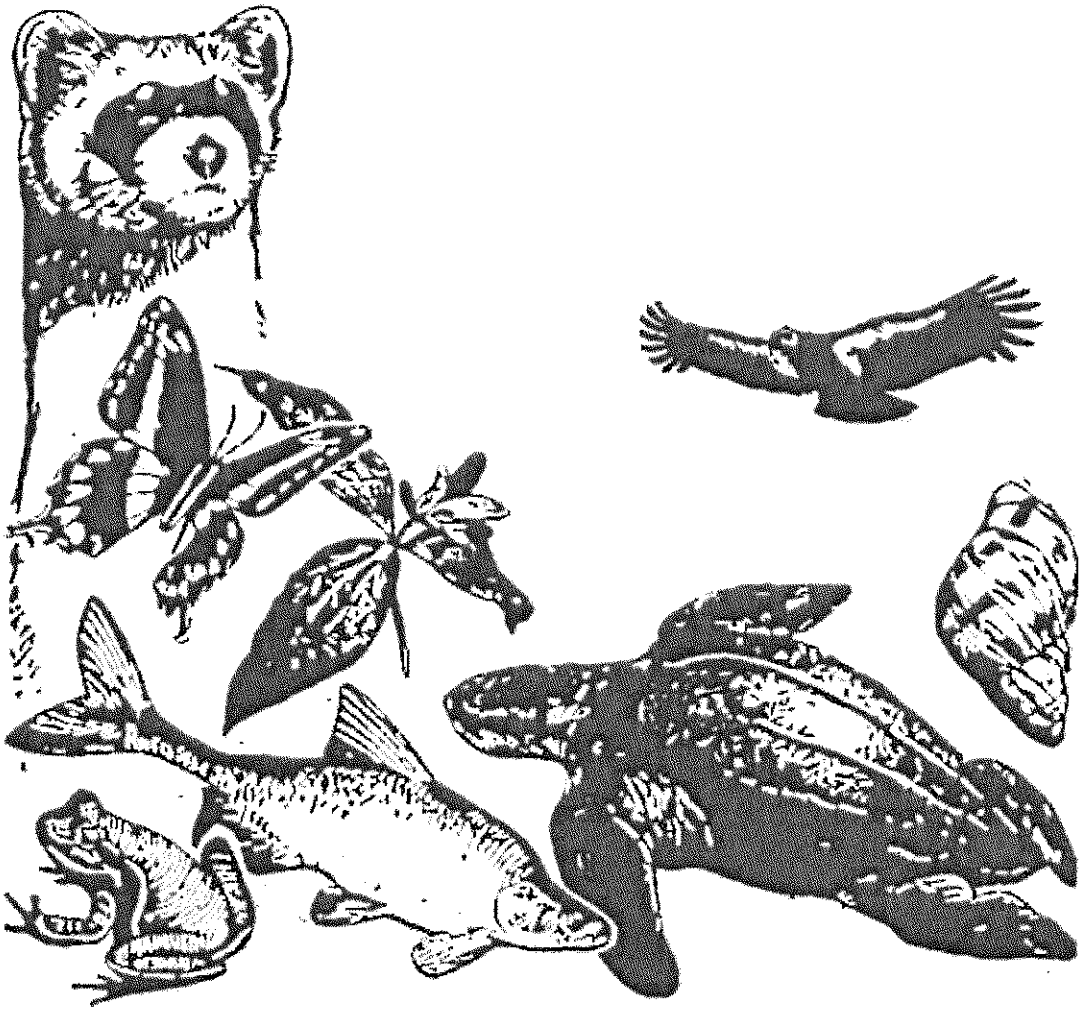
This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



IPaC - Information for Planning and Conservation (https://ecos.fws.gov/ipac/): A project planning tool to help streamline the U.S. Fish & Wildlife Service environmental review process.

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U.S. Fish & Wildlife Service

IPaC Trust Resources Report

NAME

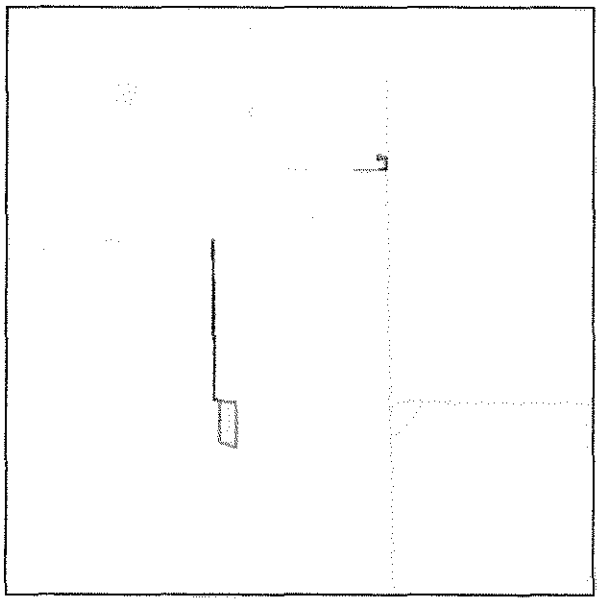
Del Rio Tank and Wells Project

LOCATION

Stanislaus County, California

IPAC LINK

https://ecos.fws.gov/ipac/project/FJFXC-E2NKV-HXVBH-XDTXV-GNRVEM



U.S. Fish & Wildlife Service Contact Information

Trust resources in this location are managed by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the Endangered Species Program of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Amphibians

California Red-legged Frog Rana draytonii — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=D02D

California Tiger Salamander Ambystoma californiense — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=D01T

Crustaceans

Vernal Pool Fairy Shrimp Branchinecta lynchi — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=K03G

Vernal Pool Tadpole Shrimp Lepidurus packardi — Endangered

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=K048

Fishes

Delta Smelt Hypomesus transpacificus — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=E070

Steelhead Oncorhynchus (=Salmo) mykiss — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=E08D

Insects

Valley Elderberry Longhorn Beetle Desmocerus californicus dimorphus — Threatened

CRITICAL HABITAT
There is **final** critical habitat designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=I01L

Reptiles

Giant Garter Snake Thamnophis gigas — Threatened

CRITICAL HABITAT
No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=C057

Critical Habitats

There are no critical habitats in this location

Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & Wildlife Service.[1] There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

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1. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern
  http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Conservation measures for birds
  http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data
  http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The following species of migratory birds could potentially be affected by activities in this location:

Bald Eagle Haliaeetus leucocephalus — Bird of conservation concern
Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B008

Black Rail Laterallus jamaicensis — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09A

Burrowing Owl Athene cunicularia — Bird of conservation concern
Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0NC

Fox Sparrow Passerella iliaca — Bird of conservation concern
Season: Wintering

Lesser Yellowlegs Tringa flavipes — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0MD

Lewis's Woodpecker Melanerpes lewis — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HQ

Loggerhead Shrike Lanius ludovicianus — Bird of conservation concern
Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FY

Long-billed Curlew Numenius americanus — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B06S

Marbled Godwit Limosa fedoa — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0JL

Mountain Plover Charadrius montanus — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B078

Nuttall's Woodpecker Picoides nuttallii — Bird of conservation concern
Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HT

Oak Titmouse Baeolophus inornatus — Bird of conservation concern
Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0MJ

Peregrine Falcon Falco peregrinus — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU

Short-eared Owl Asio flammeus — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD

Swainson's Hawk Buteo swainsoni — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B070

Tricolored Blackbird Agelaius tricolor — Bird of conservation concern
Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B06P

Western Grebe aechmophorus occidentalis — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EA

Williamson's Sapsucker Sphyrapicus thyroideus — Bird of conservation concern

Year-round

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FX

Yellow-billed Magpie Pica nuttalli — Bird of conservation concern

Year-round

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0N8

Wildlife refuges and fish hatcheries

Refuge and fish hatchery data is unavailable at this time.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

DATA LIMITATIONS
The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS
Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS
Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

There are no wetlands in this location

Selected Elements by Scientific Name

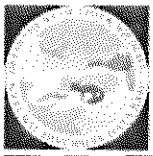
California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Avena (3712171) OR Brush Lake (3712151) OR Ceres (3712058) OR Denair (3712057) OR Escalon (3712078) OR Manteca (3712172) OR Oakdale (3712077) OR Ripon (3712162) OR Riverbank (3712068) OR Salida (3712161) OR Waterford (3712067) OR Westley (3712152))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	None	G2G3	S1S2	SSC
Ambystoma californiense California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	SSC
Ardea herodias great blue heron	ABNGA04010	None	None	G5	S4	
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Atriplex cordulata var. cordulata heartscale	PDCHE040B0	None	None	G3T2	S2	1B.2
Atriplex minuscula lesser saltscale	PDCHE042M0	None	None	G2	S2	1B.1
Atriplex subtilis subtle orache	PDCHE042T0	None	None	G1	S1	1B.2
Blepharizonia plumosa big tarplant	PDAST1C011	None	None	G2	S2	1B.1
Bombus caliginosus obscure bumble bee	IIHYM24380	None	None	G4?	S1S2	
Bombus crotchii Crotch bumble bee	IIHYM24480	None	None	G3G4	S1S2	
Bombus occidentalis western bumble bee	IIHYM24250	None	None	G2G3	S1	
Branchinecta conservatio Conservancy fairy shrimp	ICBRA03010	Endangered	None	G2	S2	
Branchinecta lynchi vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S3	
Branta hutchinsii leucopareia cackling (=Aleutian Canada) goose	ABNJB05035	Delisted	None	G5T3	S3	
Buteo swainsoni Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
California macrophylla round-leaved filaree	PDGER01070	None	None	G3?	S3?	1B.2
Caulanthus lemmonii Lemmon's jewelflower	PDBRA0M0E0	None	None	G3	S3	1B.2
Clarkia rostrata beaked clarkia	PDONA050Y0	None	None	G2G3	S2S3	1B.3

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Coastal and Valley Freshwater Marsh Coastal and Valley Freshwater Marsh	CTT52410CA	None	None	G3	S2.1	
Coccyzus americanus occidentalis western yellow-billed cuckoo	ABNRB02022	Threatened	Endangered	G5T2T3	S1	
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	Candidate Threatened	G3G4	S2	SSC
Desmocerus californicus dimorphus valley elderberry longhorn beetle	IICOL48011	Threatened	None	G3T2	S2	
Egretta thula snowy egret	ABNGA06030	None	None	G5	S4	
Elderberry Savanna Elderberry Savanna	CTT63440CA	None	None	G2	S2.1	
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Eryngium racemosum Delta button-celery	PDAPI0Z0S0	None	Endangered	G1Q	S1	1B.1
Eschscholzia rhombipetala diamond-petaled California poppy	PDPAP0A0D0	None	None	G1	S1	1B.1
Eumops perotis californicus western mastiff bat	AMACD02011	None	None	G5T4	S3S4	SSC
Falco columbarius merlin	ABNKD06030	None	None	G5	S3S4	WL
Great Valley Cottonwood Riparian Forest Great Valley Cottonwood Riparian Forest	CTT61410CA	None	None	G2	S2.1	
Great Valley Mixed Riparian Forest Great Valley Mixed Riparian Forest	CTT61420CA	None	None	G2	S2.2	
Great Valley Valley Oak Riparian Forest Great Valley Valley Oak Riparian Forest	CTT61430CA	None	None	G1	S1.1	
Icteria virens yellow-breasted chat	ABPBX24010	None	None	G5	S3	SSC
Lasiurus blossevillii western red bat	AMACC05060	None	None	G5	S3	SSC
Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4	
Legenere limosa legenere	PDCAM0C010	None	None	G2	S2	1B.1
Lepidurus packardi vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G4	S3S4	
Linderiella occidentalis California linderiella	ICBRA06010	None	None	G2G3	S2S3	
Lytta moesta moestan blister beetle	IICOL4C020	None	None	G2	S2	



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Melospiza melodia song sparrow ("Modesto" population)	ABPBXA3010	None	None	G5	S3?	SSC
Mylopharodon conocephalus hardhead	AFCJB25010	None	None	G3	S3	SSC
Myotis yumanensis Yuma myotis	AMACC01020	None	None	G5	S4	
Neostapfia colusana Colusa grass	PMPOA4C010	Threatened	Endangered	G1	S1	1B.1
Neotoma fuscipes riparia riparian (=San Joaquin Valley) woodrat	AMAFF08081	Endangered	None	G5T1Q	S1	SSC
Northern Hardpan Vernal Pool Northern Hardpan Vernal Pool	CTT44110CA	None	None	G3	S3.1	
Oncorhynchus mykiss irideus steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
Orcuttia inaequalis San Joaquin Valley Orcutt grass	PMPOA4G060	Threatened	Endangered	G1	S1	1B.1
Puccinellia simplex California alkali grass	PMPOA53110	None	None	G3	S2	1B.2
Sphenopholis obtusata prairie wedge grass	PMPOA5T030	None	None	G5	S2	2B.2
Sylvilagus bachmani riparius riparian brush rabbit	AMAEB01021	Endangered	Endangered	G5T1	S1	
Tuctoria greenei Greene's tuctoria	PMPOA6N010	Endangered	Rare	G1	S1	1B.1
Vireo bellii pusillus least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S2	
Vulpes macrotis mutica San Joaquin kit fox	AMAJA03041	Endangered	Threatened	G4T2	S2	

Record Count: 53

Appendix E

Cultural Resources Impacts Evaluation
Supporting Documentation

Technical Report—Draft

CULTURAL RESOURCES ASSESSMENT REPORT

City of Modesto Del Rio Tank and Wells Project
Stanislaus County, California

September 2016

Prepared for:

City of Modesto Utilities Department
1010 Tenth Street / P.O. Box 642
Modesto, CA 95353
Contact: Tamorah Bryant, Acting Senior Civil Engineer

Horizon
WATER and ENVIRONMENT

Prepared by:

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Janis Offermann, MA, RPA
Cultural Resources Practice Lead

Limitations

This report contains confidential cultural resources location information; report distribution should be restricted to those with a need to know. Cultural resources are non-renewable, and their scientific, cultural, and aesthetic values can be significantly impaired by disturbance. To deter vandalism, artifact hunting, and other activities that can damage cultural resources, the locations of cultural resources should be kept confidential. The legal authority to restrict cultural resources information is provided in California Government Code Section 6254.1 and the National Historic Preservation Act of 1966, as amended, Section 304.

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Attachment 3: California Department of Parks and Recreation Form 523

List of Acronyms

amsl	Above mean sea level
APE	Area of Potential Effects
CCIC	Central California Information Center
CCR	California Code of Regulations
CCTS	Central California Taxonomic System
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
City	City of Modesto
CRHR	California Register of Historical Resources
CFR	Code of Federal Regulations
DPR	California Department of Parks and Recreation
Horizon	Horizon Water and Environment, LLC
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
PRC	Public Resources Code
TCR	Tribal Cultural Resource
USC	U.S. Code
USGS	U.S. Geological Survey

Executive Summary

The City of Modesto (City) is proposing the Del Rio Tank and Wells Project (Proposed Project) to improve the water system in the community of Del Rio by constructing a new water storage tank, pump station, backup generators, and new water conveyance; installing two wells; and decommissioning one well. The Proposed Project is located in an unincorporated area in northern Stanislaus County about 2 miles north of the City's sphere of influence. This document reports the findings of a cultural resources assessment for the Proposed Project. The City retained Horizon Water and Environment, LLC (Horizon) to complete the cultural resources assessment in support of the project.

This report documents cultural resources inventory methods and results as required for compliance with federal and California regulations. The study consisted of a literature review to identify any previously recorded cultural resources that could be affected by the Proposed Project and a field survey to locate any archaeological sites that may exist but have not yet been recorded. The study also included a survey of the built environment, which resulted in the recordation of an abandoned home and outbuildings on Ladd Road (Site A). The structures were evaluated for listing in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR).

No archaeological resources were identified during the course of the field survey, and the recorded buildings on Ladd Road do not appear eligible for NRHP/CRHR listing. As a result, the Proposed Project would not have an impact on significant cultural resources.

This report has been prepared based on certain key assumptions made by Horizon that substantially affect its conclusions and recommendations: (a) that the information gathered during the record search is up to date and accurate, and (b) that the field survey results accurately identified the presence or absence of archaeological resources visible on the ground surface. These assumptions, although believed to be reasonable and appropriate, may not prove to be true in the future. Horizon's conclusions and recommendations are conditioned upon these assumptions.

The archaeological inventory was performed based upon information obtained at the Central California Information Center of the California Historical Resources Information System, direct observation of site conditions, and other information that is generally applicable as of August 2016, when the inventory was performed. The conclusions and recommendations herein are therefore based on information available up to that time. Further information may come to light in the future that could substantially change the conclusions found herein.

Information obtained from these sources in this timeframe is assumed to be correct and complete. Horizon does not assume any liability for findings or lack of findings based upon misrepresentation of information presented to Horizon or for items that are not visible, made visible, accessible, or present at the time of the project area inventory.

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1 Introduction

1.1 Location and Setting

The Proposed Project consists of two sites situated in northern Stanislaus County, 0.75–1.2 miles south of the Stanislaus River and the Stanislaus/San Joaquin County line and approximately 2 miles north of the City of Modesto **(Figure 1)**. The Modesto region is on the east side of the northern San Joaquin Valley.

The project location is depicted within the Salida and Riverbank U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles **(Figure 2)**. The area immediately adjacent to the two project locations is flat and largely rural. The Del Rio Golf and Country Club is located west of St. John Road near its intersection with Stewart Road (near Site A), and some housing development is present on both sides of Stewart Road between St. John Road and McHenry Avenue (near Site B) and around the golf course.

1.2 Project Description and Area of Potential Effects

The City of Modesto Utilities Department proposes to construct an above ground water storage tank, water well, and booster pump station, along with several other appurtenant features and landscape improvements, on property located at 718 Ladd Road near its intersection with St. John Road (Site A). Additionally, a water transmission main would be constructed within St. John Road to convey water north from the tank site to connect with the existing distribution system near the intersection of St. John Road and Country Club Drive. A second water well would be constructed at a parcel on McHenry Avenue near its intersection with Stewart Road (Site B). This well would connect directly with an existing water main under McHenry Avenue and extend south to Stewart Road; additional pipeline would be installed along Stewart Road west from the junction with McHenry Avenue to approximately the intersection with Grove Pointe Way **(Figure 3)**.

Construction activities would include both trenching and jack-and-bore methods for water main installation; demolition of existing buildings and associated features (e.g., well and septic systems) at Site A; clearing of some vegetation; grubbing and placement of fill; and compaction of soils. New structures (i.e., storage tank, pump station buildings to house wells and pumps, standby generator) and a standby generator would be constructed on concrete slabs. In addition, a 1.3-acre stormwater detention basin would be constructed at Site A.

The area of potential effects (APE) for the Proposed Project consists of the 4-acre parcel on Ladd Road (Site A) and the 0.4-acre parcel on McHenry Avenue (Site B). The APE also includes 25 feet to both sides of the roads that would receive new pipeline: approximately 2,500 feet along St. John Road, 190 feet along McHenry Road, and 760 feet along Stewart Road. This is a total of 4.4 acres and 3,450 linear feet (0.65 mile). The depth of disturbance within the APE (known as the vertical APE) is expected to be about 42 inches (3.5 feet) for water main/pipeline construction, XXXX feet for building/facility construction, and 8 feet for the Site A stormwater detention basin. The wells would be excavated to a minimum depth of 300 feet and a maximum depth of 600 feet.

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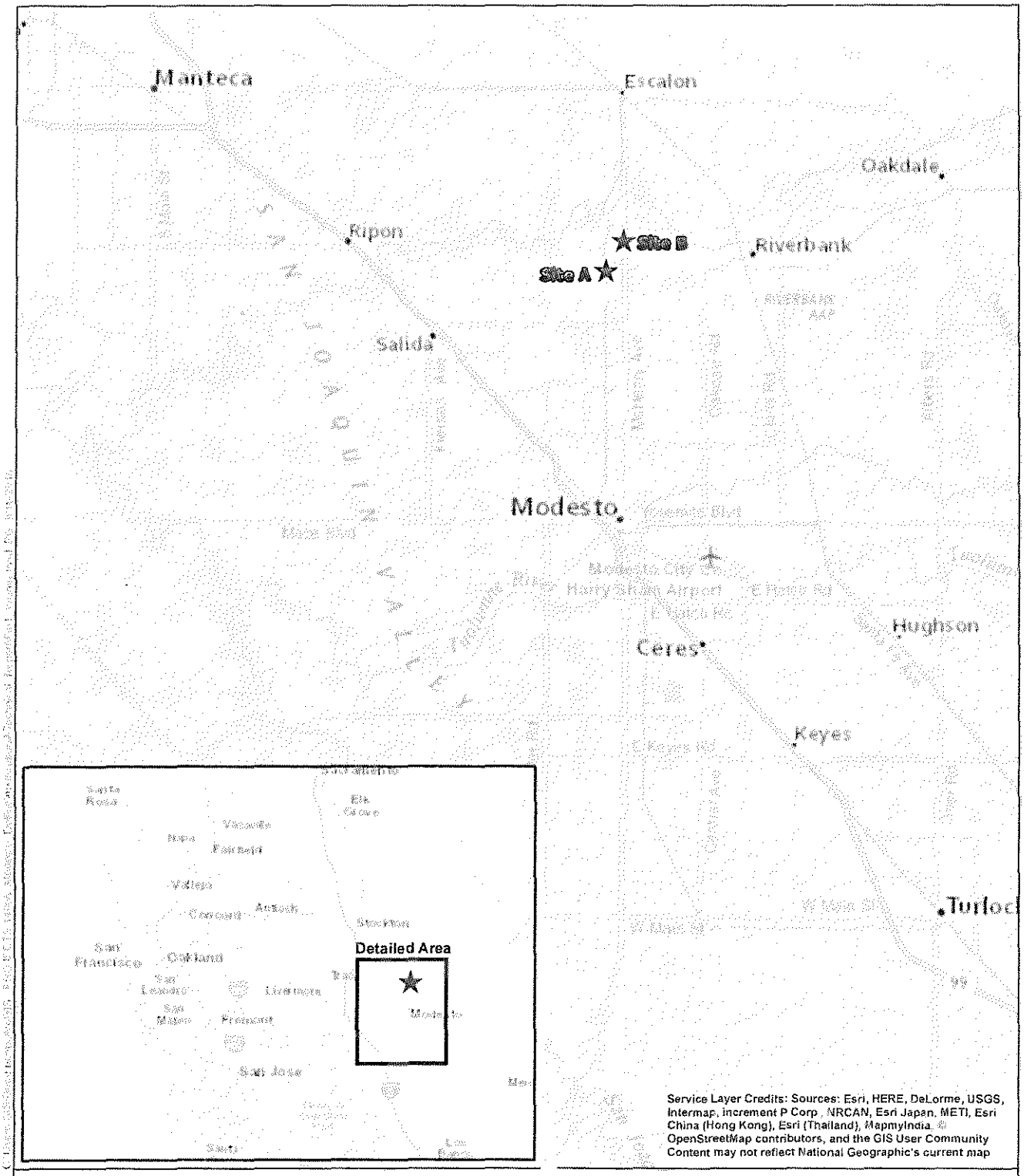

Figure 1
Project Vicinity Map

Del Rio Tank and Wells Project

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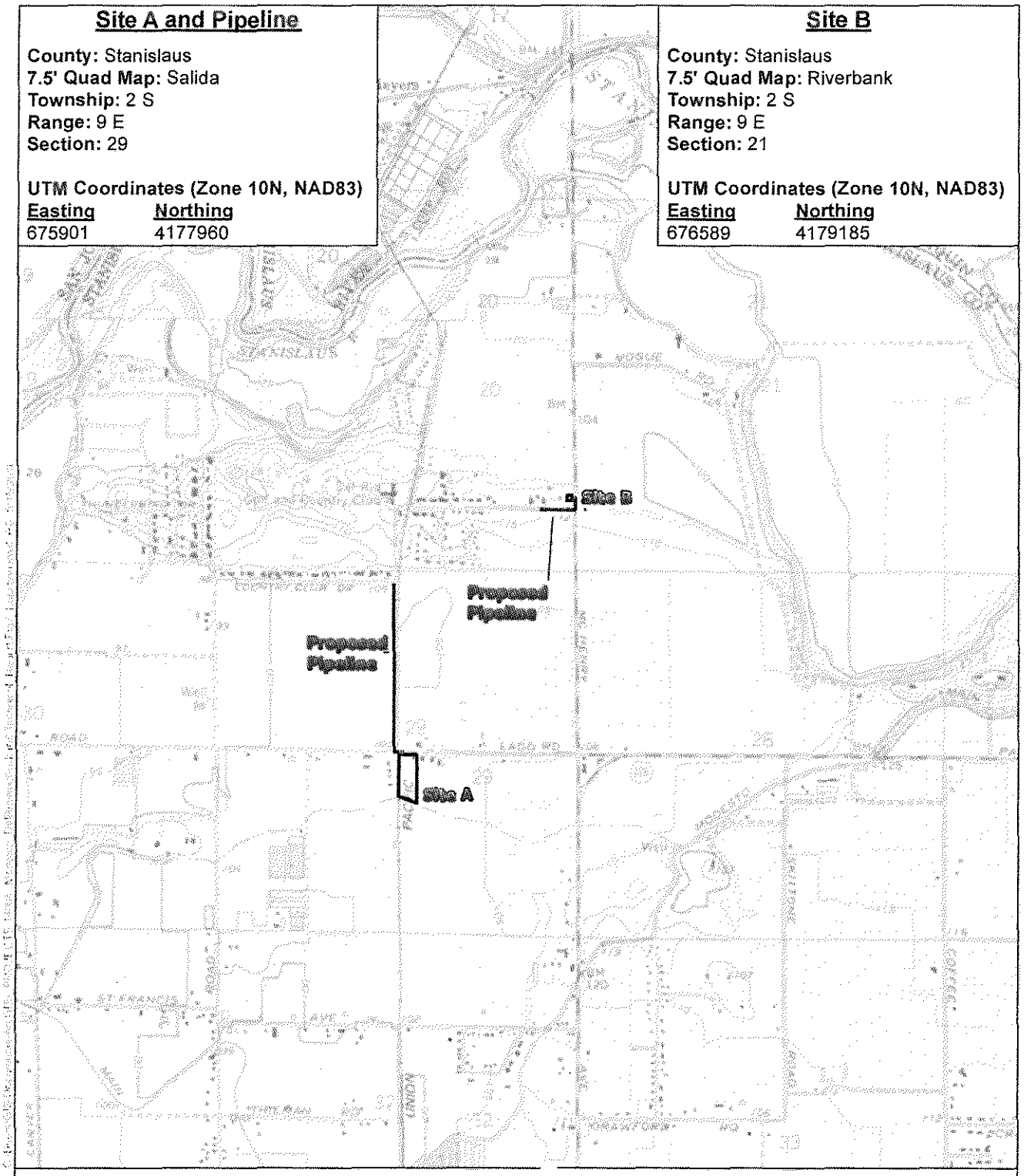

Figure 2
Project Location Map

Del Rio Tank and Wells Project

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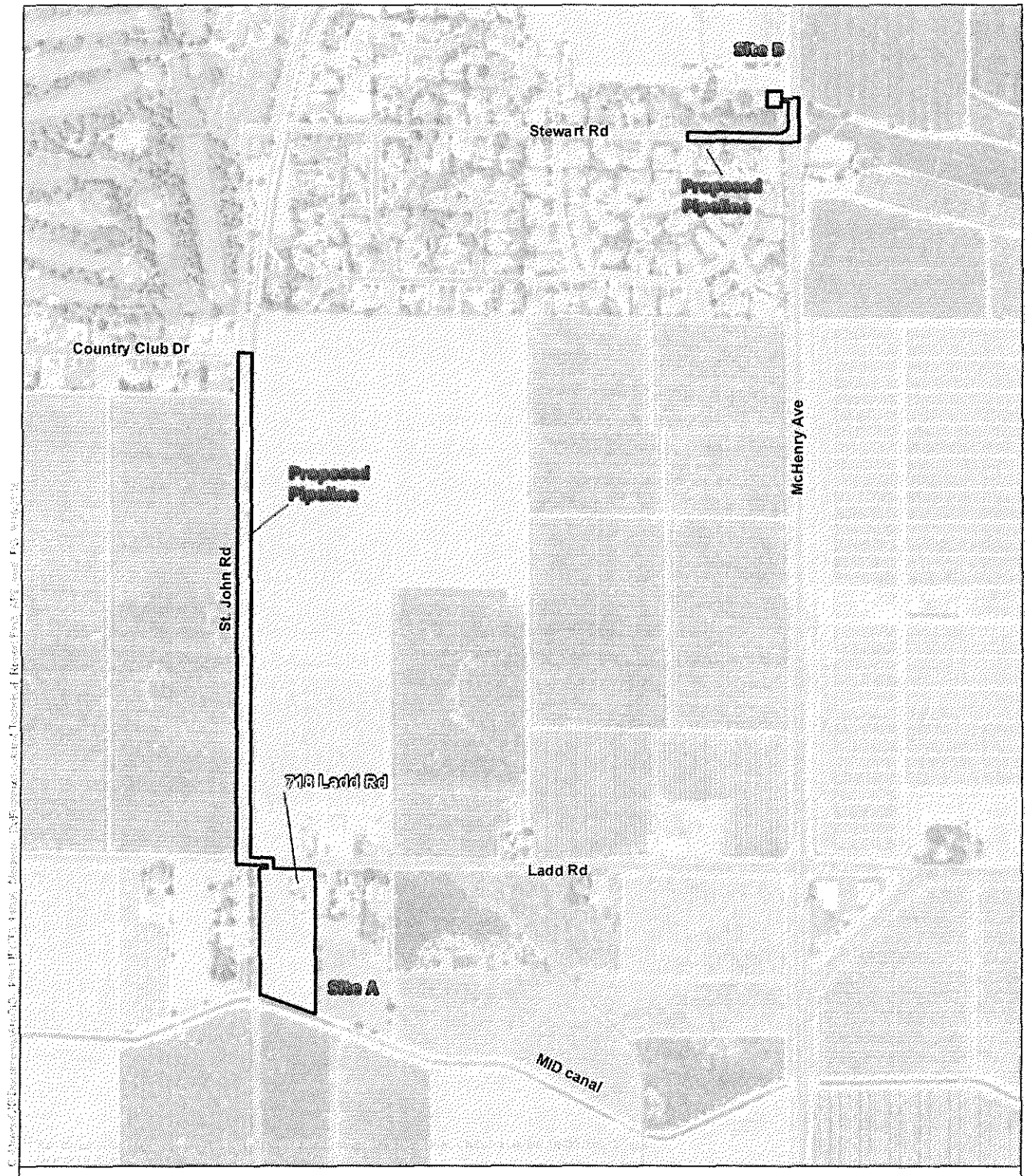

N

0 250 500 1,000 Feet

Area of Potential Effects

Horizon

Figure 3
Area of Potential Effects

Del Rio Tank and Wells Project

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1.3 Regulatory Setting and Need for Study

1.3.1 State of California Regulations

CEQA and State CEQA Guidelines

The Proposed Project must comply with California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Chapter 3), which determine, in part, whether the project would have a significant effect on a unique archaeological resource (PRC Section 21083.2) or a historical resource (PRC Section 21084.1).

CEQA Guidelines Section 15064.5 notes that "a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment." Lead agencies are required to identify potentially feasible measures or alternatives to avoid or mitigate significant adverse changes in the significance of a historical resource before they approve such projects. According to the CEQA Guidelines, a historical resource meets any of the following criteria:

- Listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (PRC Section 5024.1(k));
- Included in a local register of historical resources (PRC Section 5020.1) or identified as significant in a historical resource survey that meets the requirements of PRC Section 5024.1(g); or
- Determined by a lead state agency to be historically significant.

CEQA Guidelines Section 15064.5 also applies to unique archaeological resources as defined in PRC Section 21084.1.

Assembly Bill 52 (codified as PRC Section 21080.3.1), which went into effect on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe, and if the agency intends to release a negative declaration, mitigated negative declaration, or environmental impact report for the project. Under the same bill PRC Section 21084.2 also specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment. This latter language will be added to the CEQA checklist in the near future, but the regulation itself officially took effect on July 1, 2016. The City, as the project's CEQA lead agency, will consult with Native American tribes as required under PRC Section 21080.3.1.

As defined in PRC Section 21074(a), TCRs are:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

   a. Included or determined to be eligible for inclusion in the CRHR; or

b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

In addition to Section 21074(a) above, TCRs are further defined under Section 21074(b) and (c) as follows:

(b) A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and

(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a) [of Section 21074].

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe in accordance with the newly chaptered Section 21080.3.2 or Section 21084.3. The latter section identifies mitigation measures that include avoidance and preservation of TCRs and treating TCRs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

California Register of Historical Resources

PRC Section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR incorporates all properties listed as or determined to be eligible for listing in the National Register of Historic Places (NRHP), including properties evaluated under Section 106 of the National Historic Preservation Act (NHPA). The criteria for listing, which are similar to those of the NRHP, include resources that:

(1) Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(2) Are associated with the lives of persons important in our past;

(3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or

(4) Have yielded, or may be likely to yield, information important in prehistory or history.

PRC Section 5024.1 sets forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

1.3.2 Federal Regulations

Construction of the Proposed Project by the City of Modesto would require a Clean Water Act Section 402 permit from the Central Valley Regional Water Quality Control Board. As a result, the

project constitutes a federal undertaking as defined by 54 U.S. Code (USC) Section 300101 of the NHPA and mandates compliance with 54 USC Section 306108, commonly known as Section 106 of the NHPA and its implementing regulations, found in 36 Code of Federal Regulations (CFR) Section 800, as amended in 2001. To comply with Section 106, the project proponent must "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register."

The implementing regulations of the NHPA require that cultural resources be evaluated for NRHP eligibility if they cannot be avoided by an undertaking. To determine site significance through application of NRHP criteria, several levels of potential significance must be considered that reflect different (although not necessarily mutually exclusive) values. As provided in 36 CFR Section 60.4, "the quality of significance in American history, architecture, archaeology, and culture [that] is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association" must be considered within its historic context. To meet eligibility criteria of the NRHP, resources must also be at least 50 years old, except in rare cases, and must:

(A) Be associated with events that have made a significant contribution to the broad patterns of our history; or

(B) Be associated with the lives of persons significant in our past; or

(C) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or that possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or

(D) Have yielded, or be likely to yield, information important in prehistory or history.

For archaeological sites evaluated under Criterion D, integrity requires that the site remain sufficiently intact to convey the expected information to address specific important research questions.

Cultural resources also may be considered separately under the National Environmental Policy Act in accordance with 42 USC Sections 4321-4327. These sections require federal agencies to consider potential environmental impacts and appropriate mitigation measures for projects with federal involvement.

1.4 Personnel

Field work, analysis, and reporting were carried out by the professionals identified below, all of whom meet the U.S. Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR Section 44716, as amended in 1983). Procedures followed in conducting the analysis complied with NHPA Section 106 as set forth in 36 CFR Section 800.

- Janis Offermann, Registered Professional Archaeologist, acted as Principal Investigator for the project, conducted the archaeological field survey, and prepared this report. She has a Bachelor's degree in Anthropology from Sonoma State University in Rohnert Park, California, and a Master's degree in Anthropology from the University of California at Davis. She has more than 40 years of experience in California archaeology and cultural resource management. Ms. Offermann is the cultural resources practice leader with Horizon.

- Kara Brunzell, MA, conducted the built environment field survey, completed recordation of the Ladd Road buildings, and evaluated the structures for NRHP/CRHR eligibility. She has a Bachelor's degree in History from the University of California at Los Angeles and a Master's degree in History/Public History from California State University, Sacramento. She has 9 years of experience in architectural history and has worked throughout California.

2 Project Context

2.1 Environmental Setting

The Proposed Project is located near the east side of the northern San Joaquin Valley. The area is generally flat and has an elevation of approximately 100 feet above mean sea level (amsl); this reflects the elevation of Site A and the pipeline on St. John Road. The location of the Del Rio Country Club, on an east/west–trending "ridge" just south of the Stanislaus River, is somewhat higher, with a maximum elevation of 128 feet amsl. Site B, at the east end of this ridge, has an elevation of approximately 112 feet amsl.

Orchards border the APE along the west side of St. John Road and east of McHenry Avenue. Although the Ladd Road parcel (Site A) once contained a small orchard, it is now covered with low-growing grasses. Site B is similarly covered with weedy grasses and forbs, as is the east side of St. John Road. Houses line both sides of Stewart Road adjacent the APE.

Because archaeological resources may be buried with no surface manifestation, precluding their observation during pedestrian survey, the potential for buried archaeological resources within a given project area requires assessment. The probability that a buried archaeological resource is present in a project area is governed by several factors: (1) the presence of a buried, "stable land surface" called a paleosol; (2) the age of this paleosol; (3) the relative availability of a subsistence base required for human sustenance near the buried paleosol; and (4) the presence or absence of known archaeological resources in the area. Assessments that evaluate the potential for buried resources are commonly referred to as "geoarchaeological studies."

A review of soils information (Natural Resources Conservation Service 2016) and geoarchaeological data (Rosenthal et al. 2004:76, 78-79) indicates that the soils within the project area (Delhi loamy sand, Hanford sandy loam, and Tujunga loamy sand) date from the late Pleistocene through the Holocene Epoch. These soils are considered to have moderate, high, and very high sensitivity ratings, respectively, for buried archaeological remains (Rosenthal et al. 2004:104). Proximity to the Stanislaus River increases the potential for buried resources.

2.2 Prehistoric Context

Very little archaeological work has been conducted in the Modesto area or in the San Joaquin Valley in general; therefore, the archaeology of the project area is understood within the prehistoric context developed for the Central Valley as a whole. Since the early 1930s, various schemes have been set forth by researchers to organize the archaeological data of California into a chronological framework. The Central Valley sequence established by Lillard, Heizer, and Fenenga in 1939 is particularly notable. Based on archaeological investigations in the lower Sacramento Valley, Lillard and colleagues divided human prehistory into three broad cultural horizons: Early, Middle, and Late. This chronology was first known as the Delta sequence and later became the basis of Richard Beardsley's Central California Taxonomic System (CCTS) (Moratto 1984:181). The system relies on the identification of characteristics such as burial patterns, shell bead types, stone tools, and the types of locations where the sites tend to occur. These traits and characteristics are used to identify an archaeological resource as belonging to a specific time period.

The CCTS has continued to undergo significant refinement but remains the framework within which California archaeologists explain cultural change. The general system is still widely used by archaeologists, but it has been expanded and revised to include economic and technological strategies, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods. The current chronology (Rosenthal et al. 2010:150) for central California archaeology includes:

- Paleo-Indian: 11,550–8550 B.C.
- Lower Archaic: 8550–5550 B.C.
- Middle Archaic: 5550–550 B.C.
- Upper Archaic: 550 B.C to 1100 A.D.
- Emergent: 1100 A.D. to Historic

The Paleo-Indian Period (11,550–8,550 B.C.) is generally characterized by big-game hunters occupying broad geographic areas. Archaeological deposits from the Paleo-Indian period are rarely found in the Central Valley, however, and those that have been identified have largely been discovered at the south end of the San Joaquin Valley near Tulare Lake. Post-depositional processes, mainly glacial outwash occurring at the end of the Pleistocene Epoch, either destroyed or deeply buried much of the existing evidence of human activity in the region from this period. As result, little is known about Paleo-Indian lifeways in the region (Moratto 1984:214).

Similar to the preceding period, the Lower Archaic Period (8550–5550 B.C.) is presumed to reflect a mobile population that continued to hunt big game. Few localities in the Central Valley are associated with this period, and those that have been found are largely isolated artifacts consisting of large wide-stemmed and leaf-shaped projectile points, along with flaked stone crescents. Only two sites with associated deposits of faunal and shell remains have been identified for the Lower Archaic Period, one at Buena Vista Lake in the southern San Joaquin Valley (Rosenthal et al. 2010:151-152) and one in Sacramento (Tremaine 2008). Some sites in the Sierra Nevada foothills from this period, however, indicate the use of milling equipment (hand stones and milling stones) to process seeds and nuts.

The Middle Archaic Period (5550–550 B.C.) indicates a shift to a more settled way of life that is reflected by substantial, though often deeply buried, archaeological sites with artifacts that are more elaborate in design, imply a more diverse subsistence regime, and indicate interregional trade. Sites are often situated along the major rivers and streams within the Central Valley, emphasizing a focus on riverine and marsh habitats. The Windmiller Tradition or Pattern, which was first identified in sites around the Sacramento–San Joaquin River Delta, is often considered representative of this period. Characteristic artifacts from this period include a variety of fish hooks and spears; large stemmed and leaf-shaped projectile points of obsidian and chert; shaped charmstones of alabaster, steatite, or marble; and a variety of *Haliotis* and *Olivella* shell ornaments and beads, respectively. Mortars and pestles, associated with acorn preparation, became commonplace by the middle of the period. The presence of ventrally and dorsally extended burials with a western orientation is particularly indicative of the Windmiller Pattern.

Increased sedentism and technological specialization are evidenced during the Upper Archaic Period (550 B.C to 1100 A.D.), as populations exploited more diverse resources and established trade relationships. Mortars and pestles became the primary ground stone implements, suggesting that acorns had become a more important dietary staple. Regional diversity in artifact styles, such as *Haliotis* shell ornaments, bone tools, and ground charmstones or plummets, became more pronounced; burial postures also varied.

Archaeological sites from the Emergent Period (A.D. 1100 to the historic period) indicate increased social complexity and the development of large, central villages with resident political leaders and specialized activity sites. Enhanced regional diversity in terms of artifact styles, housing, and interment methods is evident in the archeological record. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a variety of shell and stone beads and ornaments.

2.3 Ethnohistoric Context

The Modesto area lies within the ancestral territory of the Northern Valley Yokuts. The term "Yokuts" is applied to a large and diverse group of people inhabiting the San Joaquin Valley and Sierra Nevada foothills of central California. The Northern Valley Yokuts inhabited a 40- to 60-mile-wide area straddling the San Joaquin River, south of the Mokelumne River, east of the Diablo Range, and north of the sharp bend that the San Joaquin River takes to the east-northeast near Mendota in Fresno County. The Southern Valley Yokuts occupied the San Joaquin Valley south of the bend in the river. Although they were divided geographically and ecologically, the two Yokuts divisions have a common linguistic heritage (Wallace 1978:462).

The Northern Valley tribes closely resembled the Yokuts groups to the south, although there were some cultural differences. The northerners had greater access to salmon and acorns, two important dietary resources, compared to the Southern Yokuts, and some of their religious practices reflected the influences of groups to their north, such as the Miwok. While inhumation was the usual practice in the southern valley, the Northern Valley Yokuts either cremated their dead or buried them in a flexed position (Wallace 1978:464, 468). A chief headed the tribal villages, which averaged around 300 people. Family houses were round or oval in shape, sunken, with a cone-shaped pole frame, and covered with tule mats. Each village also had a lodge for dances and other community functions, as well as a sweathouse (Wallace 1978:462-464).

The Northern Valley Yokuts built their riverside villages on elevated areas along the water's edge to avoid the spring floods, which were a result of heavy Sierra Nevada snow melts. Living beside rivers and streams provided plentiful river perch, Sacramento pike, salmon, and sturgeon. Hunting provided waterfowl such as geese and ducks as well as terrestrial animals such as antelope, elk, and brown bear, although by all indications, fish constituted a majority of the diet. The surrounding woodland, grasslands, and marshes provided acorns, tule root, and seeds.

The Northern Valley Yokuts used bone harpoon tips for fishing, stone sinkers for nets, chert projectile points for hunting, and mortars and pestles, scrapers, knives, and bone awl tools to procure and process food. Marine shells, procured from coastal tribes, were used for necklaces and other adornments, and marine shell beads sometimes accompanied the deceased. The northern tribes used tule reed rafts to navigate the waterways for fishing and hunting fowl. The Yokuts also manufactured intricate baskets for a variety of purposes, including storing, cooking, eating, winnowing, hopper mortars, the transport of food materials, and rituals. Very little is known of the Northern Valley Yokuts' clothing, but drawings of their tattoos show that they served not only as a decoration but also as a form of identity (Wallace 1978:464).

Initially, the Diablo Range served as a natural barrier against heavy recruitment of Native Californians by the Spanish, who established missions along the coast; however, by the early 19th century, Spanish—and later, Mexican—missionaries began to explore the inner valleys in search of potential neophytes, or converts to Catholicism. The Yokuts resisted recruitment and California Indians from various tribes sought refuge among the Yokuts after fleeing the missions. Introduced diseases, destruction of traditional resources from cattle grazing, and forced relocation took a heavy toll on the Northern Yokuts. Despite decades of hardship, many individuals who can trace their ancestry to the Northern Valley Yokuts continue to live and thrive in the Central Valley, as well as throughout California and the United States.

2.4 Historic-era Context

The historic era began in Stanislaus County when the first Spanish expedition entered the San Joaquin Valley in 1806 under the leadership of Gabriel Moraga. Traveling north and northwest through the region in search of possible mission sites, Moraga's party explored up what came to be known as the Stanislaus River. Moraga visited the area again in 1808 and 1810 (Kyle et al. 2002:516-517).

After Mexico gained its independence from Spain in 1822, two additional expedition forces entered the area; however, the purposes of their campaigns were no longer exploratory. Soldiers were sent into the Central Valley to recover stolen animals and punish rebellious Indians in an attempt to reduce attacks upon coastal towns, missions, and ranchos.

Americans also began to enter the region during the Mexican period. In 1827 and 1828, Jedediah Smith entered the San Joaquin Valley through the Tejon Pass and trapped beavers along the San Joaquin, Kings, and other rivers and streams that flowed from the Sierra. Smith was followed by fellow trappers such as Peter Ogden, Ewing Young, Kit Carson, and Joseph Walker.

The first permanent European settlement in Stanislaus County may have been established when two land grants were issued by the Mexican government in 1843. The first was the Rancho El Pescadero on the west side of the San Joaquin River near the border of what would eventually become San Joaquin County. The second was the Rancheria del Rio de Estanislao located north of the Stanislaus River bordering Tuolumne County. Two additional land grants were issued the following year. These were the Ranchos del Puerto and Orestimba, both of which were on the west side of the county near Rancho Pescadero (Tinkham 1921).

The City of Modesto came into being in 1870 when the Central Pacific Railroad announced the location would be the end point of the next extension of the rail line as it progressed south through the Central Valley (Kyle et al. 2002:521). By the time the tracks were completed in November of that year, entrepreneurs had already established a viable town (City of Modesto 2016). Modesto residents were among California's first irrigation advocates, and by 1904 a system of canals had been constructed to allow more productive agriculture. During the 19th century, grain growing was Stanislaus County's dominant agricultural activity. Stock raising, dairy farming, fruit and nut orchards, and vegetable farms all became more important over time. When Prohibition ended in 1933, the Gallo brothers came to Modesto, bringing the wine business to the area on an industrial scale. In the 21st century, almonds and walnuts are the most lucrative local crops, although fruits, vegetables, livestock, and other agricultural products remain important. Modesto is still the most important town in the region and is the Stanislaus County seat.

The Del Rio area is a census-designated place in Stanislaus County that receives services from the City of Modesto. Until the mid-1940s, the area supported scattered farms and orchards. The Del Rio Country Club was founded along on south bank of the Stanislaus River in 1946 (Del Rio Country Club 2016). After this time, the area slowly began to grow as housing tracts were established west of the golf course, along Country Club Drive on the south side of the golf course, and east of St. John Road, which borders the country club on the east (USGS 2016). The current level of development in the Del Rio area was completed around 2002 (NETR Online 2016).

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3 Native American Consultation and Archival Research

In accordance with the U.S. Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR Section 44716, amended 1983), the goals of this archaeological inventory were to identify and completely document the location, qualities, and condition of any potential historic properties in the Proposed Project's APE. Methods employed to achieve these goals are described below.

3.1 Native American Consultation

A request was made to the Native American Heritage Commission (NAHC) on April 20, 2016, to review its files for the presence of sacred sites at or near the project location. At the same time, requests were made for a list of individuals who might have concerns or have knowledge of traditional sites in the vicinity of the project site and for a separate list of tribes that have a traditional and cultural affiliation with the project area for the purpose of consultation as required by PRC Section 21080.3.1. The NAHC responded on April 21, 2016, noting that no sacred sites are known to exist in the vicinity of the Proposed Project, and with a list of tribes for the purposes of PRC Section 21080.3.1 consultation. After additional communication with the NAHC requesting a broader list of individuals who might have knowledge about the project area, the NAHC stated that the list provided for Section 21080.3.1 consultation was adequate. As a result, letters requesting information were sent to the individuals identified in **Table 1**. These individuals were contacted first by mail, then by phone. To date, those contacted have not voiced any concerns about the Proposed Project.

The City of Modesto also sent notification letters about the Proposed Project, in accordance with PRC Section 21080.3.1(d), to the individuals listed in Table 1 on May 12, 2016. None of the contacted tribes requested consultation within the 30-day period prescribed under PRC Section 21080.3.1(b)(2).

All communications and correspondence with the NAHC and Native American tribes conducted by Horizon are provided in **Attachment 1**.

Table 1. Native American Consultation

Contact	Tribe	Letter Date	Telephone Follow-up Date	Comments
Lois Martin, Chairperson	Southern Sierra Miwok Nation	June 10, 2016	June 27, 2016	Chairperson Martin noted that the project was outside of the tribe's usual area of concern and she did not know of any resources in the project area. She noted, however, that work should stop if any cultural resources were discovered during construction.
Katherine Erolinda Perez, Chairperson	North Valley Yokuts Tribe	June 10, 2016	June 27, 2016	Left message on answering machine
Neil Peyron, Chairperson	Tule River Indian Tribe	June 10, 2016	June 27, 2016	Operator could not find letter in the mail log; Chairperson Peyron said it might have gone to the environmental coordinator and he would follow up with that person.

3.2 Archival Research

A records search was conducted by the Central California Information Center (CCIC) of the California Historical Resources Information System at California State University, Stanislaus for the Proposed Project prior to initiating the field study. The purpose of the records search was to determine if the study area had previously been surveyed for cultural resources, and to identify any previously recorded cultural resources in or within ½ mile of the project site. The archival research included review of the California Inventory of Historic Resources, local historical inventories, historical literature, and historical maps, including USGS topographic maps, General Land Office maps, and Rancho Plat Maps. The results of the record search are included in **Attachment 2**.

The records search indicated that two previous studies had been conducted that included portions of the study area. These studies are listed in **Table 2**; another three studies had been conducted within the ½-mile search area. One of these studies, No. 07171, is listed in Table 2 because it is directly adjacent to the study area along St. John Road. The remaining two studies are farther removed from the project site.

Table 2. Cultural Studies Previously Conducted Entirely or Partially in the Project Area

CCIC Report No.	Author	Date	Title	Comments
06802	S. Davis-King	2008	Negative Historical Resource Survey Report McHenry Road Widening Phase I Ladd Road to Hogue Road Stanislaus County, California	Linear survey along McHenry Avenue and adjacent to Site B
07171	C. K. Graham	2009	Proposed Abandonment of the McHenry Industrial Lead from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry, a total distance of 5.18 miles in San Joaquin and Stanislaus counties, California.	Linear survey along the abandoned Union Pacific Railroad line east of St. John Road, adjacent the study area
07244	S. Waechter and M. Bunse	2007	North County Corridor Environmental Constraints Analysis: Cultural Resources	Literature search that included the area of Site A

Note: CCIC = Central California Information Center

The records search identified one previously recorded cultural resource immediately south of the Site A parcel. This resource, P-50-002155, is the Dr. Moore Canal. Constructed in 1911, the Dr. Moore Canal is a small, concrete-lined branch canal that diverts water from the Modesto Irrigation District Main Canal for local agricultural purposes before reconnecting with the Main Canal downstream (Morlet 2006). The site record for the Dr. Moore Canal evaluated the resource as being not eligible for listing in the NRHP or CRHR.

The supporting documentation for the Stanislaus County General Plan does not identify any historical areas or points of historical interest in the study area (Stanislaus County 1994).

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4 Inventory Methods and Results

4.1 Pedestrian Survey

The study area was subjected to an intensive archaeological pedestrian survey on May 4, 2016, by a qualified archaeologist who meets the U.S. Secretary of the Interior's professional standards in archaeology (48 Federal Register 44738-44739; Appendix A to 36 CFR 61). During the pedestrian survey, the study area was inspected for the presence of archaeological materials, including prehistoric and historic-era habitation debris (e.g., stone tools or tool manufacturing debris, glass fragments, tin cans), prehistoric features (e.g., hearths, house pits), and historic-era structural remains (e.g., house foundations, wells). The Site A parcel was surveyed in transects spaced at approximate 40-foot intervals. The much smaller Site B parcel was surveyed at about 15-foot intervals. Although grasses covered much of both parcels, ground surface visibility ranged from fair to excellent. Both shoulders of St. John Road were surveyed to a distance of approximately 25 feet from the edge of pavement, where possible; ground surface visibility was excellent. Along approximately the northern 1,200 feet of the west shoulder on St. John Road, the north shoulder of Ladd Road, both sides of Stewart Road, and the west shoulder of McHenry Avenue, the survey width was restricted by fencing, landscaping, and concrete sidewalks; however, the ground surface was examined wherever possible.

The architectural history field survey of the Site A parcel was performed on May 4, 2016, by a qualified architectural historian who meets the U.S. Secretary of the Interior's professional standards in architectural history. Each building and structure of the farm complex on the property was examined and photographed. The buildings were recorded on California Department of Parks and Recreation (DPR) 523 series forms **(Attachment 3)**.

4.2 Survey Results

4.2.1 Archaeological Resources

No archaeological resources were identified within the study area as a result of the archaeological field survey.

4.2.2 Built Environment Resources

One rural property, consisting of a single-family home, a detached garage, a metal barn, and several outbuildings in disrepair, was identified within the APE and recorded on DPR forms (**Attachment 3**). The resource is at 718 Ladd Road on the 4-acre parcel identified, for the purposes of this Proposed Project, as Site A, which is the proposed location for a water storage tank, a pump station building, and a stormwater detention basin.

Research indicated that the house was constructed in 1946 by Joe Moreno, whose family continued to own the parcel until it was sold to the City of Modesto around 2010. Like many of his neighbors, Joe maintained a small orchard on his property until the early 2000s. Additional information about the history of the property is provided in Attachment 3. Today the parcel is grass-covered with ornamental trees growing around the house and outbuildings.

The rectangular-plan house covers 1,264 square feet with its main façade on Ladd Road. Its composition shingle roof is side-gabled with shed sections at the front and rear. It has the minimal eave overhang and exposed rafter tails of the Minimal Traditional style, a style that was popular for inexpensive houses beginning in the Great Depression up until about 1950. Cladding is stucco, and windows of several sizes are fitted with vinyl replacement sash. The projecting partial porch is supported by three square brick columns. The front door is near the center of the main elevation. It is sheltered by the porch roof and accessed by a set of concrete steps that lead from the driveway to the east of the house. It is fitted with a metal security screen door. There is a brick chimney on the east elevation. A secondary entrance at the rear is fitted with a partially glazed wood door and accessed by a set of concrete steps. An awning appears to have been removed at the southeast corner of the house, and the door is sheltered only by a few inches of eave overhang. A smaller wood panel door west of the rear entrance is at grade and appears to house a water heater.

The rear yard has areas paved in concrete and asphalt as well as areas of bare dirt. The detached garage is southeast of the house and is also side-gabled and clad in stucco. Its single vehicle opening has a metal roll-up door. A similar single vehicle door to the west has been partially enclosed, and a partially glazed wood-panel door installed. There is a secondary personnel entrance on the east elevation and aluminum slider windows at the east, south, and west. Photographs of the structures are included in the DPR forms in Attachment 3.

The Moreno property was evaluated for eligibility for listing in the NRHP and the CRHP, as follows:

Criterion A/1: 718 Ladd Road is not associated with events that have made a significant contribution to the broad patterns of local, regional, or national history. Therefore, the building is not eligible to the NRHP or CRHR under NRHP Criterion 1 or CRHR Criterion A.

Criterion B/2: 718 Ladd Road is not associated with the lives of persons important to local, state, or national history and is therefore not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: 718 Ladd Road is a common example of dwellings constructed in the 1940s. It lacks architectural significance and is therefore not eligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and may be significant under Criterion D/4. 718 Ladd Road does not appear to be a principal source of important information in this regard.

In sum, the property at 718 Ladd Road does not appear to be eligible for listing on either the NRHP or the CRHR.

4.2.3 Tribal Cultural Resources

Outreach to local Native American tribes for general information and concerns about the Proposed Project have not identified any TCRs. Similarly, consultation by the City under PRC Section 21080.3 has not revealed the presence of TCRs in the study area.

5 Summary and Recommendations

The City of Modesto is proposing to improve the water system of the community of Del Rio by constructing two new wells and appurtenant facilities at two different locations (Site A on Ladd Road and Site B on McHenry Avenue) and installing new water conveyance pipelines to connect the wells to the City's water distribution system. Archival research and pedestrian surveys did not identify any archaeological resources within the APE. A single-family house and associated outbuildings located at 718 Ladd Road were recorded and evaluated for NRHP/CRHR eligibility by a qualified architectural historian. It was determined that the structures do not appear eligible for listing on the NRHP or CRHR.

Although no archaeological sites were identified by the archaeological inventory, archaeological sites may be buried with no surface manifestation. Furthermore, as noted in Section 2.1, the soils that underlie the sites have a moderate to very high sensitivity for the presence of buried archaeological remains. If prehistoric or historic-era materials are encountered, all work in the vicinity should halt until a qualified archaeologist can evaluate the discovery and make recommendations in accordance with 36 CFR Section 800.13(b). Prehistoric materials would most likely include obsidian and chert flaked-stone tools (e.g., projectile points, knives, choppers), tool-making debris, or milling equipment such as mortars and pestles. Historic-era materials might include remains of agricultural implements; stone or concrete footings and walls; and deposits of metal, glass, and/or ceramic refuse.

The possibility of encountering human remains cannot be discounted. Under Section 7050.5 of the California Health and Safety Code, it is a misdemeanor to knowingly disturb a human burial. If human remains are encountered, work must halt in the vicinity of the remains and, as required by law, the Stanislaus County coroner should be notified immediately. An archaeologist should also be contacted to evaluate the find. If human remains are determined to be of Native American origin, the coroner must notify the NAHC within 24 hours of that determination. In accordance with PRC Section 5097.98, the NAHC, in turn, will immediately contact an individual who is most likely descended from the remains (i.e., the Most Likely Descendant). The Most Likely Descendant has 48 hours to inspect the site and recommend treatment of the remains. The landowner is obligated to work with the Most Likely Descendant in good faith to find a respectful resolution to the situation and entertain all reasonable options regarding the Most Likely Descendant's preferences for treatment.

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6 References

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Attachment 1
Native American Correspondence

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Sacred Lands File & Native American Contacts List Request

Native American Heritage Commission
1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
916-373-3710
916-373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: Modesto Dell Rio Well

County: Stanislaus

USGS Quadrangle Name: Salida and Riverbank 7.5'

Township: _____ **Range:** _____ **Section(s):** _____

Company/Firm/Agency: Horizon Water and Environment, LLC

Street Address: 555 Capitol Mall, Suite 800

City: Sacramento, CA **Zip:** 95814

Phone: 916.553.4923

Fax: 916.443.9017

Email: janis@horizonh2o.com

Project Description: The City of Modesto is proposing to construct a new well and above-ground storage tank at separate locations. New pipeline will also be installed to connect the storage tank to existing infrastructure. Please see the attached map for the project locations.

Site A and Pipeline

County: Stanislaus
7.5' Quad Map: Salida
Township: 2 S
Range: 9 E
Section: 29

UTM Coordinates (Zone 10N, NAD83)

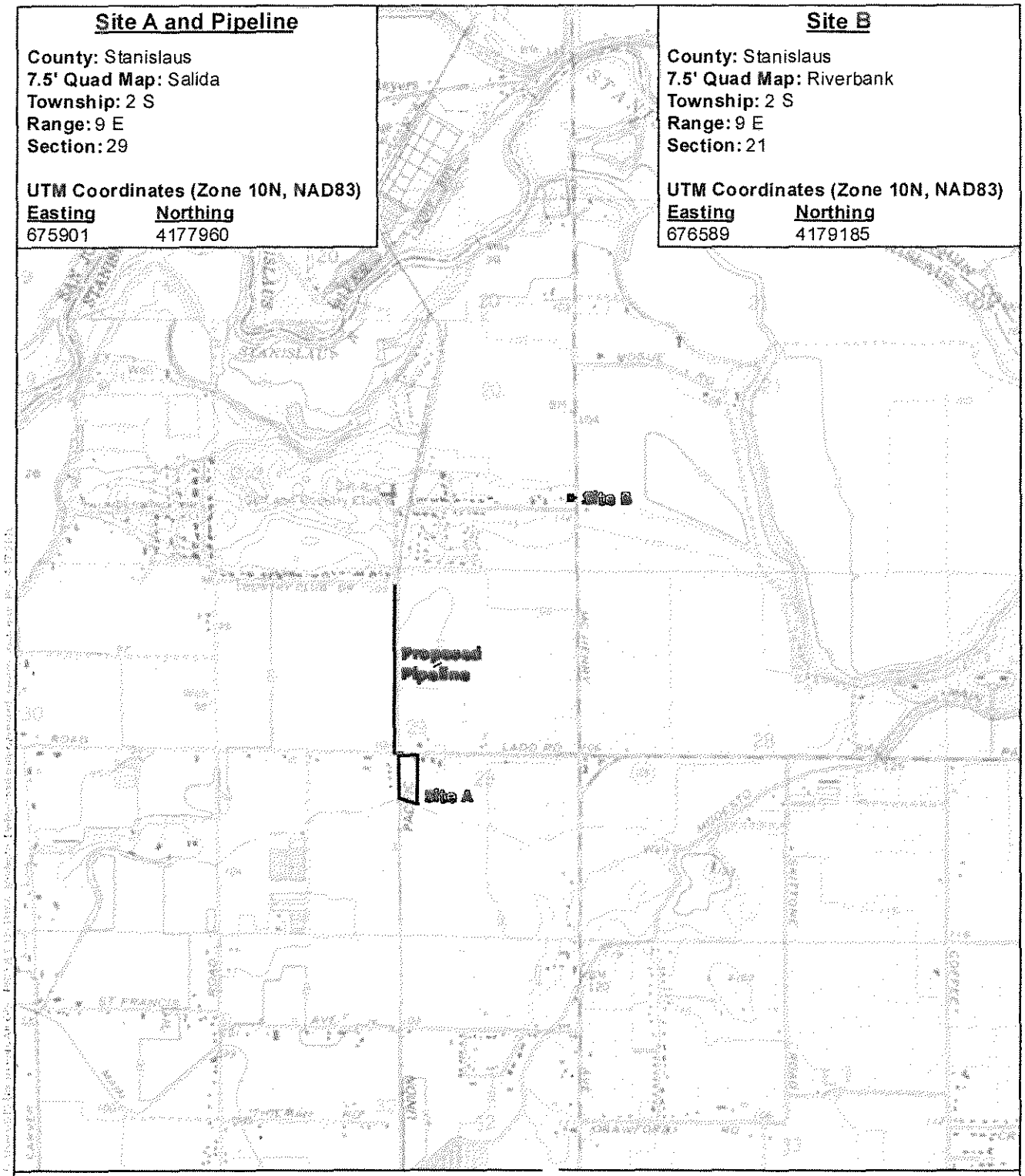
Easting	Northing
675901	4177960

Site B

County: Stanislaus
7.5' Quad Map: Riverbank
Township: 2 S
Range: 9 E
Section: 21

UTM Coordinates (Zone 10N, NAD83)

Easting	Northing
676589	4179185



Project Location

N

0 0.125 0.25 0.5 Miles

Project Site

Proposed Pipeline

Horizon

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 FAX

April 21, 2016

Janis Offermann
Horizon Water and Environment

Sent by e-mail: Janis@horizonh2o.com
Number of Pages: 3

RE: Proposed Modesto Del Rio Well Project, City of Modesto, Salida and Riverbank USGS Quadrangles, Stanislaus County, California

Dear Ms. Offermann:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. Please note that the intent above reference codes is to mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 **require public agencies** to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose mitigating impacts to tribal cultural resources:

> Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.3.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.3.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC believes that agencies should also include with their notification letters information regarding any cultural resources assessment that has been completed on the APE, such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

   - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
   - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
   - If the probability is low, moderate, or high that cultural resources are located in the APE.
   - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
   - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

   * Any report that may contain site forms, site significance, and suggested mitigation measurers.

     All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. A search of the SFL was completed for the USGS quadrangle information provided with negative results.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and

5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand well help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,

Gayle Totton, M.A., PhD.
Associate Governmental Program Analyst

Native American Heritage Commission
Tribal Consultation List
Stanislaus County
April 21, 2016

Tule River Indian Tribe
Neil Peyron, Chairperson
P.O. Box 589 Yokuts
Porterville , CA 93258
chairman@tulerivertribe-nsn.gov
(559) 781-4271

North Valley Yokuts Tribe
Katherine Erolinda Perez, Chairperson
P.O. Box 717 Ohlone/Costanoan
Linden , CA 95236 Northern Valley Yokuts
canutes@verizon.net Bay Miwok
(209) 887-3415

Southern Sierra Miwuk Nation
Lois Martin, Chairperson
P.O. Box 186 Miwok
Mariposa , CA 95338 Pauite
Northern Valley Yokut
(209) 742-6867 Office

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list applicable only for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Modesto Del Rio Well Project, City of Modesto, Salida and Riverbank USGS Quadrangles, Stanislaus County, California.

Horizon
WATER and ENVIRONMENT

555 Capitol Mall, Suite 800
Sacramento, CA 95814
www.horizonh2o.com

June 10, 2016

Ms. Lois Martin, Chairperson
Southern Sierra Miwok Nation
P.O. Box 186
Mariposa, CA 95338

Subject: City of Modesto Utilities Department Del Rio Well Project

Dear Chairperson Martin,

The City of Modesto Utilities Department is proposing to upgrade their facilities to correct existing supply deficiencies. The project proposes to construct an above ground water storage tank, a water well, and a booster pump station, along with several other appurtenant features and landscape improvements at a site on Ladd Road near the intersection with St. John's Road. Additionally, a transmission main will be constructed within St. John's Road from the tank site on Ladd Road. The transmission main will run from the tank site northerly for a distance of approximately 2,500 feet, and will connect to the existing distribution system near the intersection of St. John's Road and Country Club Drive. A second water well will be constructed at a parcel on McHenry Avenue near the intersection of Stewart Road. This well will connect directly with an existing water main under Stewart Road. The transmission main will run from the well site on McHenry Avenue for approximately 190 feet, then west under Stewart Road for approximately 760 feet to the intersection with Grove Point Way. The attached maps depict the project location.

The Native American Heritage Commission has identified you as an individual who might have concerns about, or additional knowledge of, ancestral cultural resources in the project area. Please notify me if you are aware of any areas of concern within or in close proximity to the project area. Please note that the purpose of this letter is early identification of Native American cultural resources in order ensure their consideration during the project planning phase; this letter is not consultation pursuant to Public Resources Code 21080.3.1 (AB 52). If you have concerns, please respond within 30 days of receipt of this letter.

You may contact me directly at 916-553-4923 or janis@horizonh2o.com, or by mail at the address listed above. Thank you for your time in considering this request.

Sincerely

Janis Offermann
Cultural Resources Practice Lead

Horizon
WATER and ENVIRONMENT

555 Capitol Mall, Suite 800
Sacramento, CA 95814
www.horizonh2o.com

June 10, 2016

Ms. Katherine Erolinda Perez, Chairperson
North Valley Yokuts Tribe
P.O. Box 717
Linden, CA 95236

Subject: City of Modesto Utilities Department Del Rio Well Project

Dear Chairperson Perez,

The City of Modesto Utilities Department is proposing to upgrade their facilities to correct existing supply deficiencies. The project proposes to construct an above ground water storage tank, a water well, and a booster pump station, along with several other appurtenant features and landscape improvements at a site on Ladd Road near the intersection with St. John's Road. Additionally, a transmission main will be constructed within St. John's Road from the tank site on Ladd Road. The transmission main will run from the tank site northerly for a distance of approximately 2,500 feet, and will connect to the existing distribution system near the intersection of St. John's Road and Country Club Drive. A second water well will be constructed at a parcel on McHenry Avenue near the intersection of Stewart Road. This well will connect directly with an existing water main under Stewart Road. The transmission main will run from the well site on McHenry Avenue for approximately 190 feet, then west under Stewart Road for approximately 760 feet to the intersection with Grove Point Way. The attached maps depict the project location.

The Native American Heritage Commission has identified you as an individual who might have concerns about, or additional knowledge of, ancestral cultural resources in the project area. Please notify me if you are aware of any areas of concern within or in close proximity to the project area. Please note that the purpose of this letter is early identification of Native American cultural resources in order ensure their consideration during the project planning phase; this letter is not consultation pursuant to Public Resources Code 21080.3.1 (AB 52). If you have concerns, please respond within 30 days of receipt of this letter.

You may contact me directly at 916-553-4923 or janis@horizonh2o.com, or by mail at the address listed above. Thank you for your time in considering this request.

Sincerely

Janis Offermann
Cultural Resources Practice Lead

Horizon
WATER and ENVIRONMENT

555 Capitol Mall, Suite 800
Sacramento, CA 95814
www.horizonh2o.com

June 10, 2016

Mr. Neil Peyron, Chairperson
Tule River Indian Tribe
P.O. Box 589
Porterville, CA 93258

Subject: City of Modesto Utilities Department Del Rio Well Project

Dear Chairperson Peyron,

The City of Modesto Utilities Department is proposing to upgrade their facilities to correct existing supply deficiencies. The project proposes to construct an above ground water storage tank, a water well, and a booster pump station, along with several other appurtenant features and landscape improvements at a site on Ladd Road near the intersection with St. John's Road. Additionally, a transmission main will be constructed within St. John's Road from the tank site on Ladd Road. The transmission main will run from the tank site northerly for a distance of approximately 2,500 feet, and will connect to the existing distribution system near the intersection of St. John's Road and Country Club Drive. A second water well will be constructed at a parcel on McHenry Avenue near the intersection of Stewart Road. This well will connect directly with an existing water main under Stewart Road. The transmission main will run from the well site on McHenry Avenue for approximately 190 feet, then west under Stewart Road for approximately 760 feet to the intersection with Grove Point Way. The attached maps depict the project location.

The Native American Heritage Commission has identified you as an individual who might have concerns about, or additional knowledge of, ancestral cultural resources in the project area. Please notify me if you are aware of any areas of concern within or in close proximity to the project area. Please note that the purpose of this letter is early identification of Native American cultural resources in order ensure their consideration during the project planning phase; this letter is not consultation pursuant to Public Resources Code 21080.3.1 (AB 52). If you have concerns, please respond within 30 days of receipt of this letter.

You may contact me directly at 916-553-4923 or janis@horizonh2o.com, or by mail at the address listed above. Thank you for your time in considering this request.

Sincerely

Janis Offermann
Cultural Resources Practice Lead

Site A and Pipeline

County: Stanislaus
7.5' Quad Map: Salida
Township: 2 S
Range: 9 E
Section: 29

UTM Coordinates (Zone 10N, NAD83)

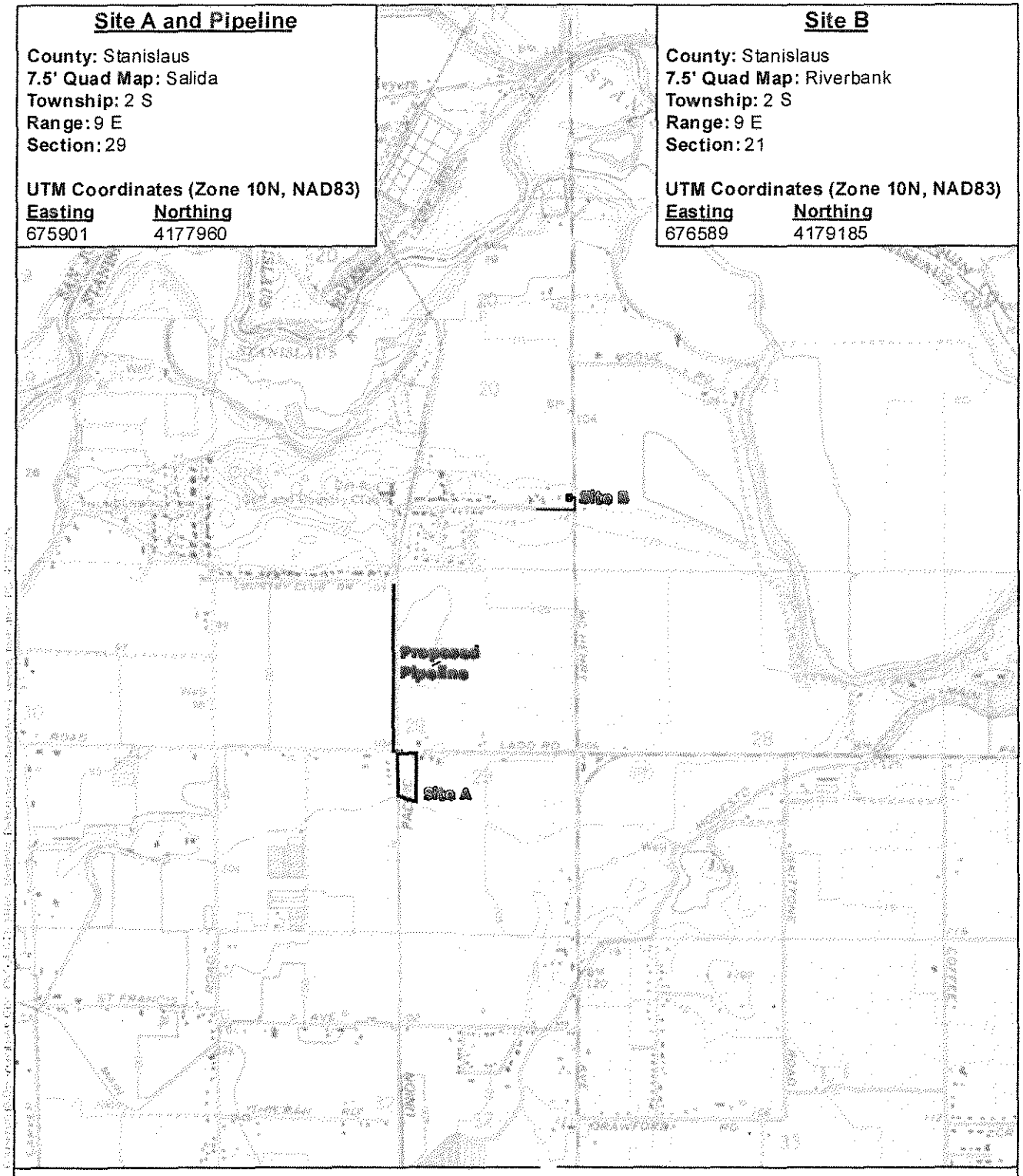
Easting	Northing
675901	4177960

Site B

County: Stanislaus
7.5' Quad Map: Riverbank
Township: 2 S
Range: 9 E
Section: 21

UTM Coordinates (Zone 10N, NAD83)

Easting	Northing
676589	4179185



Project Location

N

0 0.125 0.25 0.5 Miles

Project Site

Proposed Pipeline

Horizon

Attachment 2
CHRIS Central California Information Center Results

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California Historical Resources Information System

CHRIS Data Request Form

ACCESS AND USE AGREEMENT NO.: 412 **IC FILE NO.:** _____

To: Central California Information Center

Print Name: Janis Offermann Date: 04/20/16

Affiliation: Horizon Water and Environment

Address: 555 Capitol Mall, Suite 800

City: Sacramento State: CA Zip: 95814

Phone: (916) 553-4923 Fax: (916) 443-9017 Email: janis@horizonh2o.com

Billing Address (if different than above): _____

Project Name / Reference: _____

Project Street Address: _____

County: Stanislaus

Township/Range/UTMs: See attached map

USGS 7.5' Quad(s): Location A: Salida; Location B: Riverbank

PRIORITY RESPONSE (Additional Fee): yes○/ no◉

TOTAL FEE NOT TO EXCEED: $ 250.00

Special Instructions:

If the record search is more than $250.00, please give me a call: we may be able to accommodate more.

Information Center Use Only

Date of CHRIS Data Provided for this Request: _____

Confidential Data Included in Response: yes○/ no○

Notes: _____

California Historical Resources Information System

CHRIS Data Request Form

Include the following information (mark as necessary) for the records search area(s) shown on the attached map(s) or included in the associated shapefiles. Shapefiles are the current CHRIS standard format for digital spatial data products.

NOTE: All digital data products are subject to availability - check with the appropriate Information Center.

1. **Map Type Desired:** Digital map products will be provided only if they are available at the time of this request. *Regardless of what is requested,* only hard copy hand-drawn maps will be provided for any part of the requested search area for which digital map products are not available at the time of this request.
There is an additional charge for shapefiles, whether they are provided with or without Custom GIS Maps.

Mark one map choice only

Custom GIS Maps ○ Shapefiles ⊙ Custom GIS Maps **and** Shapefiles ○ Hard Copy Hand-Drawn Maps **only** ○

Any selection below left unmarked will be considered a "no."

2a.	Within project area	Within 1/4 radius
ARCHAEOLOGICAL Resource Locations+	yes⊙/ no○	yes⊙/ no○
NON-ARCHAEOLOGICAL Resource Locations	yes⊙/ no○	yes⊙/ no○
Report Locations+	yes⊙/ no○	yes⊙/ no○
Resource Database Printout* (list)	yes○/ no○	yes○/ no○
Resource Database Printout* (detail)	yes⊙/ no○	yes⊙/ no○
Resource Digital Database Records (spreadsheet)+	yes○/ no○	yes○/ no○
Report Database Printout* (list)	yes○/ no○	yes○/ no○
Report Database Printout* (detail)	yes⊙/ no○	yes⊙/ no○
Report Digital Database Records (spreadsheet)+	yes○/ no○	yes○/ no○
ARCHAEOLOGICAL Resource Record copies+*	yes⊙/ no○	yes⊙/ no○
PDF⊙/ Hard Copy○		
NON-ARCHAEOLOGICAL Resource Record copies*	yes⊙/ no○	yes⊙/ no○
PDF⊙/ Hard Copy○		
Report copies+*:	yes○/ no⊙	yes○/ no⊙
PDF○/ Hard Copy○		
	Only directory listing	Associated documentation
OHP Historic Properties Directory**		
within project area	yes⊙/ no○	yes○/ no⊙
within 1/4 mi radius	yes⊙/ no○	yes○/ no⊙
OHP Archaeological Determinations of Eligibility+		
within project area	yes⊙/ no○	yes○/ no⊙
within 1/4 mi radius	yes⊙/ no○	yes○/ no⊙
***California Inventory of Historical Resources* (1976):**		
within project area	yes⊙/ no○	yes○/ no⊙
within 1/4 mi radius	yes⊙/ no○	yes○/ no⊙

+ In order to receive archaeological information, requestor must meet qualifications as specified in Section III of the current version of the California Historical Resources Information System Information Center Rules of Operation Manual and be identified as an Authorized User under an active CHRIS Access and Use Agreement.

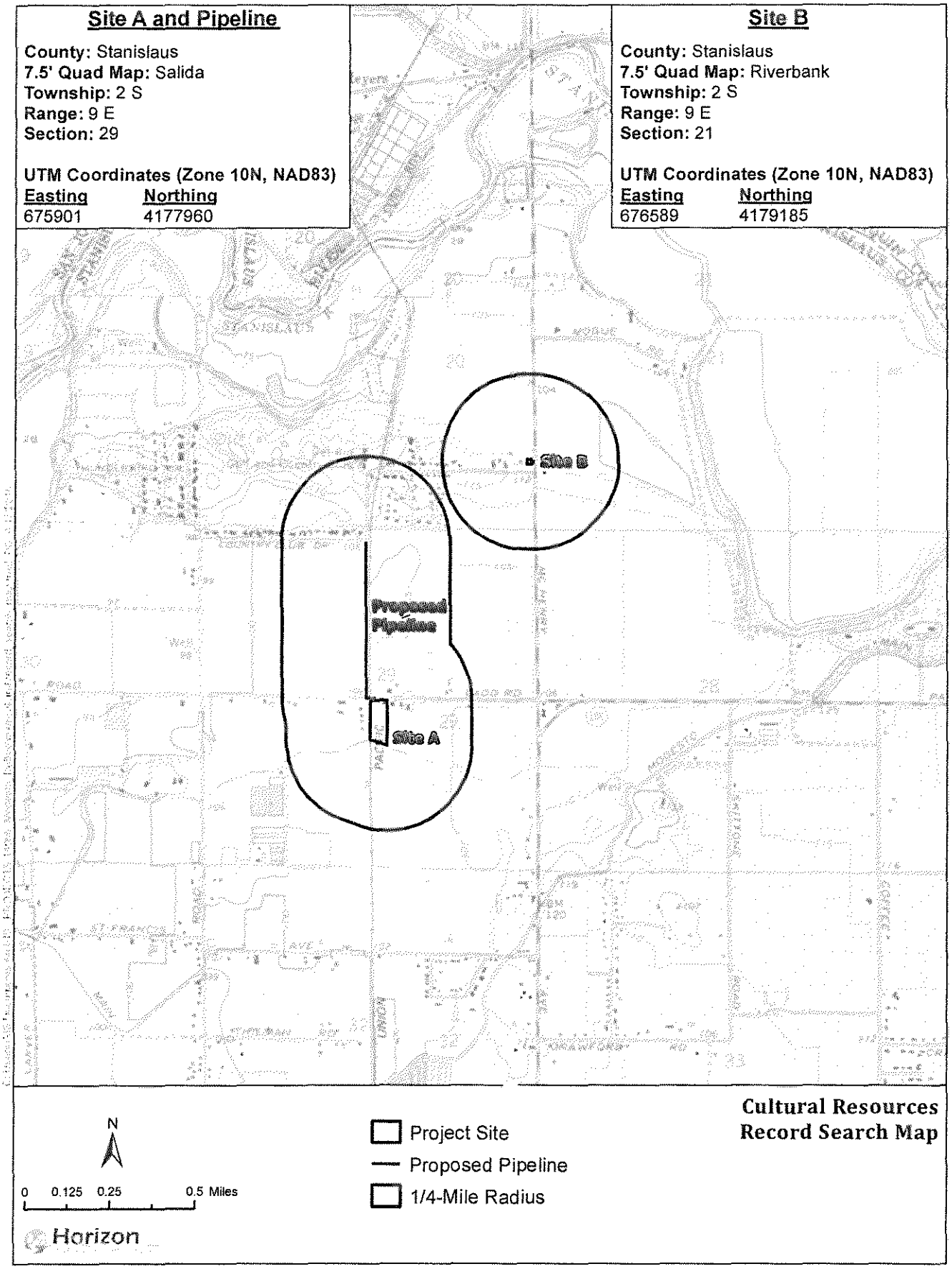
* These documents may be supplied as PDF files, if available

** Includes, but is not limited to, information regarding National Register of Historic Places, California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and historic building surveys.

CHRIS Data Request Form

2b. Listed below are sources of additional information that may be available at the Information Center. Indicate if a review and documentation of any of the following types of information is requested.

Caltrans Bridge Survey	yes ○ no ◉
Ethnographic Information	yes ○ no ◉
Historical Literature	yes ◉ no ○
Historical Maps	yes ◉ no ○
Local Inventories	yes ◉ no ○
GLO and/or Rancho Plat Maps	yes ◉ no ○
Shipwreck Inventory	yes ○ no ◉
Soil Survey Maps	yes ◉ no ○


Site A and Pipeline
County: Stanislaus
7.5' Quad Map: Salida
Township: 2 S
Range: 9 E
Section: 29
UTM Coordinates (Zone 10N, NAD83)
Easting Northing
675901 4177960
Site B
County: Stanislaus
7.5' Quad Map: Riverbank
Township: 2 S
Range: 9 E
Section: 21
UTM Coordinates (Zone 10N, NAD83)
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676589 4179185
Site B
Proposed Pipeline
Site A
N
0 0.125 0.25 0.5 Miles
Project Site
Proposed Pipeline
1/4-Mile Radius
Horizon
Cultural Resources Record Search Map

CENTRAL CALIFORNIA INFORMATION CENTER
California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
One University Circle, Turlock, California 95382
(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 4/21/2016

Records Search File No.: 9729N
Access Agreement: 412
Project: Modesto Del Rio Well Project, Sites A and B

Janis Offermann
Horizon Water and Environment
555 Capitol Mall, Suite 800
Sacramento, CA 95814

janis@horizonh2o.com

Dear Ms. Offermann:

The Central California Information Center received your record search request for the project area referenced above, located on the Riverbank and Salida ISGS quadrangles in Stanislaus County. The following reflects the results of the records search for the project study areas and radius:

As per data currently available at the CCaIC, the locations of resources/reports are provided in the following format: ☐ custom GIS maps ☒ shapefiles ☐ hand-drawn maps

Summary Data:

Resources within project areas:	0
Resources within 1/4 mi radius:	Site A: 1:P-50-002155 (Dr. Moore Canal); Site B: 0
Reports within project areas:	0
Reports within 1/4 mi radius:	5: ST-06802, 7171, 7244, 7341, 8284

Resource Database Printout (list):	☐ enclosed	☒ not requested	☐ nothing listed
Resource Database Printout (details):	☒ enclosed	☐ not requested	☐ nothing listed
Resource Digital Database Records:	☐ enclosed	☒ not requested	☐ nothing listed
Report Database Printout (list):	☐ enclosed	☒ not requested	☐ nothing listed
Report Database Printout (details):	☒ enclosed	☐ not requested	☐ nothing listed
Report Digital Database Records:	☐ enclosed	☒ not requested	☐ nothing listed

Resource Record Copies:	☒ enclosed	☐ not requested	☐ nothing listed
Report Copies:	☐ enclosed	☒ not requested	☐ nothing listed
OHP Historic Properties Directory:	☐ enclosed	☐ not requested	☒ nothing listed

On Project

Note: P-50-002155 is immediately adjacent to the south of Site A (see HPDF 03-20-14:4)

Archaeological Determinations of Eligibility:	☐ enclosed	☐ not requested	☒ nothing listed
CA Inventory of Historic Resources (1976):	☐ enclosed	☐ not requested	☒ nothing listed
Caltrans Bridge Survey:	☐ enclosed	☒ not requested	☐ nothing listed
Ethnographic Information:	☐ enclosed	☒ not requested	☐ nothing listed
Historical Literature:	☒ enclosed	☐ not requested	☐ nothing listed

Historic Setting from ST-07341

Historical Maps:	☒ enclosed	☐ not requested	☐ nothing listed

Official Map of the County of Stanislaus, California (1906)
Modesto West 1:62500-scale (1941)
Salida 7.5' (1953)
Riverbank 7.5' (1969)

Local Inventories:	☐ enclosed	☐ not requested	☒ nothing listed
GLO and/or Rancho Plat Maps:	☒ enclosed	☐ not requested	☐ nothing listed

T2S R9E, Sheet 44-114, dated 1853-1854

Shipwreck Inventory:	☒ not available at CCIC; please go to http://shipwrecks.slc.ca.gov/ShipwrecksDatabase/Shipwrecks_Database.asp
Soil Survey Maps:	☒ not available at CCIC; please go to http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

Resources known to have value to local cultural groups: None have been formally reported to the CCIC.

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public

Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

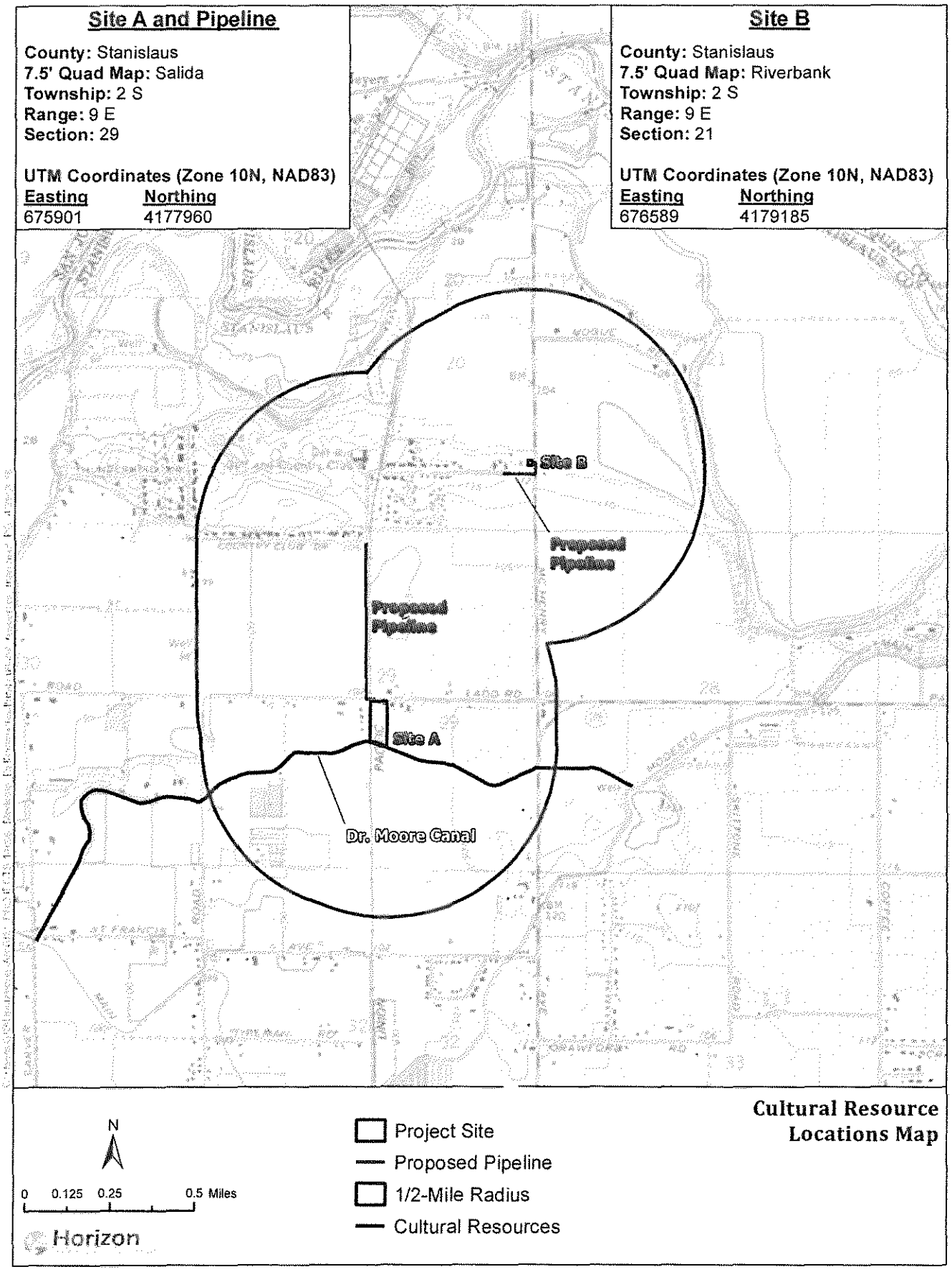
Thank you for using the California Historical Resources Information System (CHRIS).

Note: Billing will be transmitted separately via email by our Financial Services office *($325.30), payable within 60 days of receipt of the invoice.

Sincerely,

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

* Invoice Request sent to: Laurie Marroquin CSU Stanislaus Financial Services
lmarroquin@csustan.edu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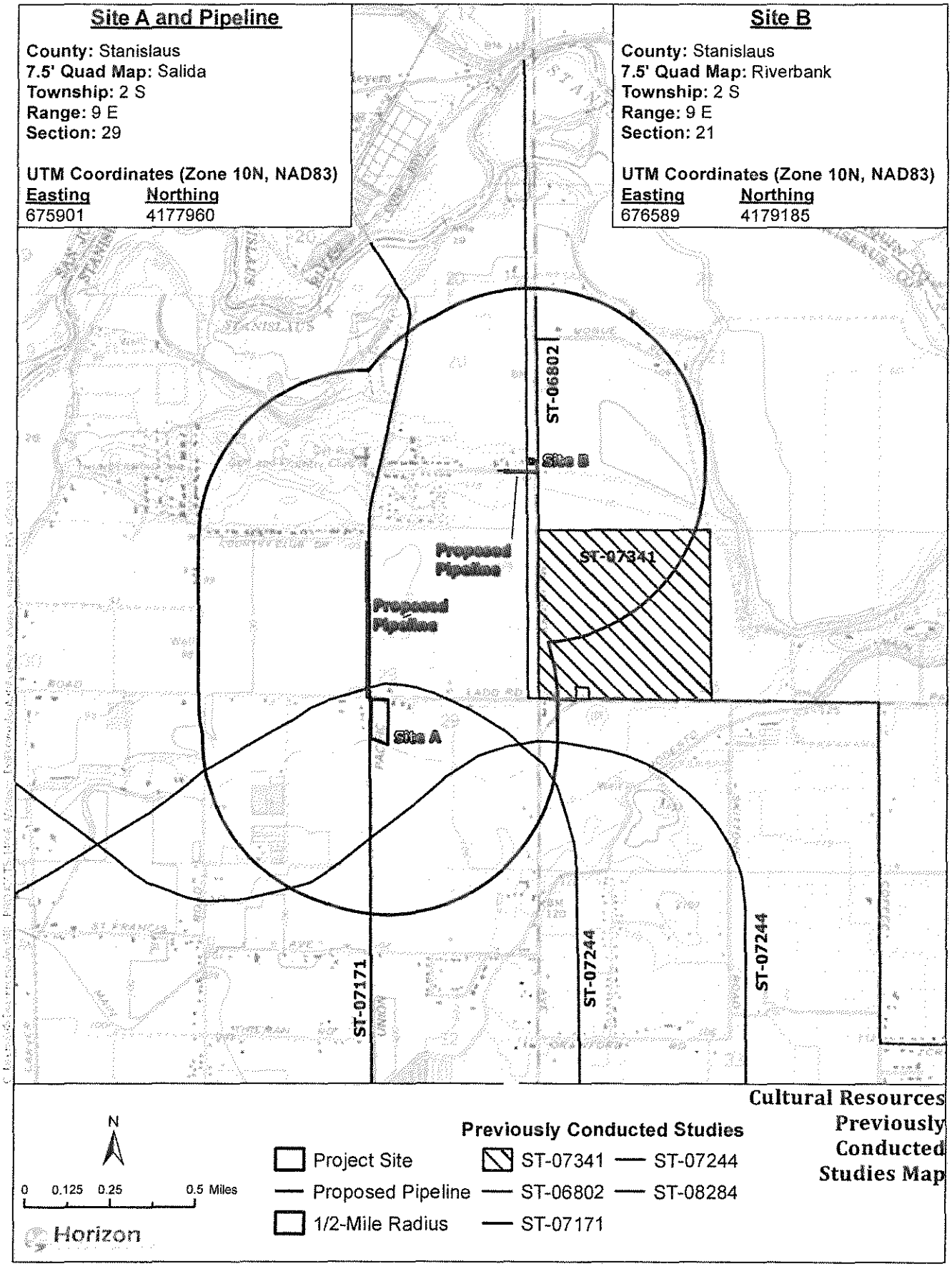
Section: 21
UTM Coordinates (Zone 10N, NAD83)
Easting Northing
676589 4179185
Site B
Proposed Pipeline
Proposed Pipeline
Site A
Dr. Moore Canal
N
0 0.125 0.25 0.5 Miles
Horizon
Project Site
Proposed Pipeline
1/2-Mile Radius
Cultural Resources
Cultural Resource Locations Map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7.5' Quad Map: Riverbank
Township: 2 S
Range: 9 E
Section: 21
UTM Coordinates (Zone 10N, NAD83)
Easting Northing
676589 4179185
ST-06802
Site B
Proposed Pipeline
ST-07341
Proposed Pipeline
Site A
ST-07171
ST-07244
ST-07244
N
0 0.125 0.25 0.5 Miles
Horizon
Project Site
Proposed Pipeline
1/2-Mile Radius
Previously Conducted Studies
ST-07341
ST-06802
ST-07171
ST-07244
ST-08284
Cultural Resources Previously Conducted Studies Map

Report Detail: ST-06802

Identifiers

Report No.: ST-06802

Other IDs:	*Type*	*Name*
	NADB-R	1367088

Cross-refs:

Citation information

Author(s): Davis-King, S.
Year: 2008
Title: Negative Historical Resource Survey Report McHenry Road Widening Phase I Ladd Road to Hogue Road Stanislaus County, California
Affiliation: Dabis-King & Associates
No. pages: 8
No. maps:
Attributes: Archaeological, Architectural/Historical, Field study
Inventory size: 5900 Feet
Disclosure: Not for publication
Collections: No

General notes

Associated resources

No. resources: 0
Has informals: No

Location information

County(ies): Stanislaus
USGS quad(s): Riverbank
Address:
PLSS:

Database record metadata

	Date	*User*
Entered:	10/2/2013	jay
Last modified:	4/20/2016	EGreathouse

IC actions:	*Date*	*User*	*Action taken*
	10/2/2013	jay	Appended records from CCIC NADB database
	4/20/2016	EGreathou	eg

Record status:

Report Detail: ST-07171

Identifiers

Report No.: ST-07171

Other IDs:	*Type*	*Name*
	NADB-R	1367496

Cross-refs:

Citation information

Author(s): Graham, C. K.

Year: 2009

Title: Proposed Abandonment of the McHenry Industrial Lead from Milepost 21.25 near Escalon to Milepost 26.43 near McHenry, a total distance of 5.18 miles in San Joaquin and Stanislaus Counties, California; STB Docket No. AB-33 (Sub-No. 278X)

Affiliation: Union Pacific Railroad

No. pages: 15

No. maps:

Attributes: Management/planning

Inventory size: 5.18 Miles

Disclosure: Not for publication

Collections: No

General notes

Associated resources

	Primary No.	*Trinomial*	*Name*
	P-39-000015	CA-SJO-000256H	Tidewater Southern Railway
	P-50-000083	CA-STA-000425H	Tidewater-Southern Railroad line

No. resources: 2

Has informals: No

Location information

County(ies): Stanislaus

USGS quad(s): Avena, Escalon, Salida

Address:

PLSS:

Database record metadata

	Date	*User*
Entered:	10/2/2013	jay
Last modified:	4/20/2016	EGreathouse

IC actions:	*Date*	*User*	*Action taken*
	10/2/2013	jay	Appended records from CCIC NADB database
	4/20/2016	EGreathou	eg

Record status:

Report Detail: ST-07244

Identifiers

Report No.: ST-07244

Other IDs:	*Type*	*Name*
	NADB-R	1367567

Cross-refs:

Citation information

Author(s): Waechter, S. and M. Bunse
Year: 2007 (Mar)
Title: North County Corridor Environmental Constraints Analysis: Cultural Resources.
Affiliation: Far Western A.R.G, Inc.& JRP Historical Consulting
No. pages: 145
No. maps:
Attributes: Literature search, Management/planning, Other research
Inventory size: 26 Miles
Disclosure: Not for publication
Collections: No

General notes

Some reconnaissance survey and windshield survey

Associated resources

Primary No.	*Trinomial*	*Name*
P-05-001733	CA-CAL-001423H	
P-50-000001	CA-STA-000350H	Southern Pacific Railroad line
P-50-000431	CA-STA-000349H	OBP-2, Kumble Placer Mining Cl
P-50-000506		Mootz Drain, Oakdale Irrigation
P-50-000508		Potts Drain, Oakdale Irrigation D
P-50-000510		Keeley Drain, Oakdale Irrigation
P-50-000511		Caville Drain, Oakdale Irrigation
P-50-000512		Albers 2
P-50-001726		Press Room 8
P-50-001729		Production Line No. 6
P-50-001740		Production Line No. 8 13
P-50-001741		Autodin Building 162
P-50-001744		Washroom & Dispensary Buildin
P-50-001745		Paint & Oil Storage Building 11
P-50-001746		Production Line No. 7
P-50-001747		Riverbank Army Ammunition Pla
P-50-001925		Chappell Ditch; lateral of MID

No. resources: 17
Has informals: No

Location information

County(ies): Stanislaus
USGS quad(s): Knights Ferry, Paulsell, Riverbank, Salida, Waterford
Address:
PLSS:

Database record metadata

	Date	*User*
Entered:	10/2/2013	jay
Last modified:	5/28/2015	Anthro

IC actions:	*Date*	*User*	*Action taken*
	10/2/2013	jay	Appended records from CCIC NADB database

Record status:

Report Detail: ST-07341

Identifiers

Report No.: ST-07341

Other IDs:	*Type*	*Name*
	NADB-R	1367688

Cross-refs:

Citation information

Author(s): Koenig, H. and K. Anderson
Year: 2011
Title: SunPower Solar PV Modesto Project, Riverbank, Stanislaus County, California Cultural Survey Report
Affiliation: Environmental Science Associates
No. pages:
No. maps:
Attributes: Archaeological, Architectural/Historical, Field study
Inventory size: 157 Acres
Disclosure: Not for publication
Collections: No

General notes

Associated resources

No. resources: 0
Has informals: No

Location information

County(ies): Stanislaus
USGS quad(s): Riverbank
Address:
PLSS:

Database record metadata

	Date	*User*
Entered:	10/2/2013	jay
Last modified:	4/20/2016	EGreathouse

IC actions:	*Date*	*User*	*Action taken*
	10/2/2013	jay	Appended records from CCIC NADB database

Record status:

Report Detail: ST-08284

Identifiers

Report No.: ST-08284
Other IDs:
Cross-refs: Extends into another county as TO-08284
Extends into another county as ME-08284
Extends into another county as SJ-08284
Extends into another county as CA-08284

Citation information

Author(s): AECOM
Year: 2011 (Aug)
Title: Cultural Resources Inventory Report for the Central Valley Independent Network Fiber Optic Communications Network Project, California (Calaveras, Merced, San Joaquin, Stanislaus and Tuolumne Counties in the CCaIC Area of Responsibility)
Affiliation: AECOM
No. pages: 311
No. maps: 40
Attributes: Archaeological, Architectural/Historical, Field study
Inventory size: 723 miles in all
Disclosure: Not for publication
Collections: No

General notes

No resources recorded in Stanislaus County; report filed in CAL Co., Calaveritas quad

Associated resources

No. resources: 0
Has informals: No

Location information

County(ies): Stanislaus
USGS quad(s): Ceres, Denair, Escalon, Riverbank, Salida, Turlock
Address:
PLSS:

Database record metadata

	Date	*User*
Entered:	2/16/2016	EGreathouse
Last modified:	3/8/2016	EGreathouse

IC actions:	*Date*	*User*	*Action taken*
	2/16/2016	EGreathou	eg

Record status:

Resource Detail: P-50-002155

Identifying information

Primary No.: P-50-002155
Trinomial:
Name: Modesto Irrigation District (MID) Canal, Dr. Moore
Other IDs:

Type	Name
OHP Property Numb	167906
OHP PRN	FWHA070319E
Resource Name	Modesto Irrigation District (MID) Canal, Dr. Moore

Cross-refs:

Attributes

Resource type: Structure
Age: Historic
Information base: Survey
Attribute codes: HP20 (Canal/aqueduct) - Canal/aqueduct
Disclosure: Unrestricted
Collections: No
Accession no(s):
Facility:

General notes

Recording events

Date	Recorder(s)	Affiliation	Notes
12/27/2006	Morlet, Aubrie	Caltrans Distric 6	

Associated reports

Report No.	Year	Title	Affiliation
ST-07963	2007	Historic Property Survay Reprot SR 108 Signal Installations At McHenry Avenue and Patterson Road, Stanislaus County, California, 10-STA-108, P.M. 28.7/ 29.3, E.A. 10-0N440	Central Region Cultural Resource Branch California Department of Trasporation- Distric 6, Fresno, CA

Location information

County: Stanislaus
USGS quad(s): Riverbank
Address:

Address	City	Assessor's parcel no.	Zip code
Route 108 at PM 28.903	Modesto		95356

PLSS: T2S R9E Sec. 28 MDBM
UTMs:

Management status

Database record metadata

	Date	User
Entered:	9/9/2014	Anthro
Last modified:	11/24/201	Anthro

IC actions:

Date	User	Action taken
9/9/2014	Anthro	YP

Record status:

16 Photo
Continuation

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #: P-50-002155
HRI #
Trinomial
NRHP Status Code:
Other Listings
Review Code ____ Reviewer ____ Date ____

*Resource Name or #: Modesto Irrigation District (MID) Canal, Dr. Moore Map Reference No.: 1

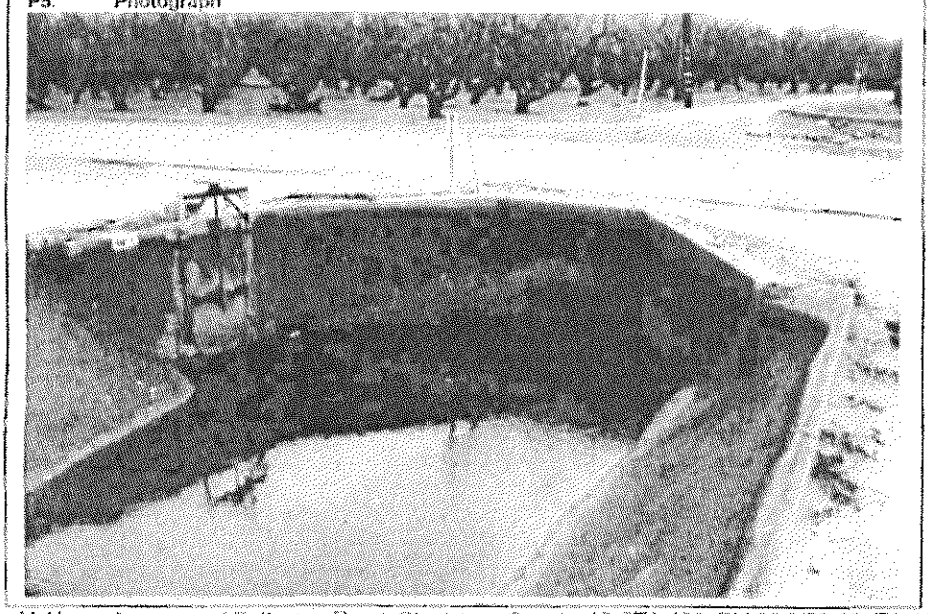
09/14

P1. Other Identifier: County/Route/Postmile: 10-STA-108; PM 28.9/29.25; EA-10-0N440
*P2. Location:
*a. County: Stanislaus
b. Address: Route 108 at PM 28.903 City: Modesto Zip: 95356
*c. USGS 7.5' Quad: Riverbank Date: 1969, Photorevised 1987 T: 2S; R: 9E; Sec: 28 ; M.D.B. & M.
*e. Other Locational Data (APN #):
*P3a. Description:

The Dr. Moore Canal is a small branch canal that diverts from the Modesto Irrigation District Main Canal to irrigate the surrounding area and returns to the Main Canal further west from the project area. The concrete lined canal enters the project area at PM 28.903 and is approximately thirty feet wide. The canal was built for and continues to be used for agricultural irrigation. The Modesto Irrigation District built the canal in 1911. The MID main canal and its many laterals deliver water from the Tuolumne River to the agricultural lands within the county. Caltrans installed the existing culvert in 1963 when State Route 108 was improved. The culvert is located along the east side of State Route 108 where it carries the irrigation water under the road to the west side of the Route.

P3b. Resource Attributes: HP20 Canal/Aqueduct
*P4. Resources Present: ■ Structure

P5. Photograph



McHenry Avenue and Patterson Road, Stanislaus County, 10-STA-108; PM 28.9/29.25; EA-10-0N440.

P5b. Description of Photo: View looking west at culvert

*P6. Date Constructed/Age: Canal 1911, Historic; Culvert 1963

*P7. Owner and Address:
Modesto Irrigation District
1231 Eleventh Street
Modesto, CA 95354

*P8. Recorded by: Aubrie Morlet
Intern, Caltrans District 6
2015 E. Shields Ave, Suite 100
Fresno, CA 93726
(559) 243-8309

*P9. Date Recorded: 12/27/2008

*P10. Type of Survey: ■ Intensive
Describe: HRER

*P11. Report Citation: Historic Resource Evaluation Report for SR 108 Signal Installations at

*Attachments: ■ Building, Structure, and Object Record

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary #: P-50-002155
HRI#:

BUILDING, STRUCTURE, AND OBJECT RECORD

Map Reference No.: 1

*Resource Identifier: Modesto Irrigation District (MID) Canal, Dr. Moore *NRHP Status Code:

B1. Historic Name: Dr. Moore

B2. Common Name: Dr. Moore County/Route/Postmile: 10-STA-108; PM 28.9/29.25; EA-10-0N440

B3. Original Use: Irrigation Canal B4. Present Use: Irrigation Canal

*B5. Architectural Style: concrete lined canal with culvert

*B6. Construction History:

According to the MID, the concrete lined canal was constructed in 1911 by the Modesto Irrigation District. Caltrans constructed the culvert in 1963 by Construction Agreement 10-859. The culvert is cleaned out annually to prevent clogging of the waterway. No other changes have been made.

*B7. Moved? ■ No ☐ Yes ☐ Unknown Date: N/A Original Location:

*B8. Related Features:

There are no related features.

B9a. Architect: N/A B9b. Builder: N/A

*B10. Significance: Theme: N/A Area: N/A

Period of Significance: N/A Property Type: N/A Applicable Criteria: N/A

The Dr. Moore Canal is a small branch canal that diverts from the MID Main Canal at T.2S, R.9E, S.28 to irrigate the surrounding area and returns at T.2S, R.9E, S.31 to the Main Canal. Research did not lead to any information as to the origin of the name. The canal continues to provide irrigation waters to the surrounding agricultural lands. This branch is a small piece of over two hundred miles of the current MID canal system. There is evidence that the canal was constructed as early as 1903. According to MID, the canal was acquired in 1911 and assumed its current appearance. Caltrans modified the waterway in 1963 with the improvement of SR 108.

This canal is a common type found throughout Stanislaus County and is not associated with a significant event or person(s), (Criteria A & B). Likewise, the property does not embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, (Criterion C). Thus, the property is not eligible for listing in the National Register and is not an historical resource for the purpose of CEQA.

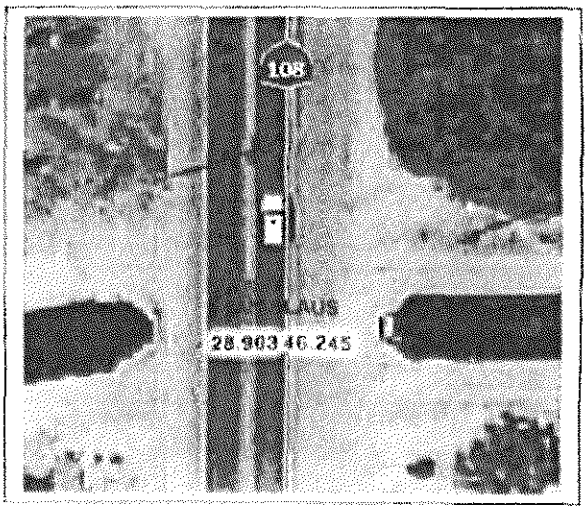
B11. Additional Resource Attributes: N/A

B12. References: Modesto Irrigation District Office, Modesto, CA, Personal Interview with Bill Kitcher on January 18, 2007. Barnes, Dwight H. *The Greening of Paradise Valley, The first 100 years (1887-1987) of the Modesto Irrigation District*. Modesto: MID, 1987. California State University Stanislaus, Turlock, CA, Personal Interview with Rosemary Mann, Library Map Archives on January 29, 2007.

B13. Remarks: N/A

B14. Evaluator: Kelly Hobbs
Principal Architectural Historian
Caltrans District 6
2015 E. Shields Ave., Ste. 100
Fresno, CA 93726
(559) 243-8309

(This space reserved for official comments.)



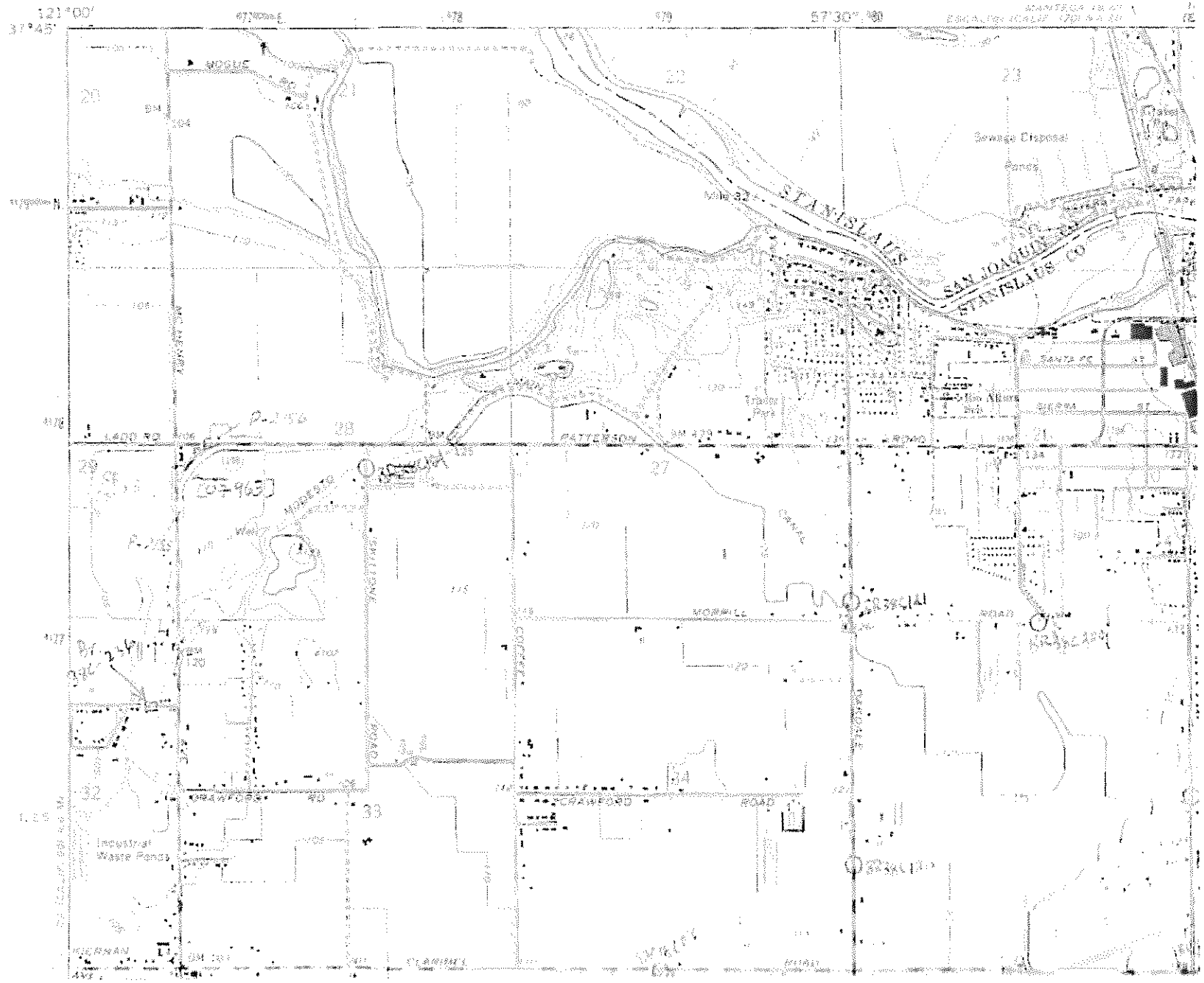
PROPERTY-NUMBER	PRIMARY-#	STREET.ADDRESS.....	NAME.....	CITY.NAME.....	OWN	YR-C	ONP-PROG..	PRO-REFERENCE-NUMBER	STAT-DAT	NRS	CRIT
							HIST.RES	BRG-0347-0000	08/08/79	7L	
182152			CASHMAN CREEK VALVE HOUSE	(VIC) KNIGHTS FER	M	1932	PROJ.REVW.	COE1104054	03/25/11	5S3	A
182154			WILMS BARN	(VIC) KNIGHTS FER	P	1932	PROJ.REVW.	COE1104054	03/25/11	5S3	A,C
065642	50-000588		BANGO FERRY BRIDGE #38-61	LA GRANGE	U		PROJ.REVW.	650000565	04/29/82	3S	
186801	50-001865	HWY 132	JOHN MUIR CORRIDOR	LA GRANGE			REG.UNIT	50-0910	11/29/10	5W	
056434	50-000532	LA GRANGE RD	SAINT LOUIS CATHOLIC CHURCH	LA GRANGE	P	1864	HIST.RES.	NPS-79000460-0000	08/24/79	3S	
							HIST.SURV.	5329-0009-0000	01/01/79	3S	
056435	50-000533	LA GRANGE RD	LA GRANGE SCHOOLHOUSE	LA GRANGE	C	1875	HIST.RES.	NPS-79000461-0000	08/24/79	3S	
							HIST.SURV.	5329-0006-0000	01/01/79	3S	
056444	50-001736	ROBERTS FERRY RD	BRIDGE 038C-5 / ROBERTS FERRY BRID	LA GRANGE	C	1916	HIST.SURV.	5329-0017-0000	01/01/79	2S2	
							PROJ.REVW.	FHWA650820A	10/24/85	2S	
							PROJ.REVW.	650000565	12/24/85	2S	
056440	50-000531	YOSEMITE BLVD	LA GRANGE, FRENCH BAR	LA GRANGE	D	1851	HIST.SURV.	5329-0013-0000		7N	
							HIST.RES.	BRG-0414-0000	11/25/98	7L	
056443	50-000538	YOSEMITE BLVD	GOLD DREDGING CAMP GHOST TOWN	LA GRANGE	C	1908	HIST.SURV.	5329-0014-0000		7N	
056445	50-000583	YOSEMITE BLVD	LA GRANGE CITY JAIL	LA GRANGE	C	1930	HIST.SURV.	5329-0016-0000		7N	
056436	50-000534	YOSEMITE BLVD	OLD ACME BAR/ACME POST OFFICE	LA GRANGE	C	1869	HIST.RES.	NPS-79000462-0000	08/24/79	1S	
							HIST.SURV.	5329-0007-0000	01/01/79	1S	
056437	50-000535	YOSEMITE BLVD	STAGE STOP/SAUNDERS STORE	LA GRANGE	C	1850	HIST.RES.	NPS-79000463-0000	08/24/79	1S	
							HIST.SURV.	5329-0008-0000	01/01/79	1S	
056438	50-000536	YOSEMITE BLVD	SHELL GAS STATION	LA GRANGE	P	1935	HIST.RES.	NPS-79000464-0000	08/24/79	1S	
							HIST.SURV.	5329-0009-0000	01/01/79	1S	
095957	50-000584	29948 YOSEMITE BLVD		LA GRANDE	P	1895	PROJ.REVW.	HUD850407F	05/26/95	6Y	
095585	50-000585	30000 YOSEMITE BLVD		LA GRANDE	P	1930	PROJ.REVW.	HUD9510250	12/04/95	6Y	
095436	50-000586	30024 YOSEMITE BLVD		LA GRANDE	P	1900	PROJ.REVW.	HUD850407E	05/26/95	6Y	
							PROJ.REVW.	HUD8502210	04/12/96	6Y	
056440	50-000539	30048 YOSEMITE BLVD	SAMIR'S PLACE/L LEVAGGI SALOON	LA GRANGE	P	1897	HIST.RES.	NPS-79000465-0000	08/24/79	1S	
							HIST.SURV.	5329-0011-0000	01/01/79	1S	
056439	50-000535	30084 YOSEMITE BLVD	HUNTER HOTEL	LA GRANGE	P	1916	HIST.RES.	NPS-79000466-0000	08/24/79	1S	A
							HIST.SURV.	5329-0010-0000	08/24/79	1S	A
056444	50-000587	30124 YOSEMITE BLVD	HAMMND AND BATES STORE; SELIAS MA	LA GRANGE	P	1857	HIST.SURV.	5329-0015-0000		7N	
056441	50-000537	30018 YOSEMITE BLVD	ODD FELLOWS HALL/LA GRANGE IOOF HA	LA GRANGE	P	1855	NAT.REG.	96-0000	09/16/96	7S	
							HIST.RES.	NPS-79000467-0000	08/24/79	1S	
							HIST.SURV.	5329-0012-0000	01/01/79	1S	
091496	50-000550	LA GRANDE DAM RD	LA GRANGE DAM	(VIC) LA GRANDE	U	1891	HIST.RES.	SPRT-SYA-000	07/31/79	7L	
056430	50-000526	LA GRANDE RD	GOLD DREDGE	(VIC) LA GRANDE	P	1937	HIST.SURV.	5329-0001-0001	03/01/79	1S	
							HIST.RES.	NPS-71000208-0000	12/16/71	1S	A
056431	50-000526	SR 132	BASSO'S FERRY BRIDGE, BRIDGE #38-6	(VIC) LA GRANDE	S	1911	HIST.SURV.	5329-0002-0000		1S	
							PROJ.REVW.	650000565	04/29/82		
056432	50-000529	SR 132	BRIDGE #38-62	(VIC) LA GRANDE	S	1915	HIST.RES.	DOT-50-86-0003-0000	10/19/86	2S2	C
							PROJ.REVW.	FHWA660219Z	10/19/86	2S2	C
							HIST.SURV.	5329-0003-0000		7N	
056433	50-000530	SR 132	BRIDGE #38-63	(VIC) LA GRANDE	S	1918	HIST.SURV.	5329-0004-0000		7N	
167906			DR. MOORE CANAL	MODESTO	M	1911	PROJ.REVW.	FHWA0703195	04/20/07	6Y	
069649	50-001785		SOUTHERN PACIFIC RAILROAD DEPOT	MODESTO	U		PROJ.REVW.	65001067	02/24/83	2S	
175893			SOUTHERN PACIFIC RAILROAD SAN JOAQ	MODESTO	P	1869	PROJ.REVW.	FHWA0906033A	06/22/09	6Y	
175894			MODESTO IRRIGATION DISTRICT LATERA	MODESTO	D		PROJ.REVW.	FHWA0906033A	06/22/09	6Y	
182071			MID-LATERAL #3	MODESTO	M	1908	PROJ.REVW.	FHWA1007075A	07/22/10	6Y	
079385	50-000523	1517 10TH ST	RAINBO BAKERY	MODESTO	P	1931	HIST.RES	DOE-50-92-0010-0000	11/13/92	6Y	
							PROJ.REVW.	FHWA9209238	11/13/92	6Y	
079386	50-000524	113 11TH ST	SWIFT'S PACKING COMPANY	MODESTO	P	1900	HIST.RES.	DOE-50-92-0011-0000	11/13/92	6Y	
							PROJ.REVW.	FHWA9209238	11/13/92	6Y	

P-50-002155

Salida + Riverbank 7.5' T3S/R9E S-30,29,28
(possibly eval'd where it crosses McHenry Ave (SR 132?)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

STATE OF
DEPARTMENT OF



OFFICIAL MAP OF THE COUNTY OF

STANISLAUS

CALIFORNIA

1906

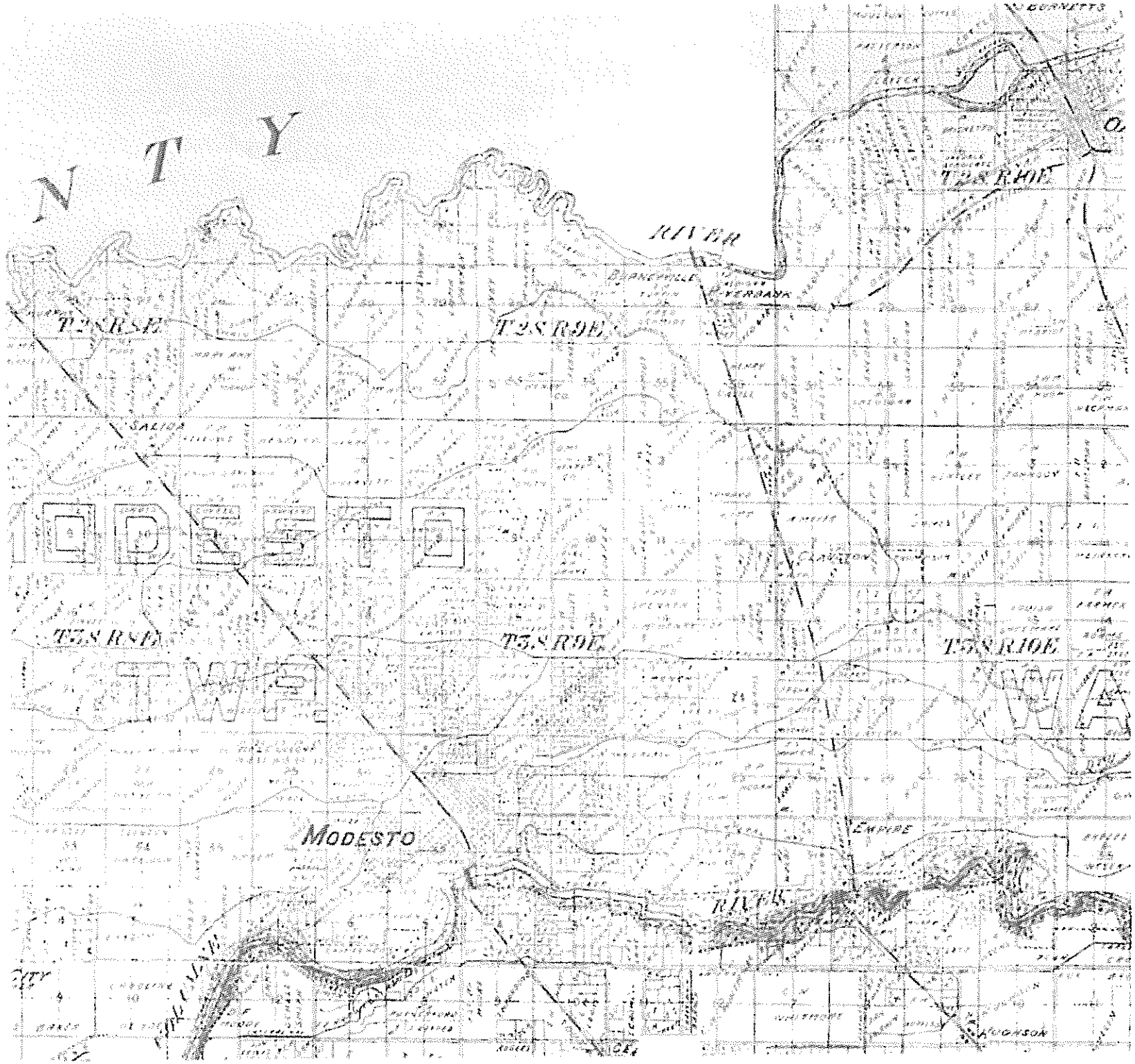
COMPILED FROM OFFICIAL RECORDS AND SURVEYS

AND PUBLISHED BY

STANISLAUS LAND & ABSTRACT CO.

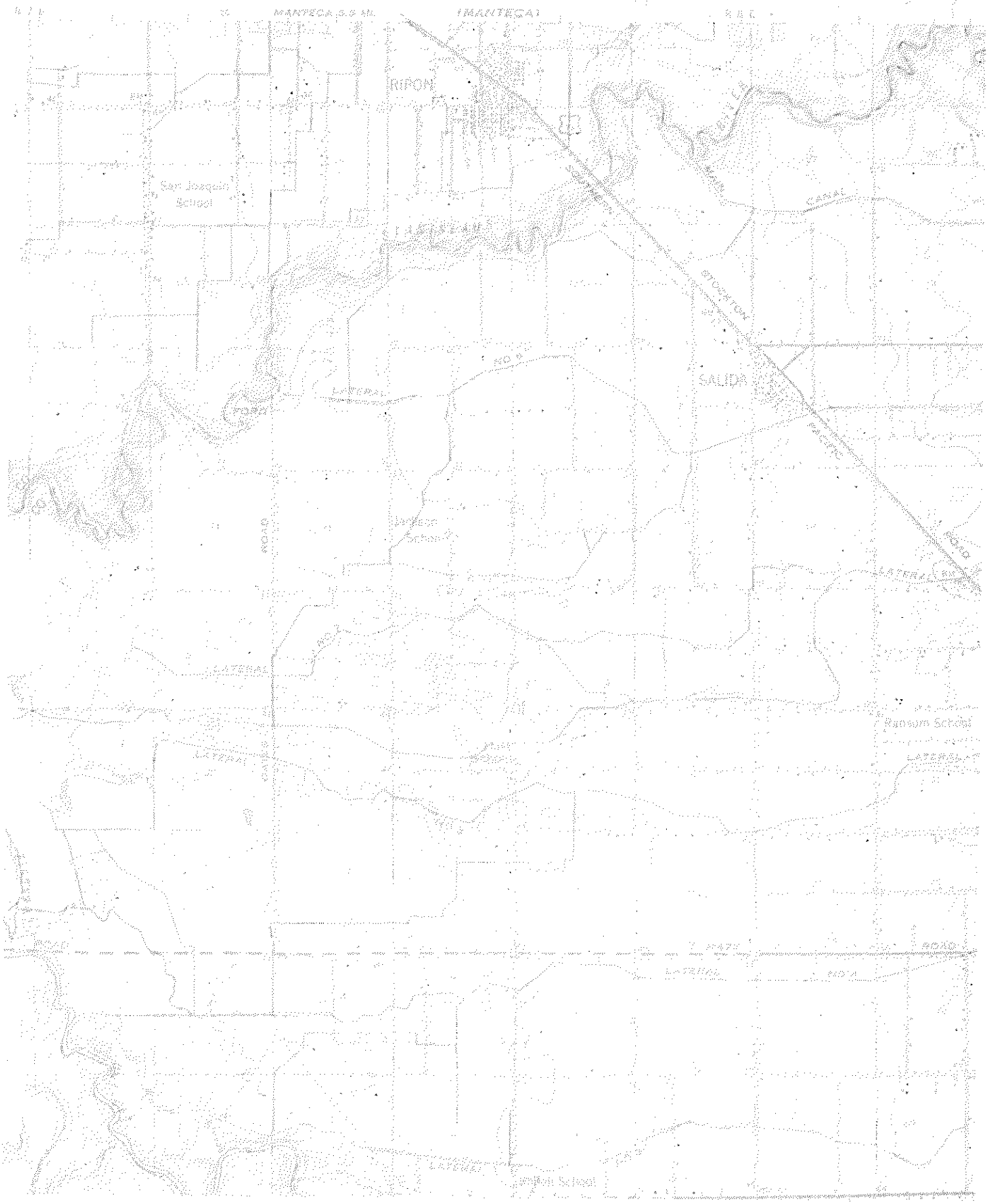
MODESTO, CAL.

DRAWN BY STOARLTON


T2S R9E
T2S R10E
T3S R9E
T3S R10E
MODESTO
RIVER

Modesto West 1:62,500 (1941)

MODE



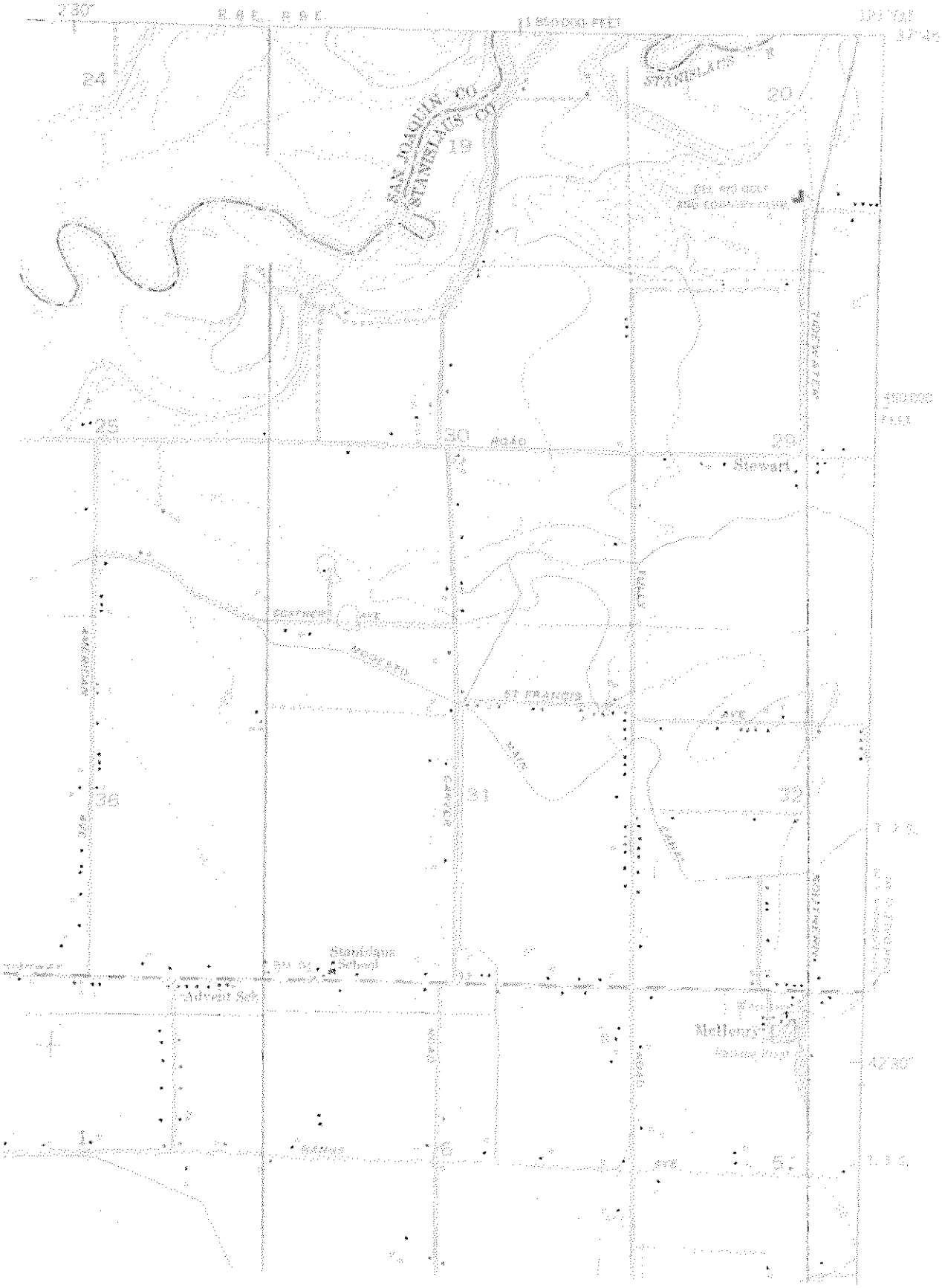
(1953)

SALIDA QUADRANGLE

CALIFORNIA

7.5 MINUTE SERIES (TOPOGRAPHIC)

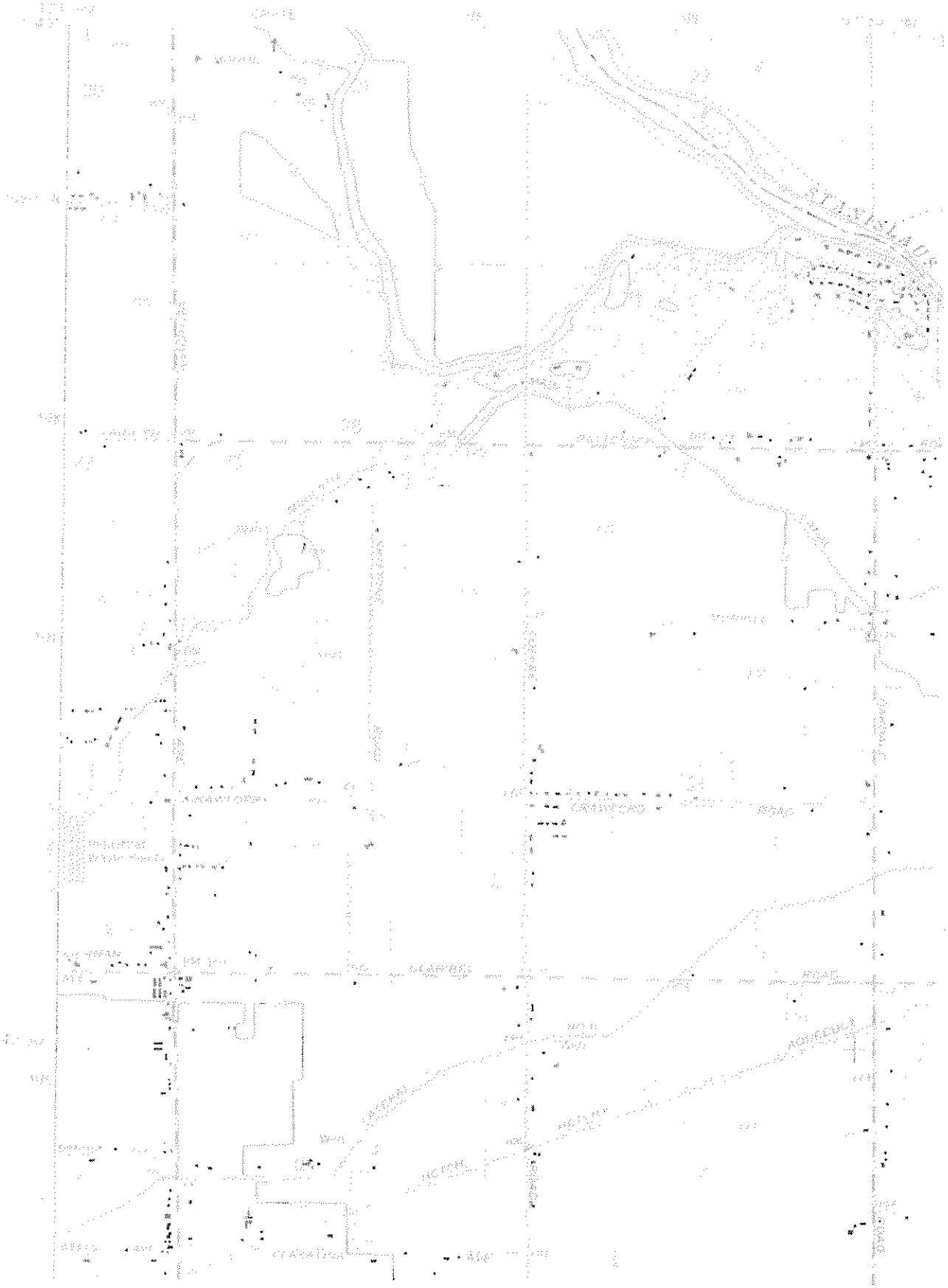
NEW MODESTO WEST (9' QUADRANGLE



Rio Linda

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

7.5 (NW)



PROPERTY-NUMBER	PRIMARY-#	STREET.ADDRESS.....	NAMES.....	CITY NAME.....	OWN	YR-C	OWN-PROV..	PRO-REFERENCE NUMBER	STAT-DAT	NRS	CRIT
							HIST.RES	SHL-0167-0000	08/08/69	7L	
102152			CASHMAN CREEK VILLAS HOUSE	(VIC) KNIGHTS FER	H	1930	PROJ.REVW.	CDE110103A	03/25/11	2S3	A
102154			WILLIS RANCH	(VIC) KNIGHTS FER	P	1882	PROJ.REVW.	CDE110101A	03/25/11	2S3	ABC
069543	50-000586		BANGO FERRY BRIDGE #38-51	LA GRANGE	S		PROJ.REVW.	450000586	04/09/82	3S	
126501	50-001855	HWY 132	JOHN MUIR CORRIDOR	LA GRANGE			REG.UNIT	50-0012	11/29/00	7W	
056434	50-000532	LA GRANGE RD	SAINT LOUIS CATHOLIC CHURCH	LA GRANGE	P	1884	HIST.RES.	NPS-79003463-0000	08/24/79	1S	
							HIST.SURV.	5329-0005-0000	01/01/79	1S	
056435	50-000533	LA GRANGE RD	LA GRANGE SCHOOLHOUSE	LA GRANGE	C	1875	HIST.RES.	NPS-79003461-0000	08/24/79	1S	
							HIST.SURV.	5329-0006-0000	01/01/79	1S	
056436	50-001745	ROBERTS FERRY RD	BRIDGE #38C-5 / ROBERTS FERRY RHID	LA GRANGE	C	1915	HIST.SURV.	5329-0010-0000	01/01/85	2S?	
							PROJ.REVW.	FHWA8500823A	10/24/85	2S	
							PROJ.REVW.	450000586	10/21/85	2S	
056442	50-000541	YOSEMITE BLVD	LA GRANGE, FRENCH BAR	LA GRANGE	D	1851	HIST.SURV.	5329-0012-0000		7N	
							HIST.RES.	SHL-0434-0000	11/15/68	7L	
056443	50-000528	YOSEMITE BLVD	GOLD DREDGING CAMP GHOST TOWN	LA GRANGE	C	1906	HIST.SURV.	5329-0014-0000		7N	
056445	50-000583	YOSEMITE BLVD	LA GRANGE CITY JAIL	LA GRANGE	C	1900	HIST.SURV.	5329-0016-0000		7N	
056446	50-000534	YOSEMITE BLVD	OLD ADOBE BANK/ADOBE POST OFFICE	LA GRANGE	C	1849	HIST.RES.	NPS-79003462-0000	08/24/79	1S	
							HIST.SURV.	5329-0007-0000	01/01/79	1S	
056437	50-000538	YOSEMITE BLVD	STAGE STOP/SADDLERY STORE	LA GRANGE	C	1850	HIST.RES.	NPS-79003463-0000	08/24/79	1S	
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056438	50-000539	YOSEMITE BLVD	SHELL OAK STATION	LA GRANGE	S	1935	HIST.RES.	NPS-79003464-0000	08/24/79	1S	
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095585	50-000565	30000 YOSEMITE BLVD		LA GRANGE	P	1930	PROJ.REVW.	NHD9510256	10/06/95	4Y	
095498	50-000566	30034 YOSEMITE BLVD		LA GRANGE	P	1900	PROJ.REVW.	NHD9508076	08/28/95	4Y	
							PROJ.REVW.	NHD9509223C	04/12/95	4Y	
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							HIST.SURV.	5329-0011-0000	01/01/79	1S	
056439	50-000535	30054 YOSEMITE BLVD	KINSEN HOTEL	LA GRANGE	P	1919	HIST.RES.	NPS-79003465-0000	08/24/79	1S	A
							HIST.SURV.	5329-0010-0000	08/24/79	1S	A
056444	50-000537	30134 YOSEMITE BLVD	HUNSAKER AND GATES STORE, BELLAS NA	LA GRANGE	P	1887	HIST.SURV.	5329-0015-0000		7N	
056441	50-000537	30618 YOSEMITE BLVD	ODD FELLOWS HALL/LA GRANGE HOSP HA	LA GRANGE	P	1885	NAT.REG.	50-0007	09/14/92	4K	
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							HIST.SURV.	5329-0012-0000	01/01/79	1S	
001465	50-100680	LA GRANGE DAM RD	LA GRANGE DAM	(VIC) LA GRANGE	D	1891	HIST.RES.	SPHT-STA-003	07/01/79	7L	
056430	50-000528	LA GRANGE RD	GOLD DREDGE	(VIC) LA GRANGE	P	1937	HIST.SURV.	5329-0001-0001	12/01/79	1S	
							HIST.RES.	NPS-71000208-0000	12/16/71	1S	A
056431	50-000558	SR 132	BASSO'S FERRY BRIDGE, BRIDGE #38-4	(VIC) LA GRANGE	S	1911	HIST.SURV.	5329-0002-0000		3S	
							PROJ.REVW.	450000586	04/09/82		
056432	50-000559	SR 132	PRINCE #38-42	(VIC) LA GRANGE	P	1918	HIST.RES.	DOE-80-86-0001-0000	10/19/86	2S2	C
							PROJ.REVW.	FHWA8601102	10/19/86	2S2	C
							HIST.SURV.	5329-0003-0000		7S	
056433	50-000550	SR 132	BRIDGE #38-60	(VIC) LA GRANGE	S	1918	HIST.SURV.	5329-0004-0000		7N	
167202	50-100155		DR. MOORE CANAL	MODESTO	M	1911	PROJ.REVW.	FHWA0701198	01/23/07	4Y	
059648	50-001789		SOUTHERN PACIFIC RAILROAD DEPOT	MODESTO	U		PROJ.REVW.	450001053	02/04/83	3S	
170393	50-000675		SOUTHERN PACIFIC RAILROAD SAN JOAQ	MODESTO	P	1869	PROJ.REVW.	FHWA0306018A	06/22/09	4Y	
170394			MODESTO IRRIGATION DISTRICT LATERAL	MODESTO	D		PROJ.REVW.	FHWA0306018A	06/22/09	4Y	
183071			MID-LATERAL #3	MODESTO	M	1956	PROJ.REVW.	FHWA1007074	03/22/10	4Y	
012386	50-000523	1517 10TH ST	RAINES BAKERY	MODESTO	P	1931	HIST.RES.	DOE-80-82-0010-0000	11/11/82	4Y	
							PROJ.REVW.	FHWA8709238	11/13/82	4Y	
075386	50-000524	116 11TH ST	BOTHA'S PACKING COMPANY	MODESTO	P	1940	HIST.RES.	DOE-80-82-0011-0000	11/11/82	4Y	
							PROJ.REVW.	FHWA8709238	11/13/82	4Y	

Salida triverbank 75' TBS/R.9E S — 30, 29, 28
(possibly could also be Ceres Modesto Arc (SR 132?)

Attachment 3
California Department of Parks and Recreation
Form 523

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State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____
Other Listings _____
Review Code _____ Reviewer _____ Date _____

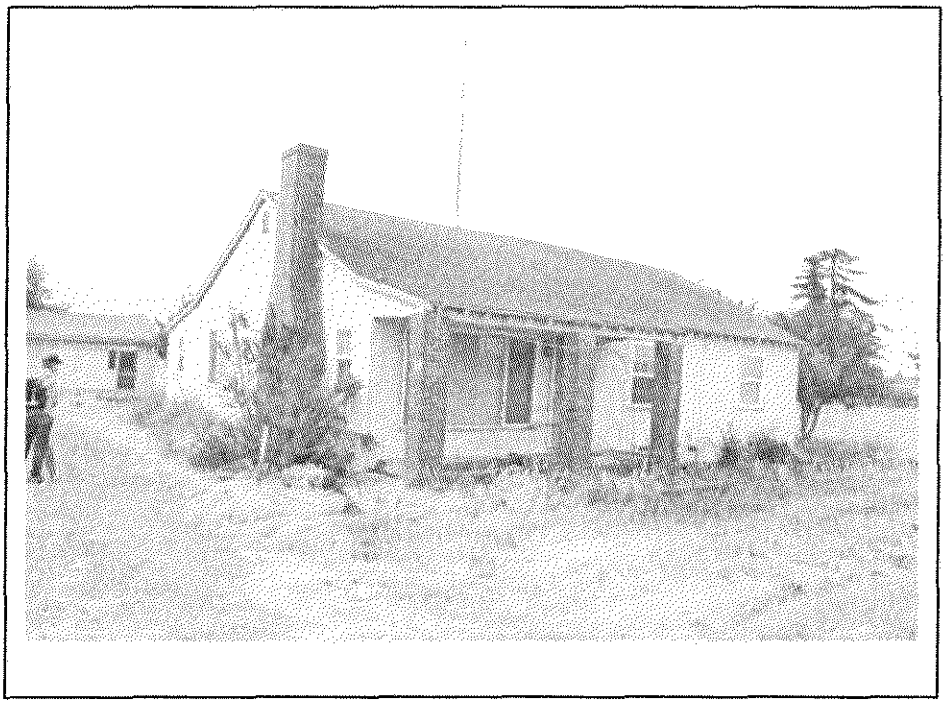
 ***Resource Name or #** (Assigned by recorder) Moreno House

P1. Other Identifier: 718 Ladd Road
***P2. Location:** ☐ **Not for Publication** ☒ **Unrestricted** ***a. County** Stanislaus
and (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** Salida **Date** 2015 **T** S2 ; **R** 9E ; ___ ¼ **of Sec** 29 ; _____ **B.M.**
c. Address 718 Ladd Road City Bloomington Zip 92316
d. UTM: (give more than one for large and/or linear resources) Zone 10 ; 676009.5 mE/ 4178534.1 mN
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Assessor Parcel Number 004-077-019-000

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)
The house is sited on a rural property of just under four acres in Stanislaus County. Ladd Road is about a half mile south of the Stanislaus River in the greater Modesto area. The agricultural neighborhood is dominated by fruit cultivation. Many farms also have single-family dwellings. The Moreno House is south of Ladd Road and is bounded by the Union Pacific railroad tracks on the west and the Dr. Moore canal on the south. There is another domestic farm immediately to the east. The Moreno property is characterized by dry grass, except for the area around the house and garage where there are overgrown shrubs and a handful of mature walnut and ornamental trees. The house fronts onto Ladd Road at the northeast corner of the property, with a pump house and single garage to the rear (see photos 1 and 2). A metal barn and some dilapidated sheds are located farther south behind the garage (continued p. 3).

***P3b. Resource Attributes:** (List attributes and codes) HP2: Single-family property

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) Photograph 1: East and north (main) elevations of building, camera facing southwest, photograph taken May 7, 2016.

***P6. Date Constructed/Age and Sources:**
☒ Historic ☐ Prehistoric ☐ Both
1946, Stanislaus County Recorder

***P7. Owner and Address:**
City of Modesto
1010 10th Street,
Modesto, California 95354

***P8. Recorded by:** (Name, affiliation, address)
Kara Brunzell
1613 B Street
Napa, California 94559

***P9. Date Recorded:**
May 7, 2016

***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:** (Cite survey report and other sources, or enter "none.") *None*

***Attachments:** NONE ☒ Location Map X Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (list) _____

B1. Historic Name: Moreno House
B2. Common Name: 718 Ladd Road
B3. Original Use: dwelling B4. Present Use: dwelling
***B5. Architectural Style:** Minimal Traditional
***B6. Construction History:** (Construction date, alteration, and date of alterations) original construction, 1946
1970s, garage remodeled for ancillary dwelling
1990s, windows on house replaced, corrugated barn constructed

***B7. Moved?** ☒ **No** ☐ **Yes** ☐ **Unknown** **Date:** _____ **Original Location:** _____
***B8. Related Features:** pump house, garage, barn, sheds
B9. Architect: Unknown b. Builder: Unknown
***B10. Significance: Theme** n/a **Area** n/a
Period of Significance n/a **Property Type** n/a **Applicable Criteria** n/a
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The building does not meet the criteria for listing on the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR) (see continuation sheet).

B11. Additional Resource Attributes: (List attributes and codes)
***B12. References:**
(See Footnotes)

B13. Remarks:

***B14. Evaluator:** Kara Brunzell

***Date of Evaluation:** May 7, 2016

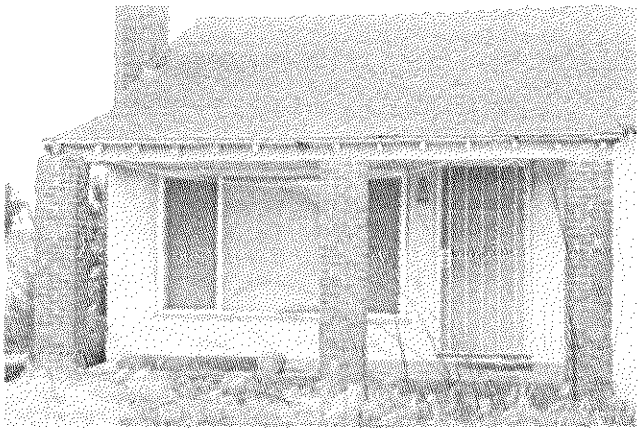
(This space reserved for official comments.)

***P3a. Description: (continued)**

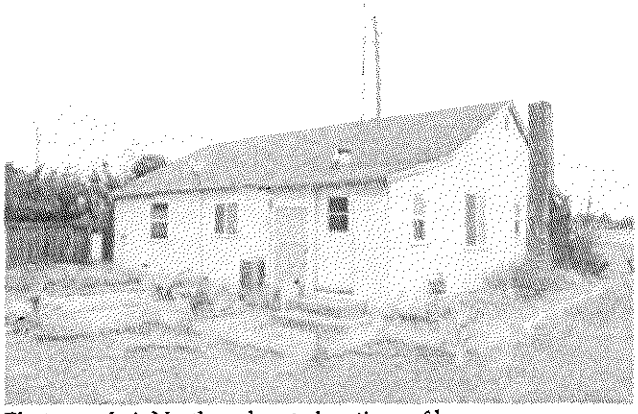
The rectangular-plan house is 1,264 square feet with its main façade on Ladd Road. Its compositions shingle roof is side-gabled with shed sections at the front and rear. It has the minimal eave overhang and exposed rafter tails of the Minimal Traditional style, a style that was popular for inexpensive houses beginning in the Great Depression up until about 1950. Cladding is stucco, and windows of several sizes are fitted with vinyl replacement sash (see photo 1). The projecting partial porch is supported by three square brick columns. The front door is near the center of the main elevation. It is sheltered by the porch roof and accessed via a set of concrete steps that lead from the driveway to the east of the house. It is fitted with a metal security screen door (see photo 3). There is a brick chimney on the east elevation (see photo 1). A secondary entrance at the rear is fitted with a partially glazed wood door and accessed via a set of concrete steps. An awning appears to have been removed at the southeast corner of the house, and the door is sheltered only by a few inches of eave overhang. A smaller wood panel door west of the rear entrance is at grade and appears to house a water heater (see photo 4).

The rear yard has areas paved in concrete and asphalt as well as bare dirt. The garage is southeast of the house, and also side-gabled and clad in stucco. Its single vehicle opening has a metal roll-up door. A similar single vehicle door to the west has been partially enclosed, and a partially glazed wood-panel door installed (see photo 5). There is a secondary personnel entrance on the east elevations, and aluminum slider windows at the east, south, and west (see photo 7).

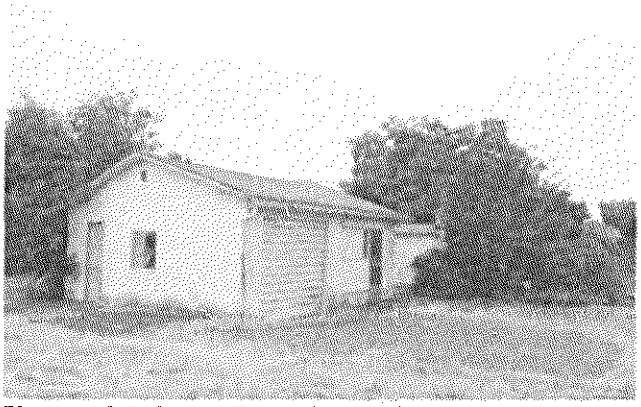
Photograph 2: Property overview looking southeast from Union Pacific railroad tracks near Ladd Road, May 7, 2016.



Photograph 3: Detail showing front entrance and porch, camera looking south, May 7, 2016



Photograph 4: North and east elevations of house, camera looking northwest, May 7, 2016.

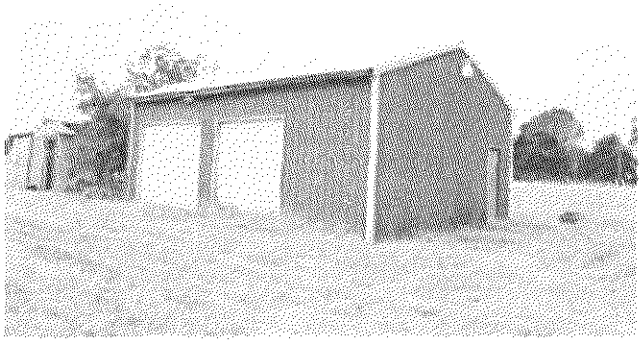


Photograph 5: Garage, East and north elevations, camera looking southwest, May 7, 2016.

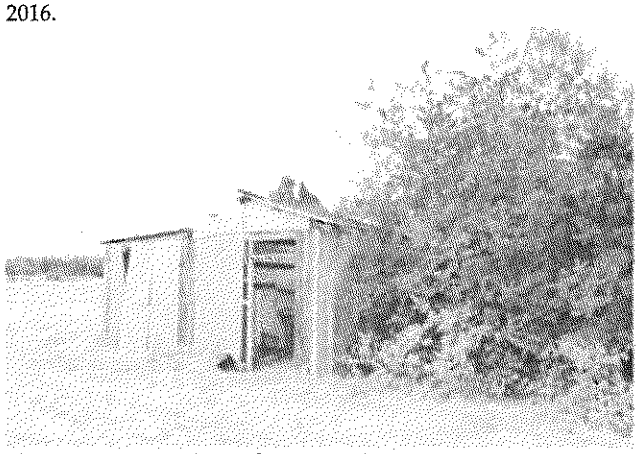
A concrete path leads from the rear door to a diminutive building that houses the well pump. It is front-gabled with exposed rafter tails and stucco cladding like the house (see photo 6). There is a front-gabled corrugated metal barn south of the domestic buildings. It has two large vehicle openings fitted with metal roll-up doors on its east elevation and a personnel door on the north (see photo 8). Immediately south of the barn there is a grouping of dilapidated sheds. They have gabled and shed roofs and are constructed of a combination of unpainted wood and metal (see photo 9).

Photograph 6: Rear yard with paved path and pump house, camera looking southwest, May 7, 2016

Photograph 7: Garage with house in background, camera looking northwest, May 7, 2016.



Photograph 8: Metal barn, camera looking southwest, May 7, 2016.



Photograph 9: Sheds south of metal barn, camera looking southwest, May 7, 2016.

B10. Significance (continued):

Modesto

The Central Pacific Railroad laid out the village of Modesto in 1870 when it extended its tracks through Stanislaus County. Modesto residents were among California's first irrigation advocates, and by 1904 a system of canals had been constructed in order to allow more productive agriculture. During the nineteenth century grain-growing was Stanislaus County's dominant agricultural activity. Stock-raising, dairying, fruit and nut orchards, and vegetable farms all became more important over time. When Prohibition ended in 1933, the Gallo brothers came to Modesto, bringing the wine business to the area on an industrial scale. In the twenty-first century, almonds and

walnuts are the most lucrative local crops, although fruit, vegetables, livestock, and other agricultural products remain important. Modesto is still the most important commercial center in the region as well as the county seat..[1]

718 Ladd Road

Mamie Barcelona was born in California in 1908, the daughter of Italian immigrants. One of nine children, she grew up in San Jose and worked in canneries as a young adult. In the early 1940s, she married Joseph Perry (Perez) Moreno. Joe P. Moreno was born in 1907, to Spanish parents aboard a ship en route to Hawaii. Mamie and Joe married in the early 1940s. In 1943, they had a daughter named Maria. By 1945, the year their daughter Sandra was born, they owned the property on Ladd Road. They owned two adjacent parcels (each just under two acres) that were bounded by Ladd Road on the north and the Dr. Moore Canal (a branch of the Modesto Irrigation Canal) on the south. The western parcel was adjacent to the Union Pacific railroad tracks. The Morenos built the house on the eastern parcel the following year, and apparently moved in shortly thereafter. The two outbuildings behind the house to the south appear to have been built about the same time. Joe worked as a custodian for the local school district, and farmed the property and hunted pheasants in his spare time. Based on historic aerial photographs, the Morenos had a small fruit orchard planted on their land, as most of their neighbors did during this era. The Morenos were members of St. Frances of Rome Catholic Church in Riverbank, a small community about four miles east of their farm.[2]

Maria Moreno married Gary Crawshaw in 1963, and the couple later moved to Columbia, California. In 1964, Sandra Moreno was working as a bank teller and living in the house. In 1966, Sandra married Robert Meagher at the age of 21, and moved out of her parents' house. Mamie and Joe lived on in the house together until her death in 1993. Joe then deeded the property to his daughter, but continued to live in the house until he had to move into assisted living as his health declined. The orchards were removed from the property in the early 2000s. Joe Moreno died in 2004, and his daughters inherited the house and land. They later sold the property to the City of Modesto.[3]

Evaluation:

The National Register of Historic Places (NRHP) requires that a significance criterion for A-D be met for a resource to be eligible; the California Register of Historical Resources (CRHR) requires that a significance criterion from 1-4 be met for a resource to be eligible.

Criterion A/1: 718 Ladd Road is not associated with events that have made a significant contribution to the broad patterns of local, regional, or national history. Therefore, the building is not eligible to the NRHP or CRHR under Criterion 1/A.

Criterion B/2: 718 Ladd Road is not associated with the lives of persons important to local, state, or national history, and therefore is not eligible to the NRHP or CRHR under Criterion B/2.

Criterion C/3: 718 Ladd Road is a common example of dwelling constructed in the 1940s. It lacks architectural significance and is therefore not eligible to the NRHP or CRHR under Criterion C/3.

Criterion D/4: In rare instances, buildings themselves can serve as sources of important information about historic construction materials or technologies and be significant under Criterion D/4. 718 Ladd Road does not appear to be a principal source of important information in this regard.

It has been assigned a Historic Resource Status Code of 6Z, and therefore does not qualify as a historic resource under CEQA.

[1] Carl P. Baggese and the McHenry Museum, *Modesto: Images of America,* Arcadia Publishing, Charleston, South Carolina: 2009; City of Modesto, California, "History," City of Modesto, 2016, https://www.modestogov.com/about/history.asp, accessed 20 June 2016.

[2] U.S. Census Records, Santa Clara County, 1930, 1940; Modesto Bee, Deeds on file with the Stanislaus County Recorder's Office; "Obituary – Joe P. Moreno," 29 Feb 2004;

[3] California Marriage Index, 1963, 1966; Certificate of Death, Joseph Perry Moreno, Stanislaus County.

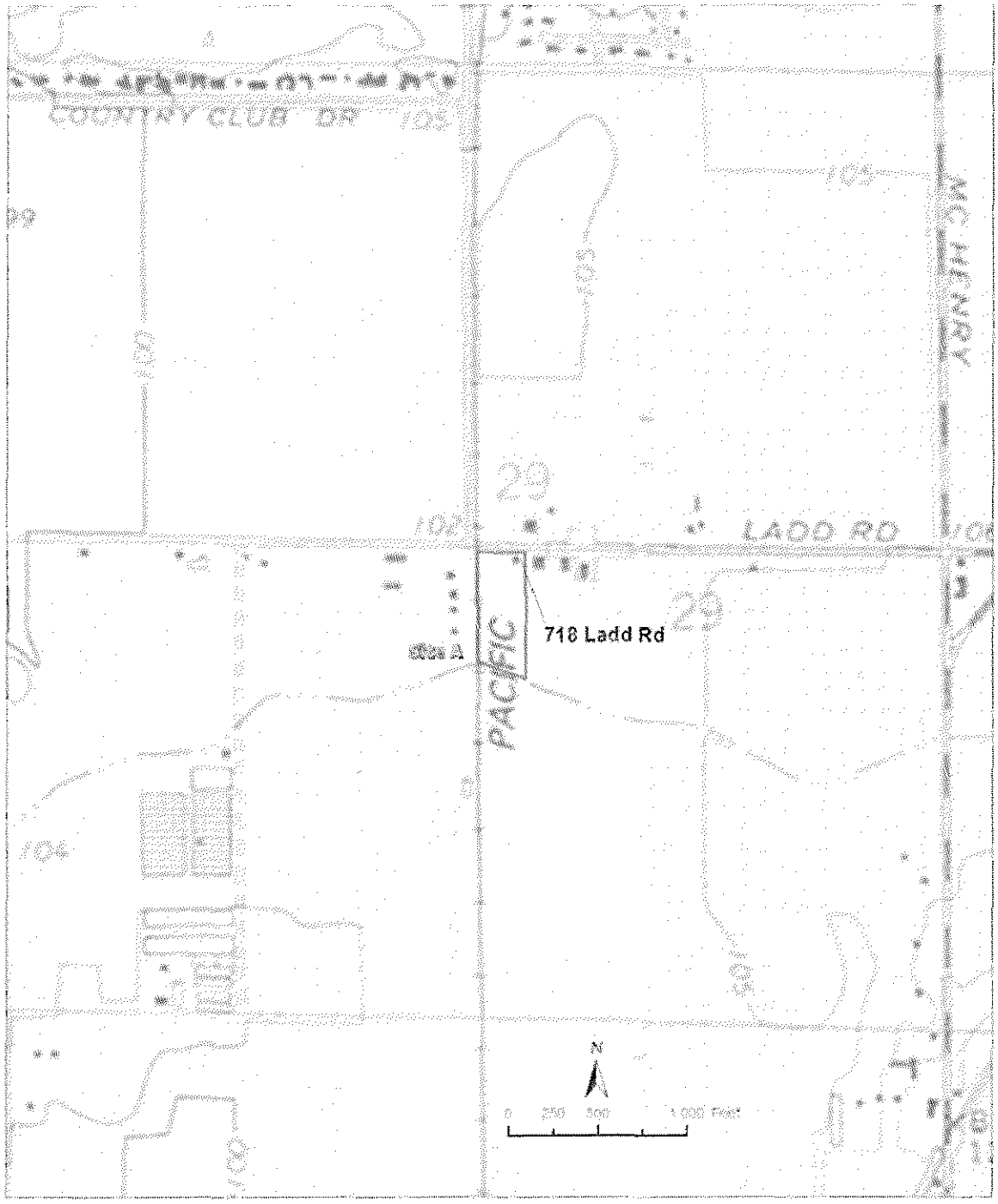
State of California ♦ Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

LOCATION MAP

Primary #
HRI#
Trinomial

*Resource Name or # (Assigned by recorder) Moreno House

*Map Name: Salida *Scale: 1:24,000 *Date of map: 1987



* Required information

Appendix F

Groundwater Impacts Evaluation
Supporting Documentation

URS

May 15, 2015

Mr. Kris Ohlson, PE,
Utility Planning & Projects Department
City of Modesto
1010 Tenth Street, Suite 4600
Modesto, California 95353

1) **Re: Draft Well Impact Analysis for the Del Rio Water Systems Upgrade: Groundwater Well Inventory, Baseline Transducer Investigation, City of Modesto, California**

Dear Mr. Ohlson:

This letter report is the first of two deliverables, and provides all data collected under task one of the contract agreement between URS and the City of Modesto, California. The data and analysis provided in this text have been prepared to document the results of a domestic groundwater well inventory and a baseline groundwater level investigation conducted in the Del Rio area of Modesto. The purpose of this project was to provide more site-specific baseline hydrogeological information and to further assess the potential effect pumping the Del Rio New and Replacement wells may have on domestic, agricultural, and ranch wells in the surrounding area of the proposed Del Rio well sites. Because the proposed wells will be located within an active pumping area, the City of Modesto has chosen to conduct the analysis to determine impacts to groundwater that may result from pumping the proposed wells.

INTRODUCTION

The purpose of this project was to provide more site-specific baseline hydrogeological information and to further assess the potential effect pumping the Del Rio New and Replacement wells may have on domestic, agricultural, and ranch wells in the surrounding area of the proposed Del Rio well sites (Figure 1). In an effort to achieve this goal, URS conducted a baseline transducer monitoring investigation. This technical memorandum summarizes field work, site inventory, and groundwater level data gathered from the transducer investigation as outlined in Task 1of the scope of work (URS, 2014).

Task 1 involved two phases, the first of which involved working with the City of Modesto staff to identify local well owners in the Del Rio area (Figure 1). During this phase, URS attempted to contact the landowners to ascertain historic pumping rates and water level data, and also determine periods of groundwater demand. Several attempts to contact landowners were made by City of Modesto and URS personnel; many landowners were hesitant and resistant to the request by either not replying to requests for contact, or denied access. Because landowners were resistant to well monitoring efforts, no data on historical pumping and water level behavior was obtained. The first phase effort yielded access from the wells of only two private land owners who granted URS access for water level monitoring with pressure transducers.

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The second phase of Task 1 involved the placement of pressure transducers in three groundwater wells and monitoring of groundwater levels for a period of six months. Transducers were installed on August 08, 2014; water-levels were measured at15 minute intervals until February 17, 2015. The objective of this Tech Memo is to provide all data gathered during this investigation and provide an interpretation of water-level trends during the period of record.

PRVATE WELL INVENTORY

A well inventory map is plotted on an aerial image (Figure 2) to illustrate the locations of existing domestic wells within a one mile radius of the Proposed Del Rio New Well location. Domestic well data were gathered from the California Department of Water Resources (CA DWR) well registry database. URS compiled all drillers' logs CA DWR provided in a well database. The database contains well information (well diameter, top and bottom of well screen, and lithology data). This information was used to help refine the list of wells to include for water-level monitoring and installation of transducers. Historic water-level and water usage data was unable to be obtained.

Initially, only three private land owners returned URS attempts for contact, and out of the initial effort, URS was able to perform initial site inventories on four wells. Figure 1 provides the locations for these wells. Table 1 shows site details and well-specific data for these sites. Attachment A provides wellhead pictures gathered during the field inventory. Out of the four wells initially inventoried, URS was granted permission to monitor water levels in only two of the domestic wells with transducers for six months (Setliff Property and Denlinger Property at 718 Ladd Rd), and was denied access to the other two (Table 1). Because of the resistance by landowners to this monitoring, URS installed a third transducer at a City of Modesto Well at 718 Ladd Rd., a well located at the proposed location for the Del Rio New Well (Figure 1).

MONITORING WELL AND GROUNDWATER LEVEL DATA

The proposed Del Rio production wells are expected to be screened from 400 feet to 600 feet below ground surface in the deep alluvial aquifer. URS was unable to obtain access to wells completed in that aquifer. A review of the DWR well inventory database suggests that very few wells are completed at this depth, and of those, none are located within 1,000 feet of the proposed well locations. Most domestic wells in the Del Rio area are completed in the shallow aquifer (100-265 feet below ground surface). Well completion records that were obtained (Table 1) indicate that the wells monitored for this investigation are screened at depths less than 200 feet below ground surface (shallow aquifer), and are representative of the large majority of domestic wells in the area. The data presented in this tech memo provides a representative baseline dataset for the majority of domestic wells located in the Del Rio area.

Hydrographs compiled from transducer data from the three shallow groundwater wells monitored from August 08, 2014 to February 17, 2015 are presented in Figures 3,4, and 5. Two wells (Ladd Rd wells, Figures 3 and 4) are located proximally to the chosen location for Del Rio New Well and one well is located proximally to the chosen location for the Del Rio Replacement Well (Setliff Well, Figure 5). For purposes of this tech memo, the term "proximally located" is used to refer to wells within 1,000 feet of proposed production well location.

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Upward trends in groundwater levels are evident in all figures throughout the six month record. The upward trend displayed over the six month time period was probably influenced by seasonal fluctuations in the regional aquifer. Monitoring commenced in August when water levels were expected to be at their annual low point; monitoring ceased in February during the expected annual high. Statistical evaluation provided in insets on each figure show that water levels increased over the period of record by 3.02, 1.90, and 1.31 feet in figures 3, 4 and 5, respectively. Seasonal trends observed in long-term historical records from groundwater monitoring conducted by the USGS are consistent with the fluctuations observed during this investigation (USGS, 2007). Average seasonal water level fluctuations reported by USGS in shallow (100-265 feet), intermediate (265-360 feet), and deep (360-600 feet) zone wells have been 1, 3, and 18 feet, respectively.

Frequently occurring, short-duration (less than one-hour duration), high-magnitude (1-4 feet) decreases in water levels followed by a rapid recovery in water levels are observed throughout the period of record in Figures 4 and 5; this water level behavior is similar to the drawdown curve produced by a well that is pumped for a short time period, shut off, and allowed to recover. To illustrate the influence of domestic localized pumping to the aquifer, an amplification of the hydrograph (Figure 5) is provided in Inset 1 of Figure 5. The pumping drawdown curves in the hydrograph (Inset 1, Figure 5) are not consistent with pumping of municipal wells (municipal pumping lasts for 2-4 hours), and are most likely the result of local domestic groundwater usage. The lack of interest and willingness by private well owners prevented URS from obtaining pertinent private well operational data, hindering further analysis.

CONCLUSIONS

Based the results of the groundwater well inventory and baseline water-level monitoring, the following conclusions were drawn:

- The DWR Private well database suggests that the majority of private wells located within the Del Rio area of Modesto, CA are completed in the shallow zone (less than 265 feet below ground).
- Data gathered during the course of this groundwater level investigation were collected from wells completed in the shallow zone, and therefore, are representative of the majority of private domestic wells located in the area, and are expected to provide representative baseline for the majority of private wells in the Del Rio area.
- There are few private wells completed at the depth that the proposed Del Rio wells are expected to be completed, and none are located within 1,000 feet of the proposed locations.
- A gradual increase in water-levels observed throughout the course of this investigation of 0.3 to 3.02 feet was probably the result of normal seasonal changes for the aquifer.
- Short-duration, high magnitude decreases in groundwater-levels followed by recovery were observed in water levels of two wells throughout the period of record. These impacts to groundwater levels are greater than the observed seasonal fluctuation, and are attributed to local domestic pumping for groundwater usage.
- Local domestic groundwater pumping and usage is currently impacting the water levels in the shallow zone by 1-4 feet.

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- Determining hydrogeogolgical characteristics and aquifer properties were ultimately hindered by the lack of interest and willingness of private land owners to assist in this effort by allowing access and provide historic usage information.

REMCOMENDATIONS

- It is recommended that groundwater levels be periodically monitored in proximally located wells where access is allowed when the Del Rio wells are on-line. It is recommended that water levels are monitored in all three zones (shallow, intermediate, and deep) of the alluvial aquifer.

URS appreciates this opportunity to provide hydrogeologic consulting services to the City of Modesto. Please contact the undersigned at (916) 717-1628 if you have any questions.

Sincerely,

Eddy Teasdale, PG. (#7791)., C.HG. (#926)
Project Hydrogeologist

Nicholas J. Tucci
Geologist

Attachments:

Table 1. Initial Site Inventory
Figure 1. Site Details Map
Figure 2. Well Inventory Map
Figure 3. Six month groundwater-level trend for site located at 718 Ladd Road. Water-level statistics provided in inset.
Figure 4. Six month groundwater-level trend for site located at 706 Ladd Road. Water-level statistics provided in inset.
Figure 5. Six month groundwater-level trend for site located at 201 Stewart Rd. (Setliff Property). Magnification of the water level trend (Inset 1) enhances the detail of the impacts of localized pumping. Water-level statistics provided in inset.
Attachment A. Field Photographs

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TABLES

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Table 1: Initial Site Inventory

Property Owner	Property Address	Latitude	Longitude	Tagged Total Depth (ft)	Static Water Level	Casing Diameter	Permission to Install Transducer
Setliff Property (McHenry/Stewart)	201 Stewart Rd	NR	NR	>200-feet	46.35	10-inch	Yes
Saso Property	816 Ladd Rd	37.732793	-121.004759	NR	NR	NR	No
Denlinger Property	706 Ladd Rd	37.732777	-121.003048	~90-feet	45.09	6-inch	Yes
Denlinger Property	636 Ladd Rd	37.732769	-121.002164	NR	NR	NR	No
City of Modesto	718 Ladd Rd	37.732778	-121.0032	> 60-feet	44.74	6-inch	Yes
City of Modesto Well 289 (supply well)	7118 Beltis Dr	37.743701	-121.003407	NR	~58-feet	NR	NA

NA Not applicable, NR Not recorded

*Well highlighted in red show wells that were implemented with transducer and monitored for water levels

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FIGURES

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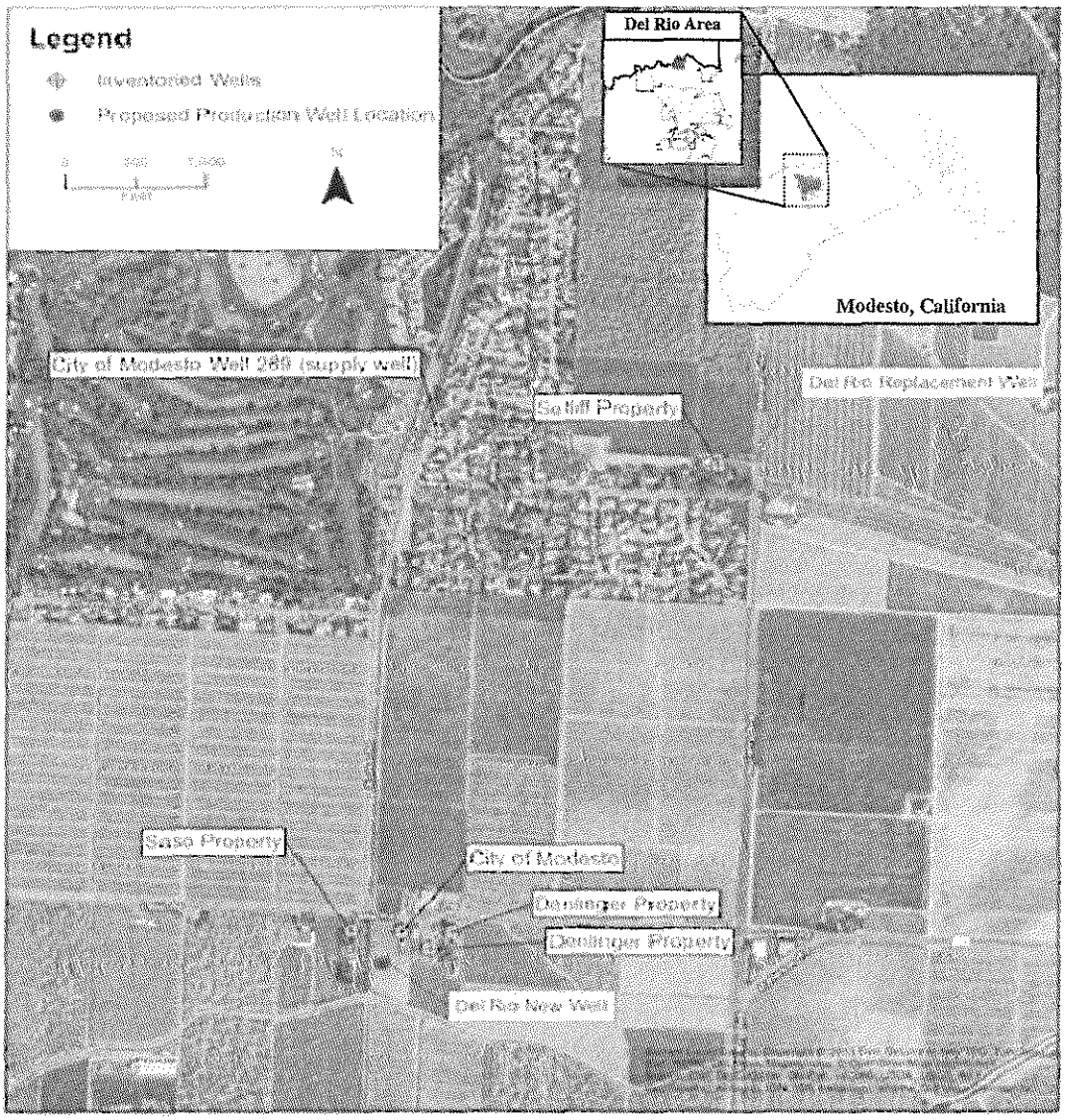

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Site Details Map

Modesto, California

Figure 1

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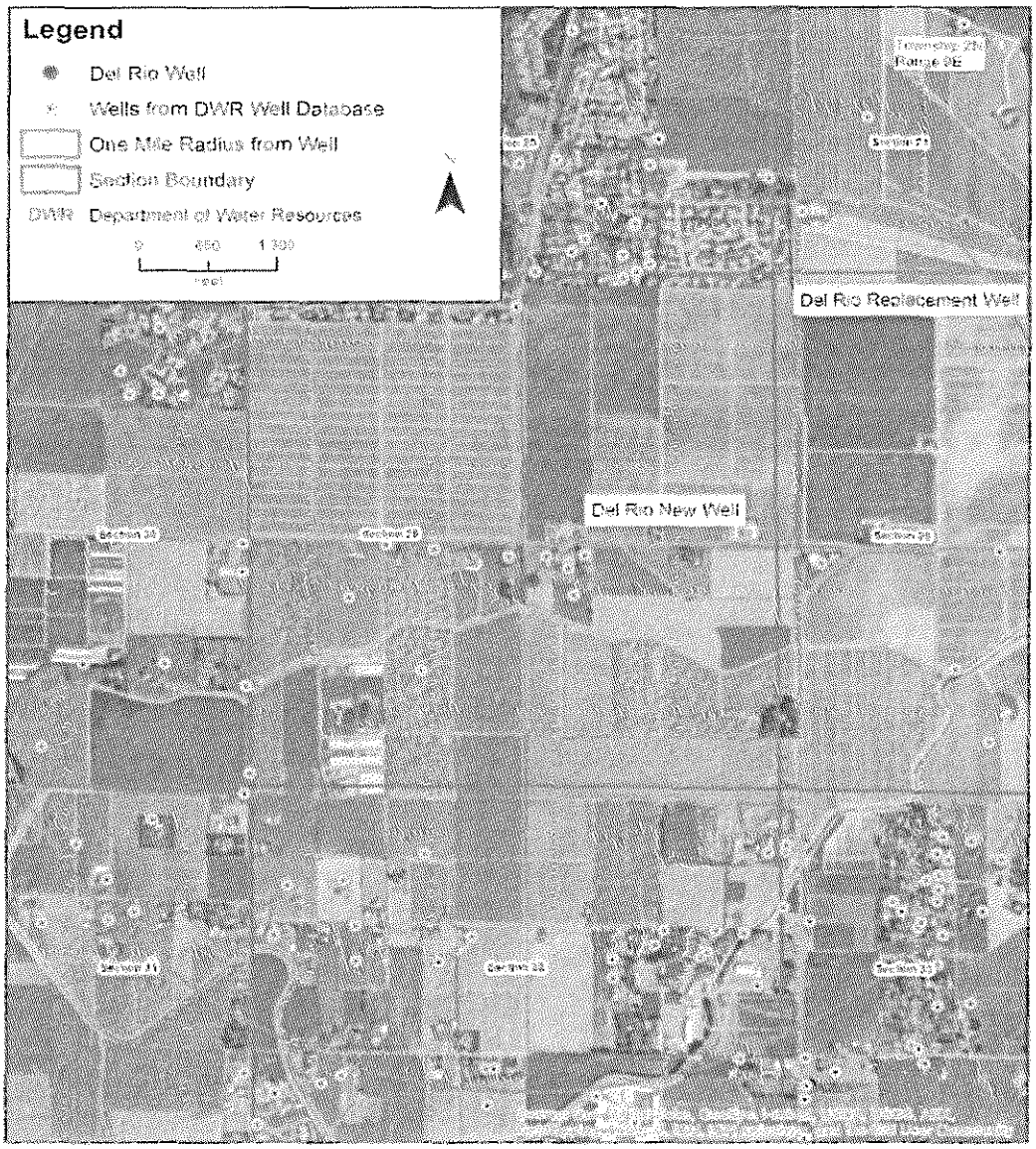

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Well Inventory Map
Modesto, California

Figure 2

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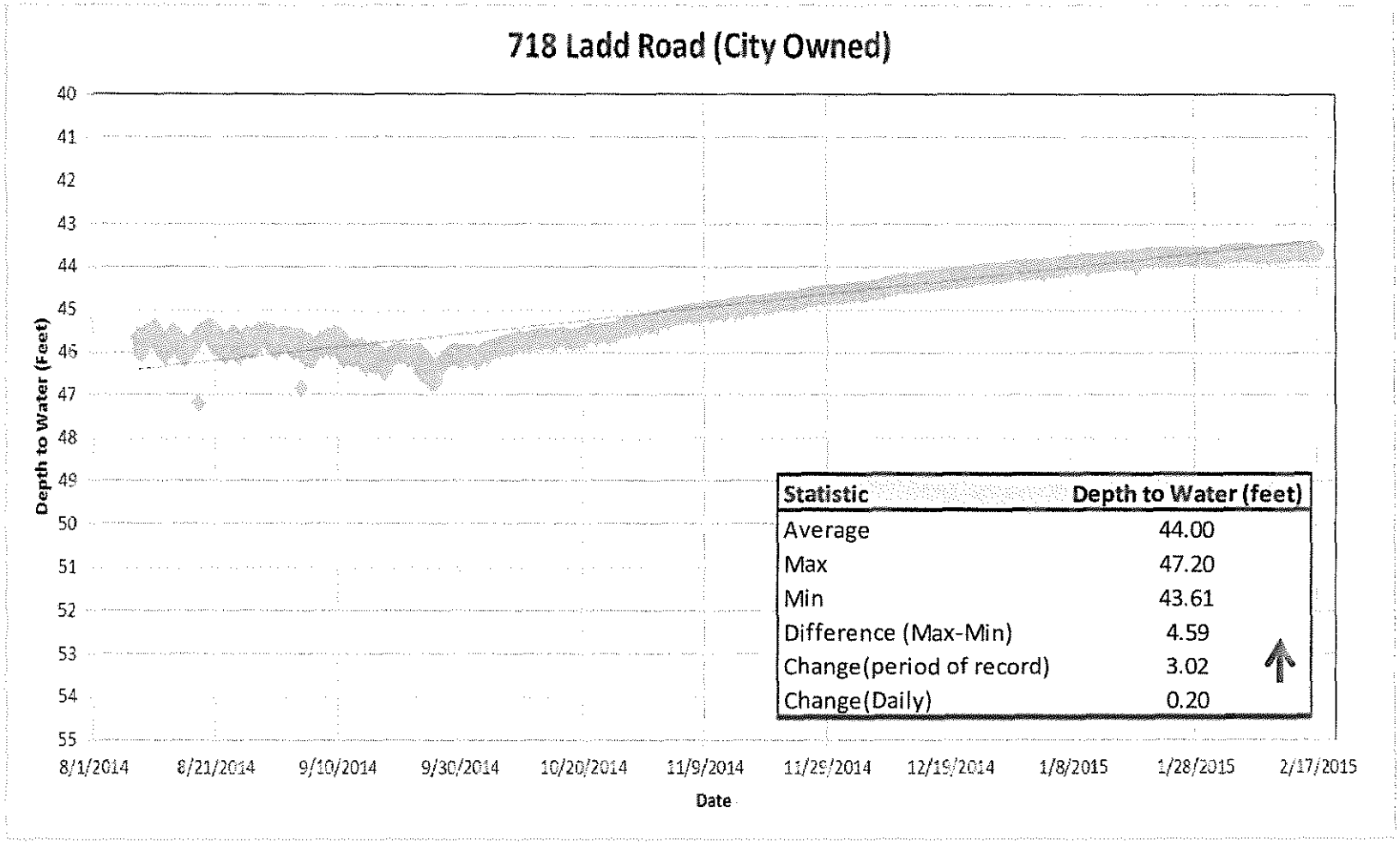

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Figure 3. Six month groundwater-level trend for site located at 718 Ladd Road. Water-level statistics provided in inset.

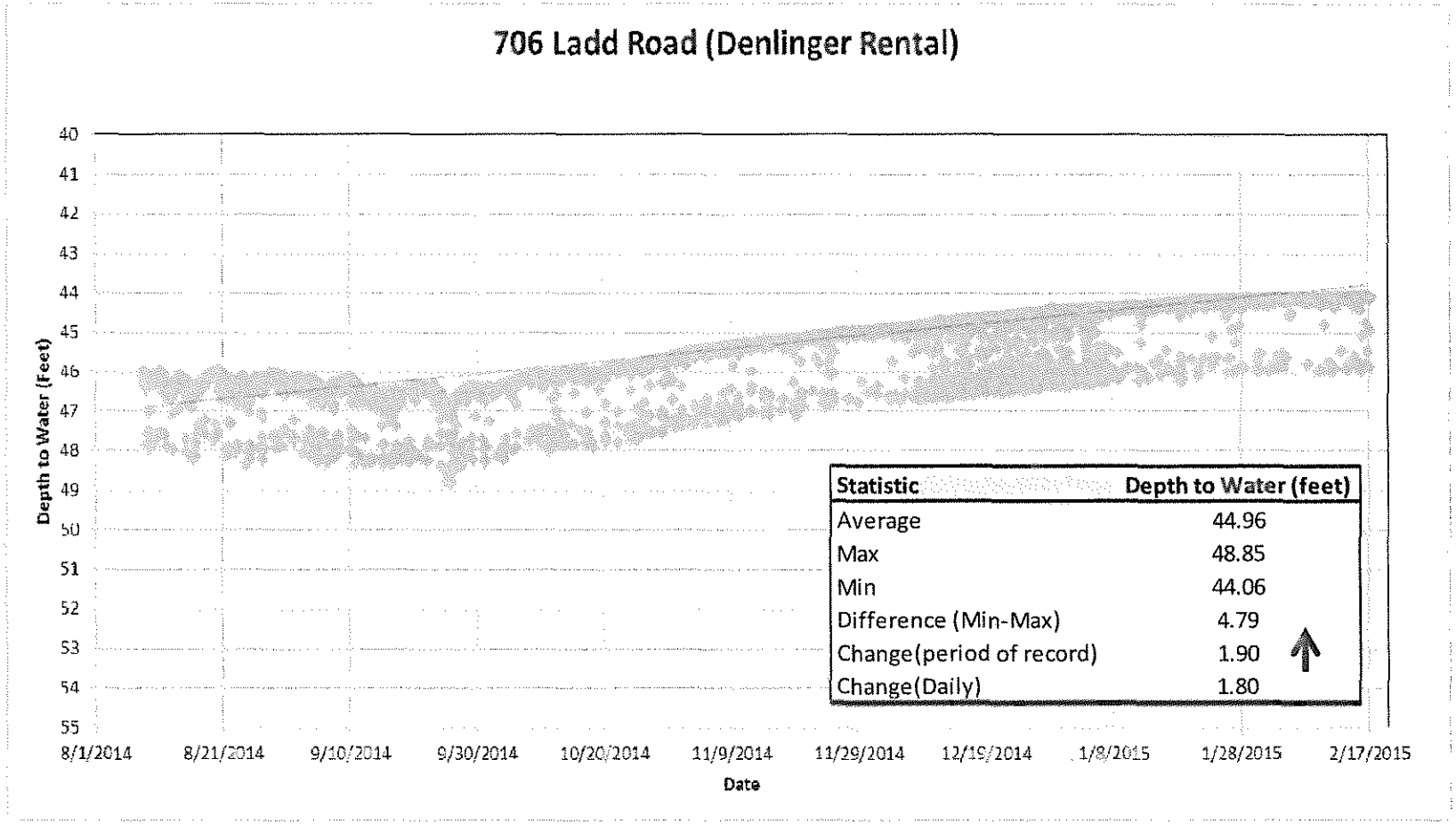

Figure 4. Six month groundwater-level trend for site located at 706 Ladd Road. Water-level statistics provided in inset.

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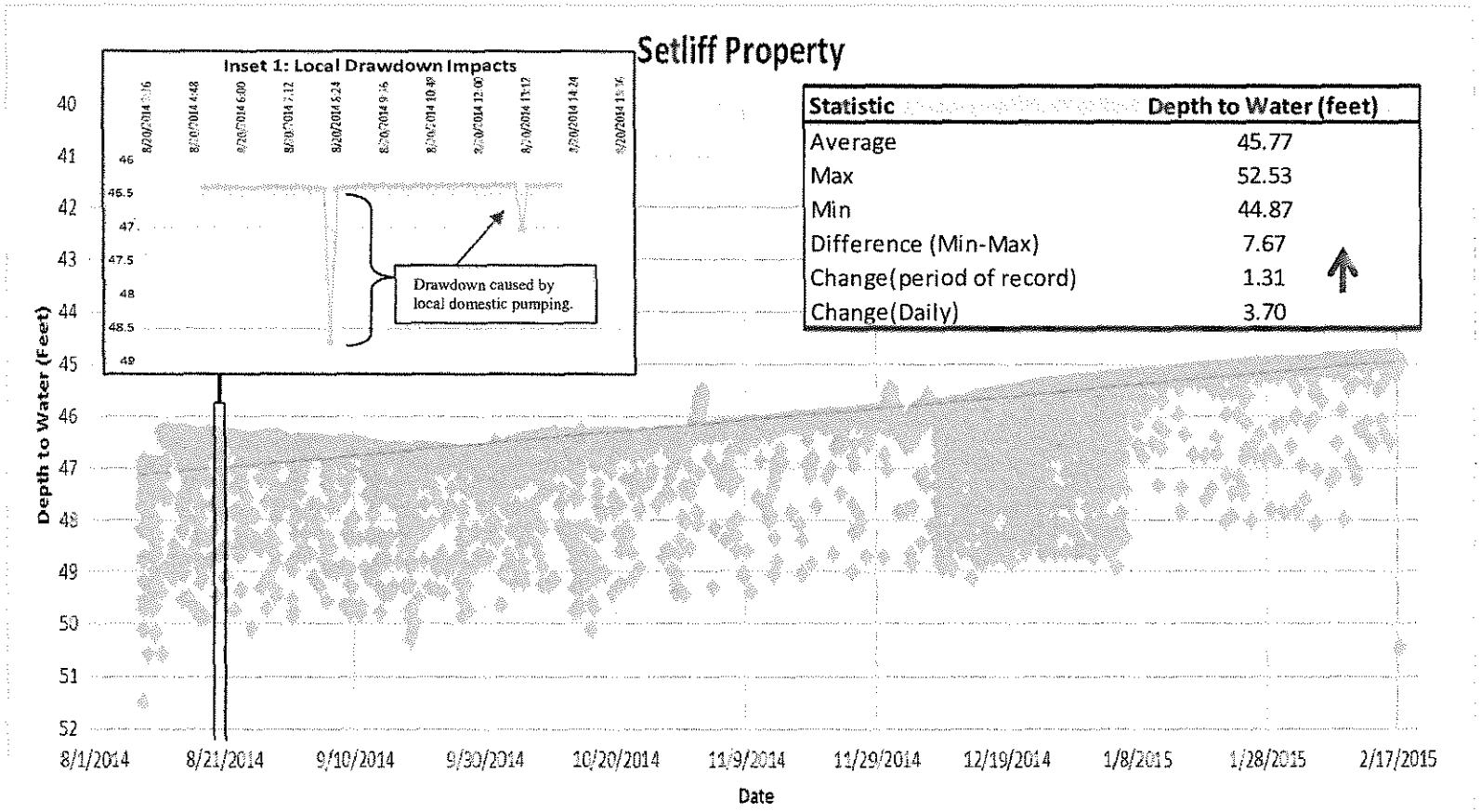

Figure 5. Six month groundwater-level trend for site located at 201 Stewart Rd. (Setliff Property). Magnification of the water level trend (Inset 1) enhances the detail of the impacts of localized pumping. Water-level statistics provided in inset.

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ATTACHMENT A: FIELD PHOTOGRAPHS

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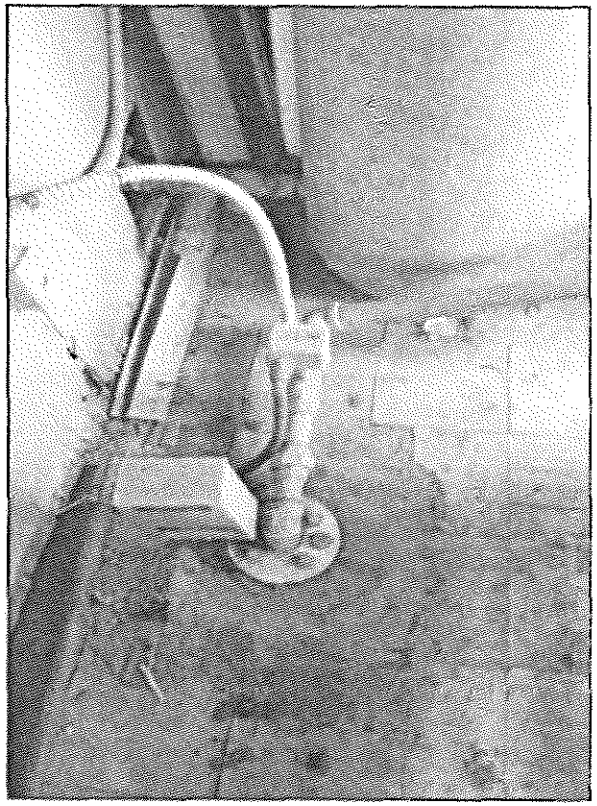
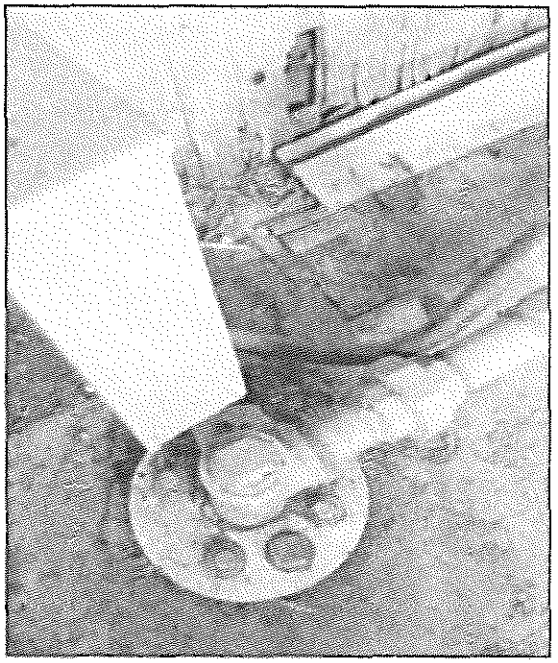


Well inside pump house



Close-up of 6-inch Well head

Measuring water-level and downloading transducer

706 Ladd Road

Appendix A

Field photographs of groundwater well inventory

City of Modesto, CA Task 1

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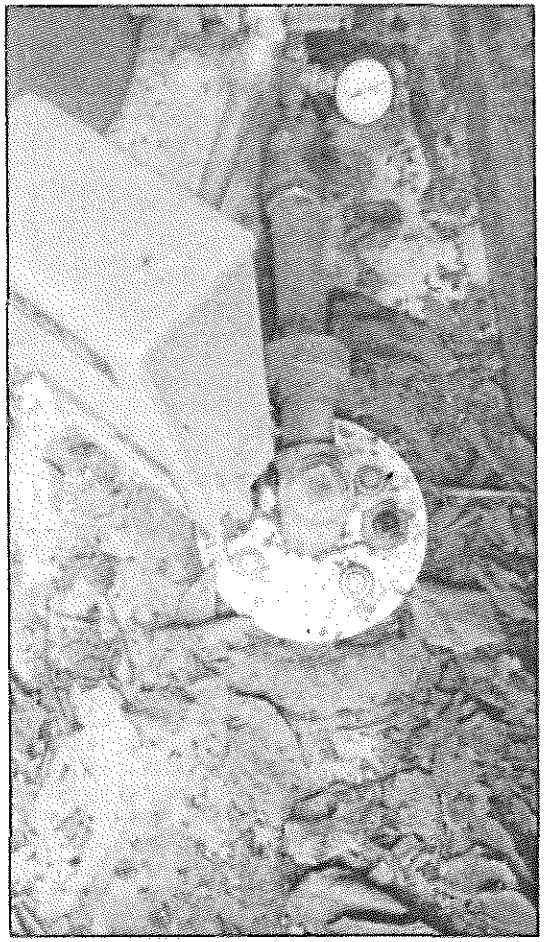

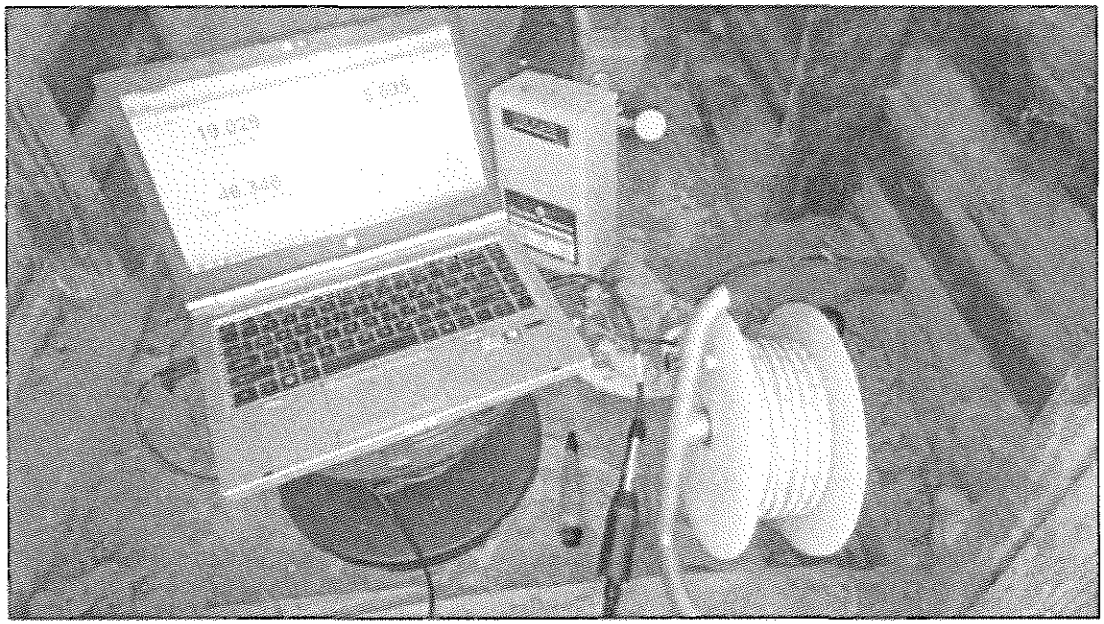

718 Ladd Road

Appendix A

Field photographs of groundwater well inventory

City of Modesto, CA Task 1

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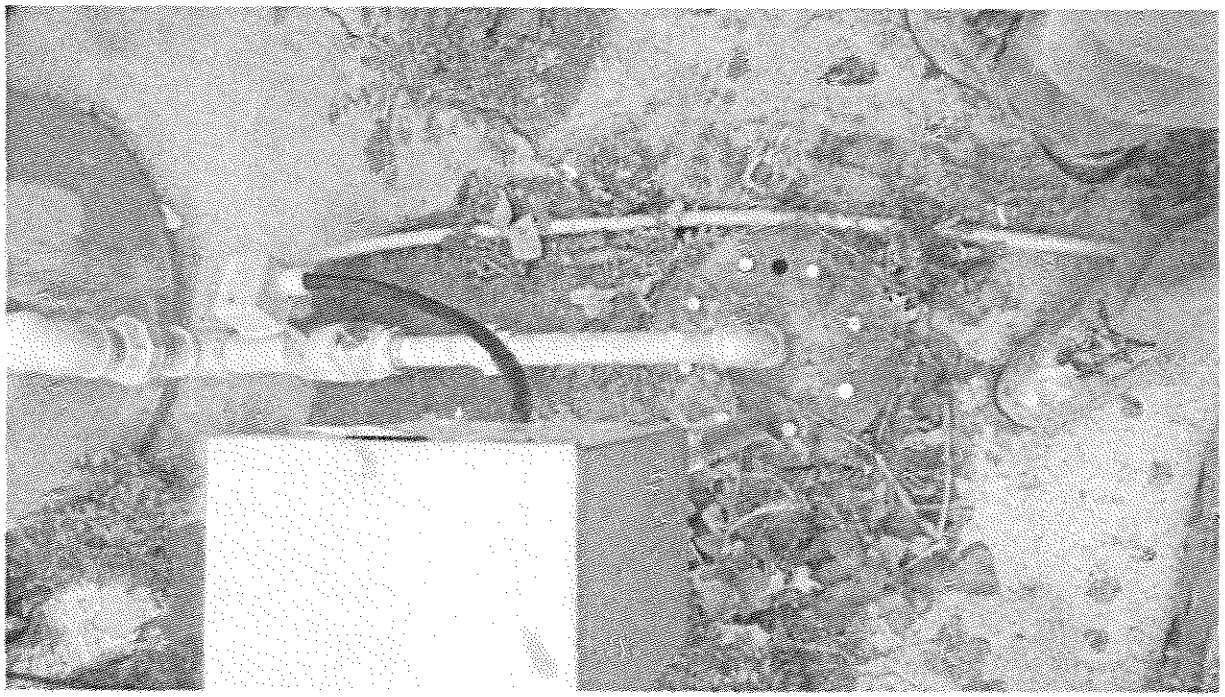

Setliff Property

Appendix A

Field photographs of groundwater well inventory

City of Modesto, CA Task 1

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May 15, 2015

Mr. Kris Ohlson, PE,
Utility Planning & Projects Department
City of Modesto
1010 Tenth Street, Suite 4600
Modesto, California 95353

Re: Draft Well Impact Analysis for the Del Rio Water Systems Upgrade: Revised Groundwater Flow Model, City of Modesto, California

Dear Mr. Ohlson:

This letter report has been prepared to document the results of drawdown analysis conducted at the two proposed Del Rio Well locations. The purpose of the analysis was to re-evaluate the potential impacts of pumping the Del Rio New Well and the Del Rio Replacement well on local groundwater levels in the area. Because these wells will be located within an active pumping area, the City of Modesto has chosen to conduct the analysis to determine impacts to groundwater that may result from pumping the proposed wells. This letter report presents a determination of the estimated maximum groundwater drawdown expected in wells at 125 feet and 1,000 feet radii in each of three depth zones by pumping of the one proposed well or both proposed wells.

1.0 INTRODUCTION

An aerial photo showing the two proposed location of the Del Rio production wells and surface features in the area is presented on Figure 1. URS conducted an initial drawdown analysis in 2012, and submitted the findings in a letter report submitted to the City of Modesto on June 26, 2012 (URS, 2012). The current work builds upon the previous analysis providing more in-depth, accurate and detailed modelling results in the following ways;

1) The previous investigation was conducted using only one of the two proposed production wells. Because there are two proposed production wells anticipated, two evaluations were conducted, one for each production well location. This was done to account for the impacts of both proposed wells. Model simulations were conducted accounting for the pumping of each proposed Del Rio production well separately, and then combined.
2) Simulation Run Times: In the previous analysis (URS, 2012) 30 days of pumping were simulated with the model, and the simulations did not account for long-term impacts to the aquifer. The simulated pumping time evaluated for this report was 3,650 days (10 years).
3) Del Rio production well flow rates: The original Del Rio model assumed an operational pumping rate of 1,280 gallons per minute (gpm), and operational times of 8 hours a day over a 30-day period. For the revised model, URS coordinated with City of Modesto staff to derive both site-specific operational pumping rates (flow information) and operational time information. The flow rates for both Del Rio production wells were updated to more accurately simulate the hydraulic effects of anticipated pumping rates, which will vary over the course of a year because of anticipated monthly variations in water demand.
4) Sensitivity Analysis: URS quantified uncertainty in the model by conducting a sensitivity analysis on horizontal hydraulic conductivity (K), the hydraulic parameter used to predict water-level drawdown.

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Sacramento, CA 95833
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To complete the drawdown analysis efficiently, URS developed a numerical groundwater flow model based on the United States Geological Survey (USGS) Northeastern San Joaquin Valley Groundwater Numerical Flow Model (USGS, 2007). The computer code selected to model groundwater flow was MODFLOW. MODFLOW is a three dimensional, cell-centered, finite difference, saturated flow model developed by the USGS (McDonald and Harbaugh, 1998). MODFLOW is widely accepted in the professional hydrologic community and is recognized as a valid numerical model to simulate groundwater flow. The area covered by the regional USGS groundwater model includes the northeastern San Joaquin Valley extending from north of the Stanislaus River to the south of the Merced River and bounded on the northeast by the Sierra Nevada foothills and the southwest by the San Joaquin River. The area included in the USGS model domain is shown on Figure 2. The regional model has 16 model layers, each layer representing a separate subsurface lithology. The total model thickness varies from approximately 900 to 1,200 feet thick. A cross-section view of the USGS model is presented in Figure 3.

For the drawdown analysis, the regional USGS groundwater flow model was converted into a local-scale, transient-state groundwater flow model using Telescope Mesh Refinement (TMR) techniques with *Groundwater Modeling System* (GMS). GMS was developed by Aquaveo (Aquaveo, 2011) and is a comprehensive graphical user interface for performing groundwater simulations. TMR (also called grid zooming) is the technique for creating a more refined model from a portion of the larger model (i.e., the Regional Scale USGS model) to more accurately simulate hydraulic stresses in the Del Rio Well "area of interest"; the refined model grid retains the directional orientation of the regional model. The TMR model is not linked to the larger model; rather, it is a separate model but it uses the hydrogeologic properties (i.e., hydraulic conductivity/ transmissivity, storage coefficient, etc.) of the larger model. The northern boundary of the TMR model is the Stanislaus River and the southern boundary is an east-west line approximately 2 to 3 miles south from the river. The active area of the local model is about 11 mi^2 (7,200 acres).. The horizontal TMR model grid and its 16 vertical layers are shown on Figure 4.. These layers were assigned the same hydraulic properties and thickness as the layers in the regional model.

2.0 DRAWDOWN ANALYSIS

2.1 Drawdown Analysis Assumptions and Inputs

In the model, hydraulic conductivity parameters vary according to depth and layer; groups of cells within each layer have their own unique value. Variations in hydraulic conductivity within and between layers are illustrated for shallow, intermediate, and deep zones in Figure 5. Based on anticipated water supply demand, City of Modesto staff calculated monthly pumping rates and well burden estimates for both proposed Del Rio wells; the estimated pumping rates updated for the new simulations are shown for each well and each month of the water year in Figure 6. The monthly pumping rates were estimated from expected operational pumping rates (1,000 gpm) and estimated monthly operation periods. The estimated operational times were variable (4-18 hours) based on expected demand; however, operational times used for the estimates are conservative because the majority of the current municipal wells operate between 2 and 4 hours per day. The model simulation time was 3,650 days (10 years). The proposed Del Rio Wells will be screened in the deep zone from 400 to 600 feet below ground surface (bgs).

2.2 Drawdown Analysis Results

To assess the possible drawdown impacts from pumping, two separate evaluations were conducted (one for Del Rio New Well and one for Del Rio Replacement Well), and four scenarios were simulated for each evaluation. Scenario 1 assumed one well was operational and simulated effects on groundwater levels at wells within a 125-foot radius of the proposed well location. Scenario 2 assumed both proposed Del Rio Wells were in operation and simulated effects on groundwater levels at wells within a 125-foot radium of the proposed well location. Scenario 3 assumed one well was operational and simulated effects on groundwater levels at wells within a 125-foot radius of the proposed well location. Scenario 4 assumed both wells in operation, and simulated effects on groundwater levels at wells within a 1,000-foot radius of the proposed well location. The groundwater model simulation matrix is summarized in Table 1.

The TMR model domain for Del Rio Wells consists of 16 individual model layers and existing wells were grouped by depth as the following:

- Shallow Aquifer – Layers 1 to 8 and wells screened from 100 to 265 feet deep
- Intermediate Aquifer – Layers 9 and wells screened from 265 to 360 feet deep
- Deep Aquifer – Layer 10 through 12 and wells screened from 360 to 600 feet deep

Maximum simulated drawdown at the maximum pumping rate (751 gpm) for both models are summarized in Table 2. A more thorough discussion of drawdown is provided below.

2.2.1 Drawdown Analysis Results for evaluation 1, Del Rio New Well

Evaluation 1 was conducted for the purpose of estimating drawdown in the Del Rio New Well near Ladd Rd (Figure 1). This section discusses the drawdown estimated by the evaluation.

2.2.1.1 Evaluation 1, Scenario 1, One pump operational (125-foot radius)

Temporal analysis of drawdown for Evaluation 1, scenario 1 in all zones is provided in Figure 7. For comparative purposes, operational pumping rates are provided on the figure (Figure 7, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates) during the higher demand periods, drawdown increased and then recovered after the high demand period in each year. The following bullets summarize maximum drawdown predicted at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July.

- Shallow aquifer drawdown is predicted to be 0.17 ft. (Table 2, Figure 7)
- Intermediate aquifer drawdown is predicted to be 1.1 ft. (Table 2, Figure 7)
- Deep aquifer drawdown is predicted to be 19 ft. (Table 2, Figure 7)

2.2.1.2 Evaluation 1, Scenario 2, Both pumps operational (125-foot radius)

Temporal analysis of drawdown for Evaluation 1, scenarios 2 in all zones is provided in Figure 8. For comparative purposes, simulated drawdown when both wells are operational is compared with simulated drawdown when only one well is operational (Figure 8, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates), drawdown increased. The following

bullets summarize maximum drawdown observed at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July.

- In the shallow aquifer is predicted to be 0.25 ft. (Table 2, Figure 8)
- In the intermediate aquifer is predicted to be 1.5 ft. (Table 2, Figure 8)
- In the deep aquifer is predicted to be 20 ft. (Table 2, Figure 8)

2.2.1.3 Evaluation 1, Scenario 3, One pump operational (1,000-foot radius)

Temporal analysis of drawdown for Evaluation 1, scenarios 3 in all zones is provided in Figure 9. For comparative purposes, operational pumping rates are provided on the figure (Figure 9, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates), drawdown increased. , the following bullets summarize maximum drawdown observed at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July:

- In the shallow aquifer is predicted to be 0.21 ft. (Table 2, Figure 9)
- In the intermediate aquifer is predicted to be 1 ft. (Table 2, Figure 9)
- In the deep aquifer is predicted to be 7 ft. (Table 2, Figure 9)

2.2.1.4 Evaluation 1, Scenario 4, Both pumps operational (1,000-foot radius)

Temporal analysis of drawdown for Evaluation 1, scenarios 4 in all zones is provided in Figure 10. For comparative purposes, simulated drawdown when both wells are operational is compared with simulated drawdown when only one well is operational (Figure 10, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates), drawdown increased. To satisfy the objectives of this investigation, the following discussion summarizes maximum drawdown observed at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July:

- In the shallow aquifer is predicted to be 0.26 ft. (Table 2, Figure 10)
- In the intermediate aquifer is predicted to be 1.4 ft. (Table 2, Figure 10)
- In the deep aquifer is predicted to be 8 ft. (Table 2, Figure 10)

2.2.2 Drawdown Analysis Results for Evaluation 2, Del Rio Replacement Well

Evaluation 2 was conducted for the purpose of estimating drawdown in the Del Rio Replacement Well located near the intersection of McHenry Ave and Stewart Rd. (Figure 1). This section discusses the drawdown predicted at two radial distances by the evaluation.

2.2.2.1 Evaluation 2, Scenario 1, One pump operational (125-foot radius)

Temporal analysis of drawdown for Evaluation 2, scenarios 1 in all zones is provided in Figure 11. For comparative purposes, operational pumping rates are provided on the figure (Figure 11, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates), drawdown increased. , the following discussion summarizes maximum drawdown observed at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July.

- In the shallow aquifer is predicted to be 0.1 ft. (Table 2, Figure 11)
- In the intermediate aquifer is predicted to be 1.6 ft. (Table 2, Figure 11)
- In the deep aquifer is predicted to be 17 ft. (Table 2, Figure 11)

2.2.2.2 Evaluation 2, Scenario 2, Both pumps operational (125-foot radius)
Temporal analysis of drawdown for Evaluation 2, scenarios 2 in all zones is provided in Figure 12. For comparative purposes, simulated drawdown when both wells are operational is compared with simulated drawdown when only one well is operational (Figure 12, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates), drawdown increased. The following discussion summarizes maximum drawdown observed at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July.

- In the shallow aquifer is predicted to be 0.21 ft. (Table 2, Figure 12)
- In the intermediate aquifer is predicted to be 2.1 ft. (Table 2, Figure 12)
- In the deep aquifer is predicted to be 18.2 ft. (Table 2, Figure 12)

2.2.2.3 Evaluation 2, Scenario 3, One pump operational (1,000-foot radius)
Temporal analysis of drawdown for Evaluation 2, scenarios 3 in all zones is provided in Figure 13. For comparative purposes, operational pumping rates are provided on the figure (Figure 13, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates), drawdown increased. The following discussion summarizes maximum drawdown observed at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July:

- In the shallow aquifer is predicted to be 0.1 ft. (Table 2, Figure 13)
- In the intermediate aquifer is predicted to be 1.2 ft. (Table 2, Figure 13)
- In the deep aquifer is predicted to be 6.6 ft. (Table 2, Figure 13)

2.2.2.4 Evaluation 2, Scenario 4, Both pumps operational (1,000-foot radius)
Temporal analysis of drawdown for Evaluation 2, scenarios 4 in all zones is provided in Figure 14. For comparative purposes, simulated drawdown when both wells are operational is compared with simulated drawdown when only one well is operational (Figure 14, dashed lines). Drawdown was consistent with well demand, as demand increased (i.e. increased pumping rates), drawdown increased. The following discussion summarizes maximum drawdown observed at the maximum anticipated monthly flow rate of 751 gpm anticipated for the month of July:

- In the shallow aquifer is predicted to be 0.18 ft. (Table 2, Figure 14)
- In the intermediate aquifer is predicted to be 1.6 ft. (Table 2, Figure 14)
- In the deep aquifer is predicted to be 7.5 ft. (Table 2, Figure 14)

3.0 SENSITIVITY ANALYSIS AND QUANTIFICATION OF UNCERTAINTY

Other than pumping rates and distance from the pumping well, hydraulic conductivity is the predominant variable that determines drawdown. In order to quantify uncertainty associated with input parameters, a sensitivity analysis was conducted on hydraulic conductivity values assigned to model layers. The sensitivity of drawdown to hydraulic conductivity was evaluated between a low end limit and an upper end limit. To provide the low end member, the models original hydraulic conductivity values were decreased by 50% in all cells in all layers within the model. To provide the upper end member for the uncertainty analysis, the model's original hydraulic conductivity values were increased by 50% in all cells in all layers within the model. The scenarios with both proposed Del Rio Wells pumping were re-

simulated with the lower and upper end member values substitutions. This was done to provide conservative estimates for both upper and lower end members. Figure 15 provides the temporal analysis of modelled drawdown for the sensitivity analysis conducted in the shallow (in red), intermediate (in blue), and deep (in green) zones. The drawdowns at radial distances of 125-feet (Figure 15, top), and 1,000-feet (Figure 15, bottom) are shown for original hydraulic conductivity, 0.5 times hydraulic conductivity, and 1.5 times hydraulic conductivity. The 1.5 times hydraulic conductivity value substitution resulted in less drawdown in shallow, intermediate and deep zone wells, and the 0.5 times hydraulic conductivity value substitution resulted in increased drawdown in the three zone's wells.
Table 3 summarizes sensitivity analysis results and compares them to the values obtained with original hydraulic conductivity values (highlighted in yellow). Drawdowns for the three hydraulic conductivities predicted for two flow rates (198 and 751 gpm) and two radial distances from the pumping well (125 and 1,000 feet from the pumping well) are compared in Table 3. The two flow rates provided in Table 3 are representative of periods of low demand (198 gpm) and periods of high demand (751 gpm). On average, a 50 percent reduction in hydraulic conductivity resulted in a 48% more drawdown in shallow wells, 35% more drawdown in Intermediate wells, and 35% more drawdown in deep wells. A 50 perc ent increase in hydraulic conductivity resulted in average of 68 percent less drawdown in shallow wells, 55 percent less drawdown in intermediate wells, and 35 percent less drawdown in deep wells.

4.0 SUMMARY AND CONCLUSIONS

Based on the model-predicted drawdown analysis, the impacts from pumping the proposed Del Rio wells at monthly rates estimated for varying demand will not significantly impact surrounding wells screened in the shallow and intermediate aquifers, in which all of the domestic wells in the Del Rio area are screened. Based on model simulations, pumping could cause between 0.1 and 1.6 feet of additional drawdown in wells screened from 100 to 360 feet bgs. In an effort to gather site-specific water-level data in the Del Rio area of Modesto, CA, data gathered by URS personnel between August 2014 and February 2015 show that natural annual seasonal fluctuations are between 1 to 3 feet in shallow wells (URS, 2015) These findings and observations are supported by data published by USGS in wells in the Modesto urban area, which indicate that natural seasonal groundwater fluctuations are generally less than 3 feet in the shallow (water table) aquifer (USGS, 2007).

Based on the drawdown analysis, the impacts from pumping the proposed two Del Rio wells could cause between 6.6 and 20 feet of drawdown in wells screened from 360 to 600 feet bgs within 1,000 feet of the proposed well location. However, DWR well survey data indicate that there are no wells within a 2,500-foot radius of either proposed Del Rio Wells that are screened in that depth interval. Data from USGS wells in the Modesto urban area indicate that seasonal fluctuations are approximately 18 feet in the deeper wells (USGS, 2007)

4.0 MODEL USE, LIMITATIONS, AND USEABILITY

This groundwater model can be a powerful tool, if used appropriately, to assist in making management decisions. Use of this model is subject to some limitations; like any computer model, it has inherent uncertainty. This does not, however, preclude its use to help make groundwater management decisions.

To the contrary, this model should be used whenever possible as a tool to assess current operations and to help implement response actions.

Groundwater models are simplifications of the natural environment and, therefore, have recognized limitations. Hence, some uncertainty exists in the ability of this model to predict groundwater flow. During the development of the USGS model, considerable effort was expended to minimize model uncertainty by using real-world values as model input whenever available and by conducting numerous model simulations to calibrate and verify the model. Uncertainty of the model output reflects uncertainties in the conceptual model, the input parameters, and the ability of the mathematical model to simulate real-world conditions adequately. The model was developed based on USGS steady-state flow conditions. Because flow conditions change over time, the average conditions that the calibrated steady-state model simulates may not always match real conditions closely; this may affect the uncertainty of this model. The resulting uncertainty is therefore variable, depending on the degree to which actual conditions differ from the calibrated steady-state model.

5.0 RECOMENDATIONS

URS recommends the installation of nested groundwater wells that are proximally located (within 1,000 feet of the pumping location) to each Del Rio location. Observed water-level data can be coupled with the modelling data to determine if pumping of the Del Rio municipal wells are impacting the surrounding aquifer after well installation. Water-levels should be monitored at regular intervals (i.e. daily, weekly, monthly), or through the use of transducers. The data could be used for long term monitoring purposes, and would be useful in calibrating the current Modesto groundwater model.

6.0 REFERENCES

URS, 2015. Well Impacts Analysis for the Del Rio Water Systems Upgrades – Task 1.

Aquaveo, 2011. Groundwater Modeling Systems, Version 8.1. Brigham Young University.

McDonald, M.G. and A.W. Harbaugh, 1998. A Modular Three-Dimensional Finite Difference Ground-Water Flow Model. Book 6, Chapter A1. Techniques of Water-Resources Investigation of the United States Geological Survey. U.S Geological Survey, Reston, VA.

United States Geological Survey, 2007. Simulation of Multiscale Ground-water Flow in Part of the Northeastern San Joaquin River Valley, CA.

URS, 2012. Drawdown Analysis (Del Rio New Well), City of Modesto, CA. Report submitted to City of Modesto California on 26-June-2012.

URS appreciates this opportunity to provide hydrogeologic consulting services to the City of Modesto. Please contact the undersigned at (916) 717-1628 if you have any questions.

Sincerely,

Eddy Teasdale, PG. (#7791)., C.HG. (#926)
Project Hydrogeologist

Nicholas J. Tucci
Geologist

Attachments:
Table 1 – Groundwater Modelling Simulation Matrix
Table 2 – Simulated Maximum Drawdown Results at Maximum Pumping Rate (751 gpm)
Table 3 – Hydraulic Conductivity Sensitivity Analysis
Figure 1 – Well Location Map
Figure 2 – USGS Model Domain
Figure 3 – USGS Model Domain Cross-Section
Figure 4 – Project Site Model Domain, Grid, and Layer Information
Figure 5 – Hydraulic Conductivity in Shallow, Intermediate, and Deep Zones
Figure 6 – Estimated Del Rio Production Well Monthly Pumping Rates
Figure 7 – Simulation Results for Model 1, Simulation 1
Figure 8 – Simulation Results for Model 1, Simulation 2
Figure 9 – Simulation Results for Model 1, Simulation 3
Figure 10 – Simulation Results for Model 1, Simulation 4
Figure 11 – Simulation Results for Model 2, Simulation 1
Figure 12 – Simulation Results for Model 2, Simulation 2
Figure 13 – Simulation Results for Model 2, Simulation 3
Figure 14 – Simulation Results for Model 2, Simulation 4
Figure 15 – Sensitivity Analysis Vs Drawdown Results

Table 1. Groundwater Modeling Simulation Matrix

Evaluation	Simulation	Production Well	Monitoring Well Distance from Production Well (feet)	Pumping Wells	Pumping Rates
1	A	Del Rio New Well	125 (S, I, and D)	NW only	NW only
	B	Del Rio New Well	125 (S, I, and D)	NW & RW	NW & RW
	C	Del Rio New Well	1000 (S, I, and D)	NW only	NW only
	D	Del Rio New Well	1000 (S, I, and D)	NW & RW	NW & RW
2	A	Del Rio Replacement Well	125 (S, I, and D)	RW only	RW only
	B	Del Rio Replacement Well	125 (S, I, and D)	NW & RW	NW & RW
	C	Del Rio Replacement Well	1000 (S, I, and D)	RW only	RW only
	D	Del Rio Replacement Well	1000 (S, I, and D)	NW @ RW	NW @ RW

S= Shallow Zone, I = Intermediate Zone, and D = Deep Zone monitoring wells.

Table 2. Simulated maximum drawdown at 751 gpm

Evaluation	Production Well	Distance from Well (feet)	Pumping Wells	Maximum Drawdown (feet)		
				Shallow	Middle	Deep
1	Del Rio New Well	125	1	0.17	1.1	19
	Del Rio New Well	125	2	0.25	1.5	20
	Del Rio New Well	1000	1	0.16	1	7
	Del Rio New Well	1000	2	0.26	1.4	8
2	Del Rio Replacement Well	125	1	0.1	1.6	17
	Del Rio Replacement Well	125	2	0.21	2.1	18.2
	Del Rio Replacement Well	1000	1	0.1	1.2	6.6
	Del Rio Replacement Well	1000	2	0.18	1.6	7.5

*Numbers highlighted in yellow denote values that are less than observed historical annual seasonal fluctuations in groundwater levels (USGS, 2007).

Table 3. Hydraulic Conductivity Sensitivity Analysis				
Modelled Drawdown 125-Feet From Pumping Well				
Flow Rate	K value	Shallow	Intermediate	Deep
198	Low K	0.1360	0.6940	9.2050
	Original K	0.0700	0.4030	5.3490
	High K	0.0230	0.1840	3.5340
751	Low K	0.4920	2.5160	34.4970
	Original K	0.2500	1.4570	20.0400
	High K	0.0810	0.6700	13.2910
Modelled Drawdown1,000-Feet From Pumping Well				
Flow Rate	K value	Shallow	Intermediate	Deep
198	Low K	0.13200	0.60000	3.03000
	Original K	0.07100	0.38800	2.16800
	High K	0.02300	0.17200	1.39600
751	Low K	0.47500	2.16700	11.13800
	Original K	0.25600	1.39900	7.98600
	High K	0.08000	0.62400	5.18200

*Original K values (highlighted in yellow) were hydraulic conductivity values used during all actual simulations (USGS, 2007).
*Low K value = True K * 0.5
*High K value = True K * 1.5

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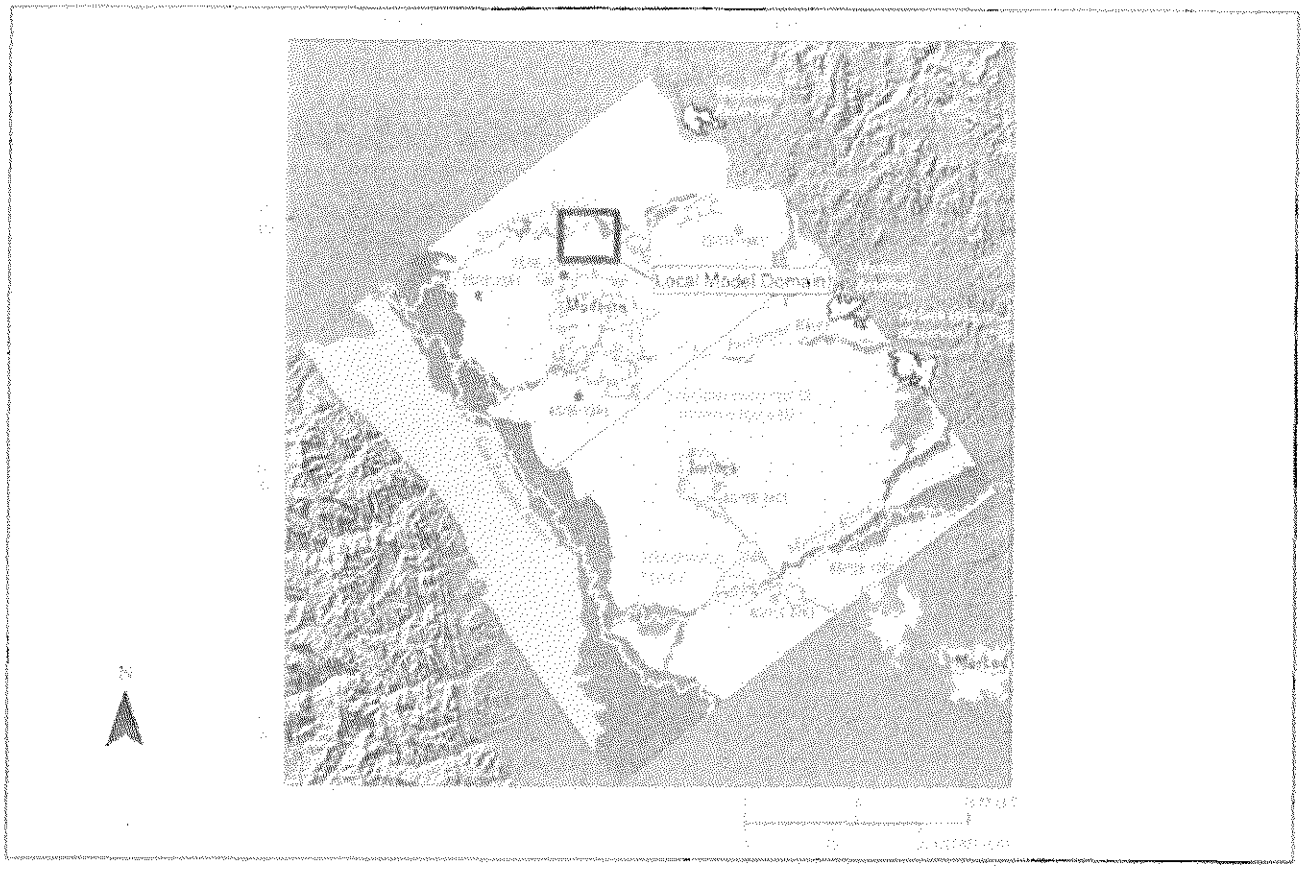
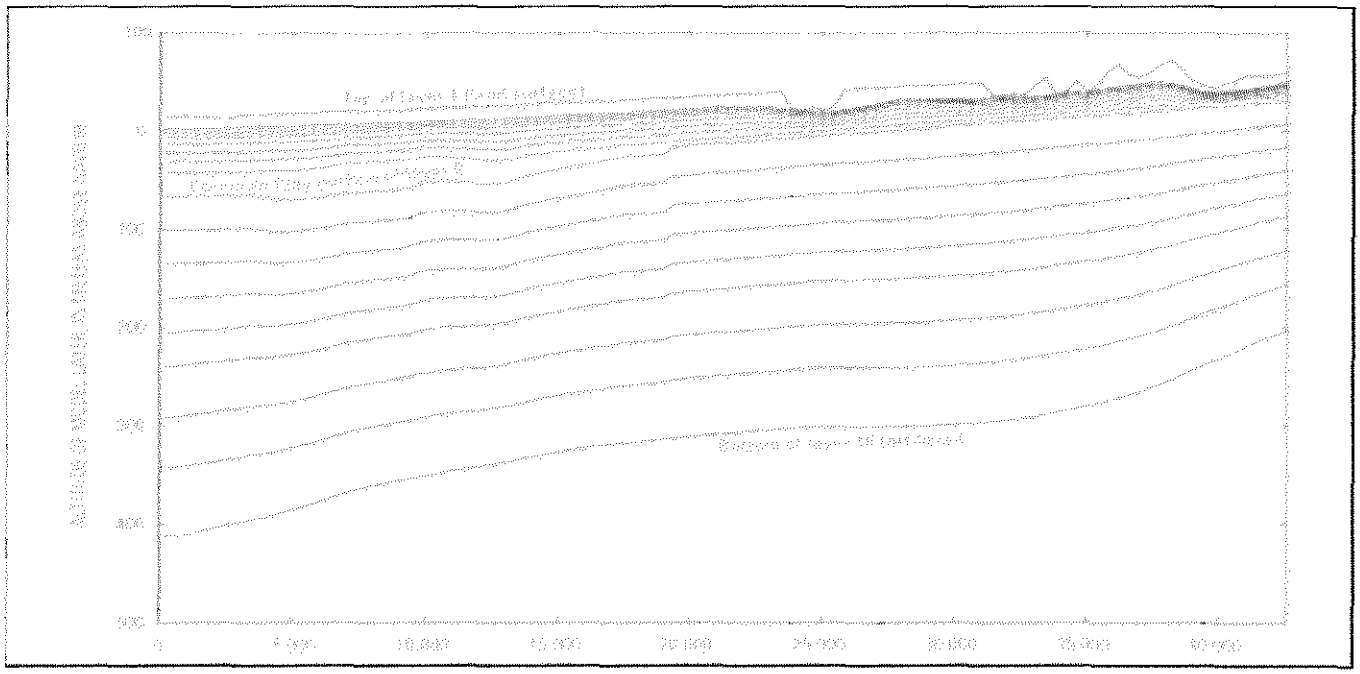
Site Details Map

Modesto, California

Figure 1



USGS Model Domain
Modesto, California
Figure 2



USGS Model Domain Cross-Section
Modesto, California
Figure 3

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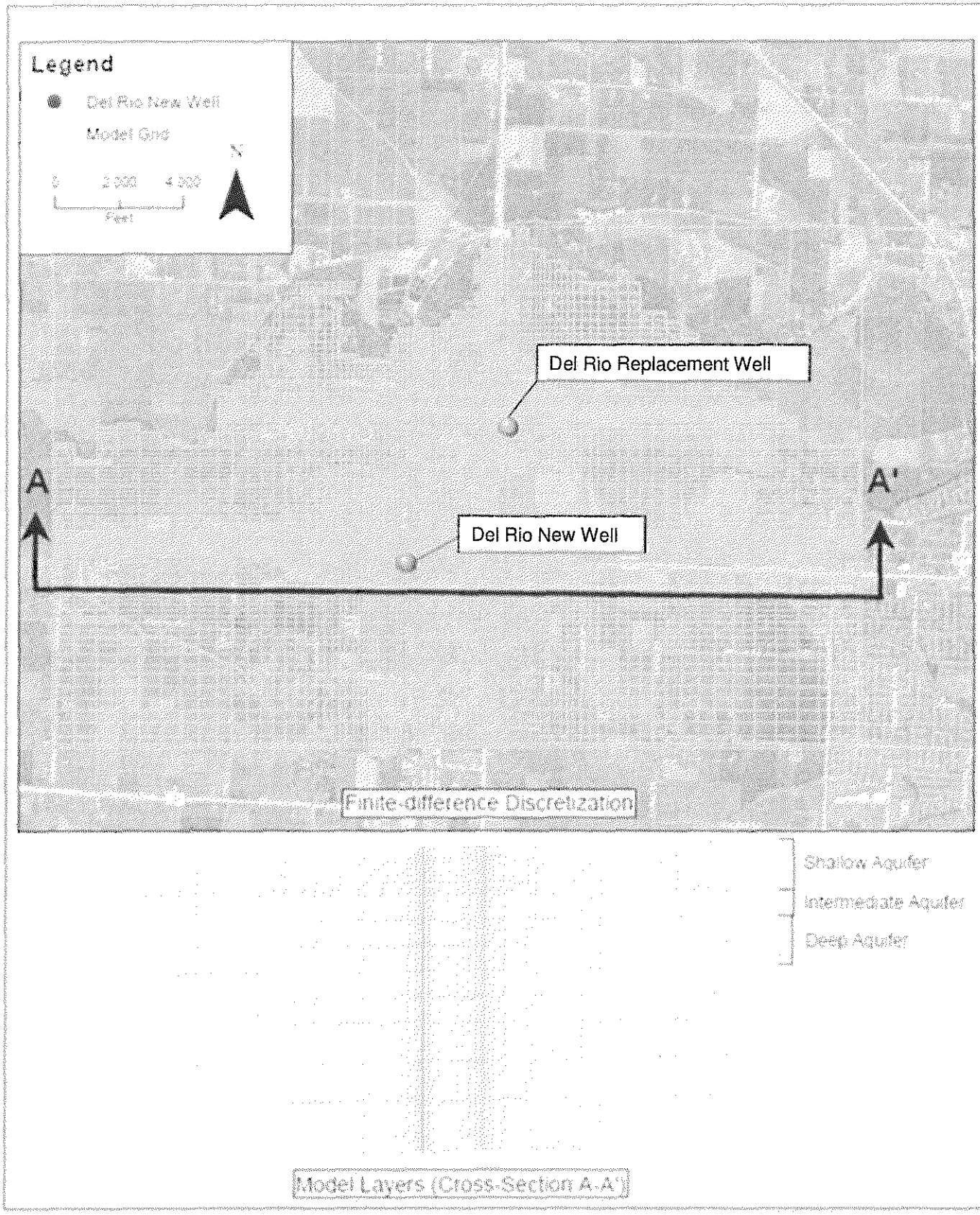

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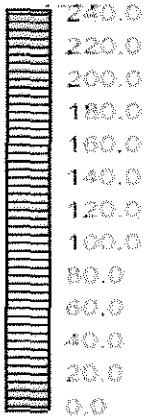
Project Site Model Domain, Grid, and Layer Information

Modesto, California

Figure 4

Key

Hydraulic Conductivity (k), feet/day

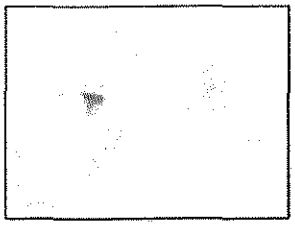


Proposed Del Rio Well

North

Scale

1,000 feet



Shallow Zone

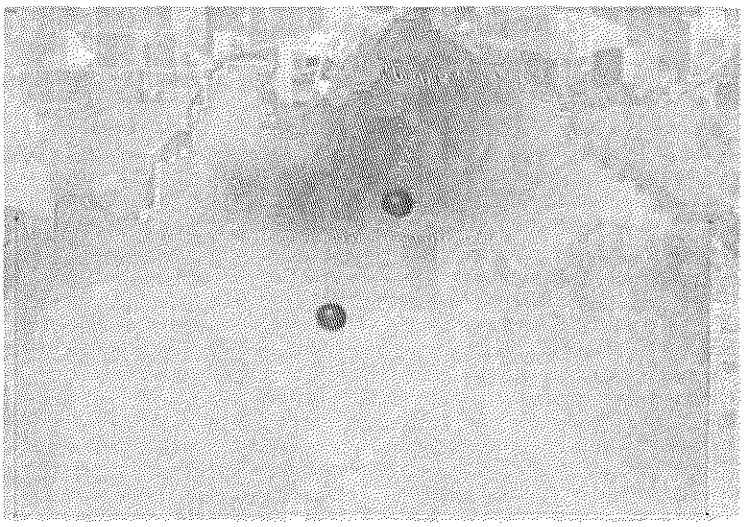
100-265 ft bgs

Intermediate Zone

265-365 ft bgs

Deep Zone

365-600 ft bgs



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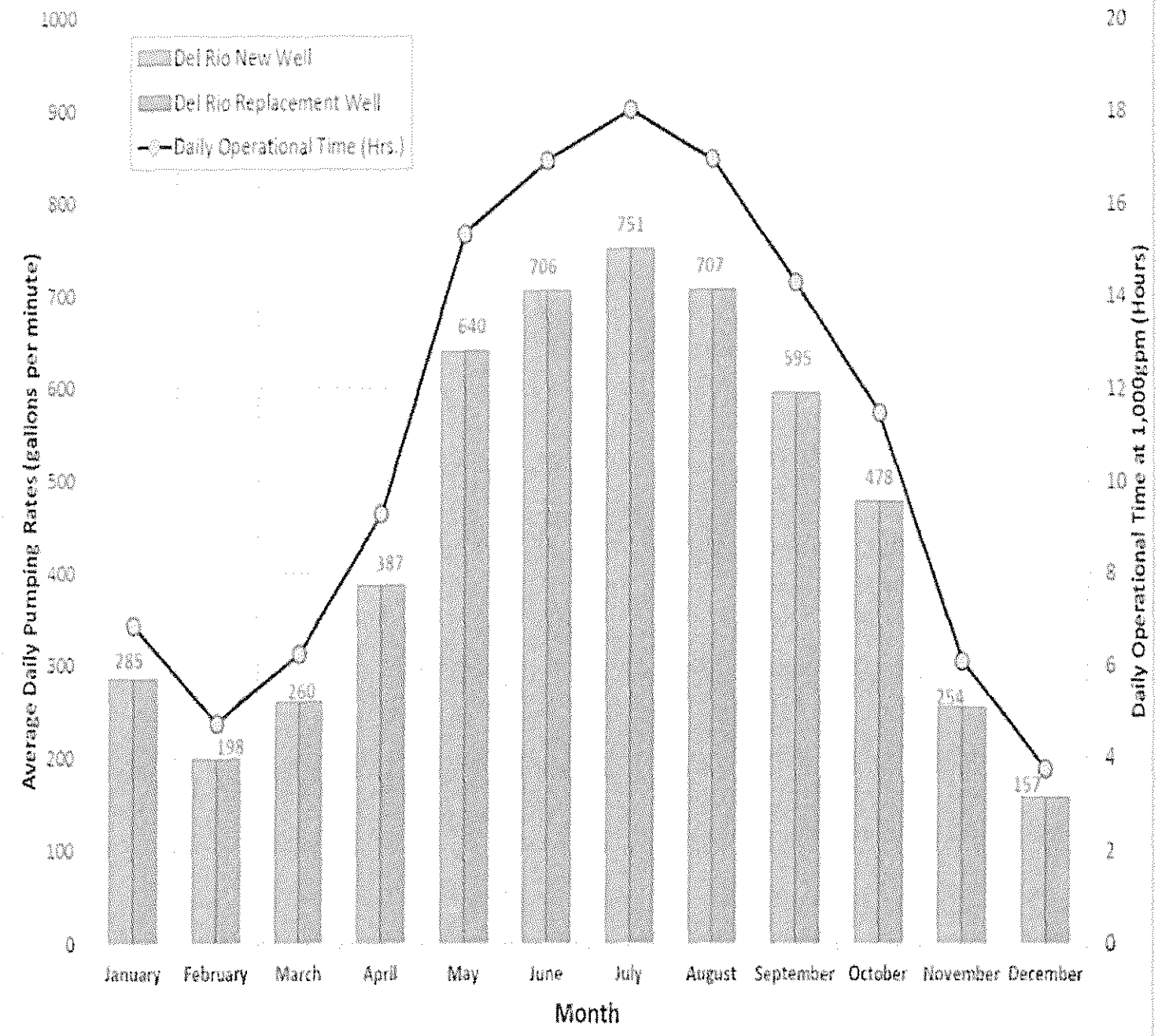
Hydraulic Conductivity
Modesto, California

Figure 5

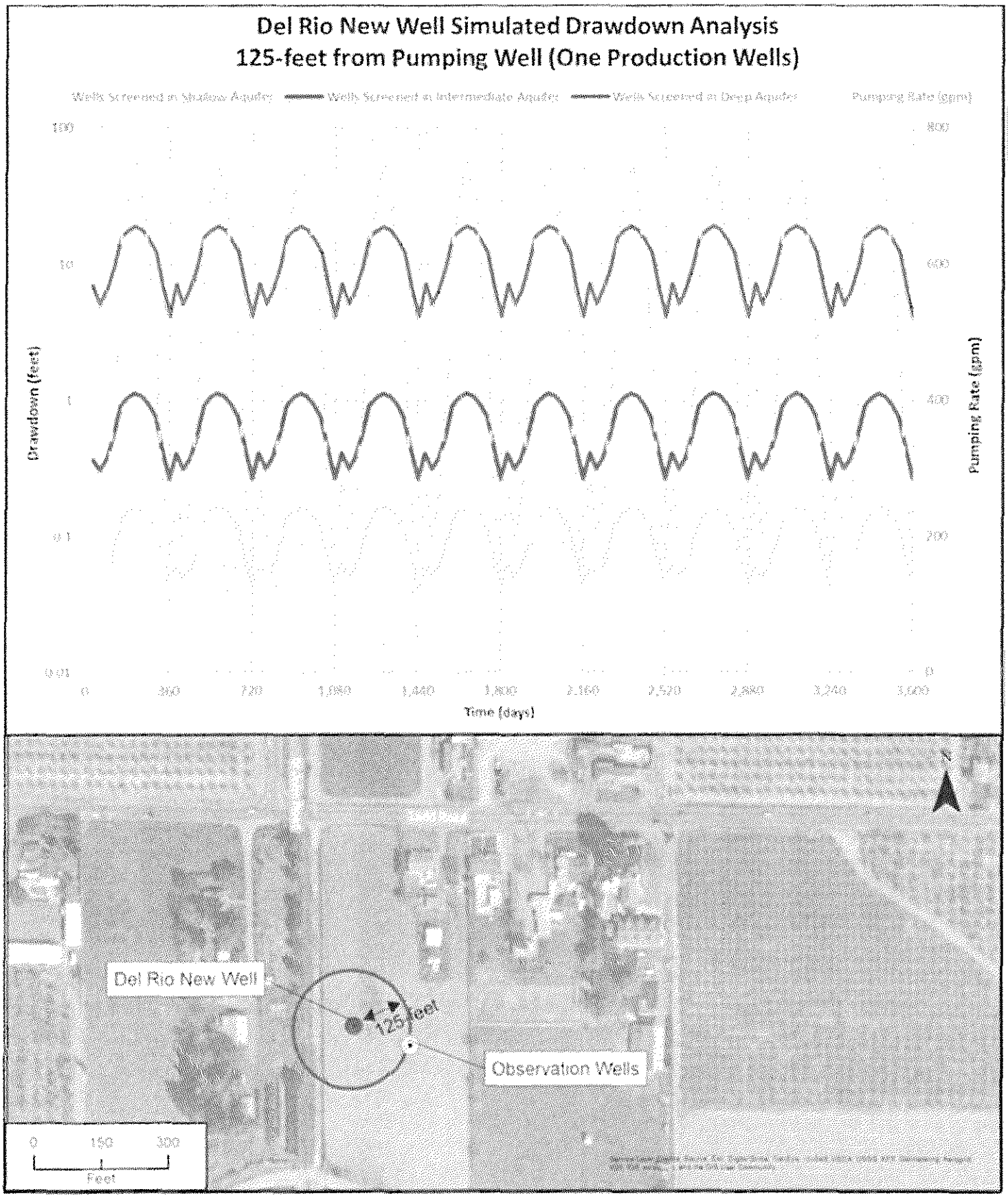


URS

Anticipated Del Rio Production Well Monthly Pumping Rates

Modesto, California

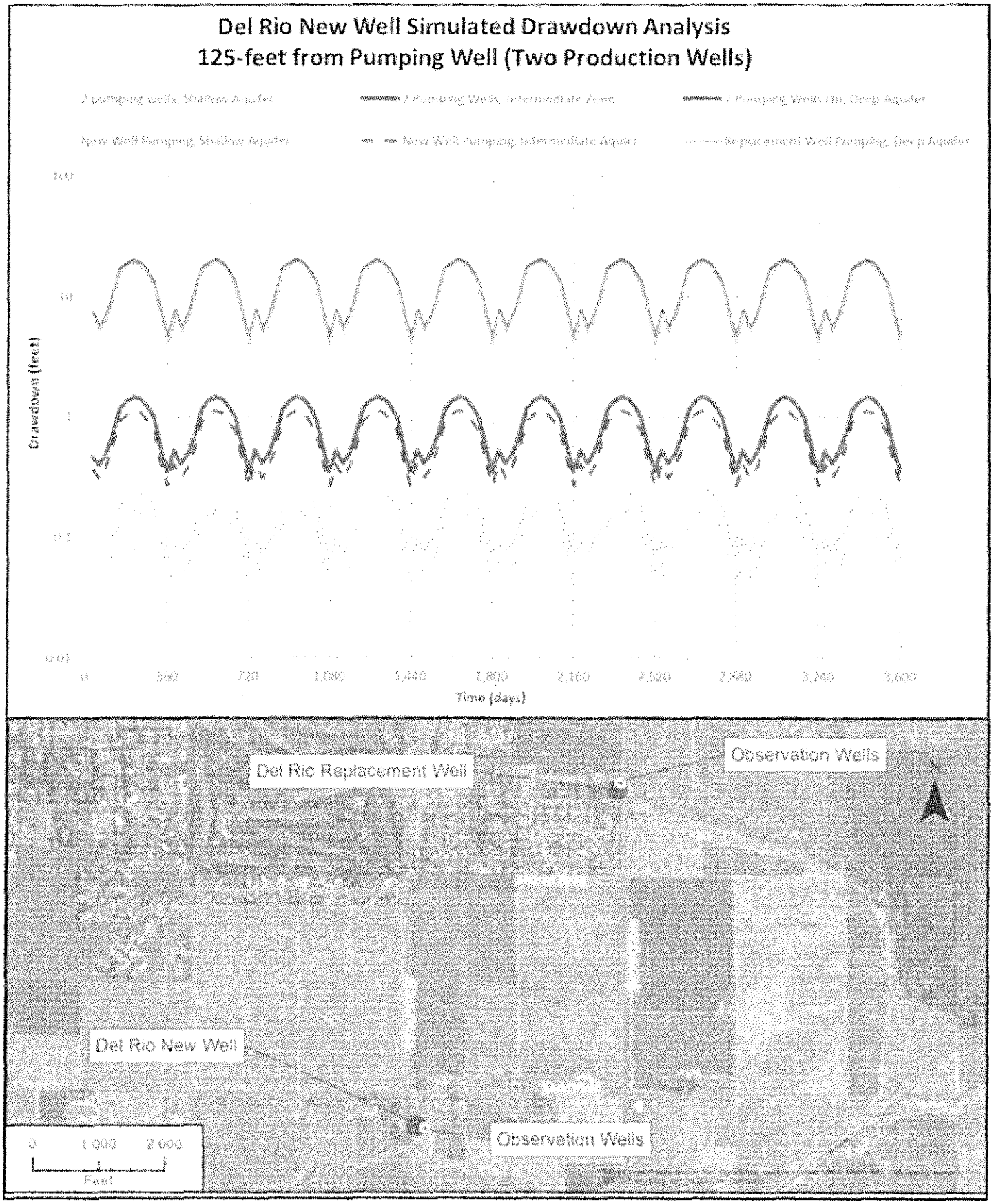
Figure 6



Simulation Results: Model 1, Simulation 1

Modesto, California

Figure 7

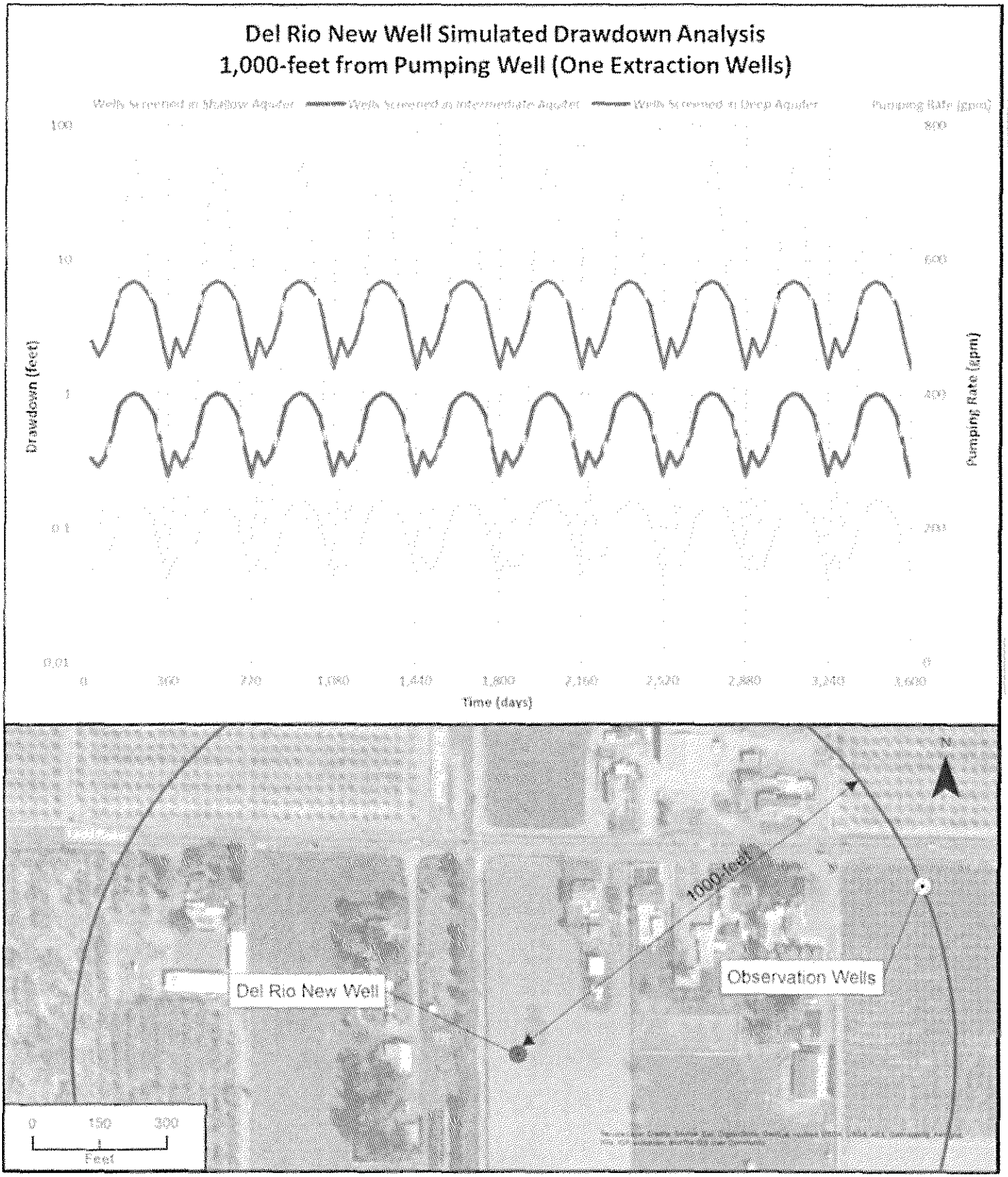


URS

Simulation Results: Model 1, Simulation 2

Modesto, California

Figure 8



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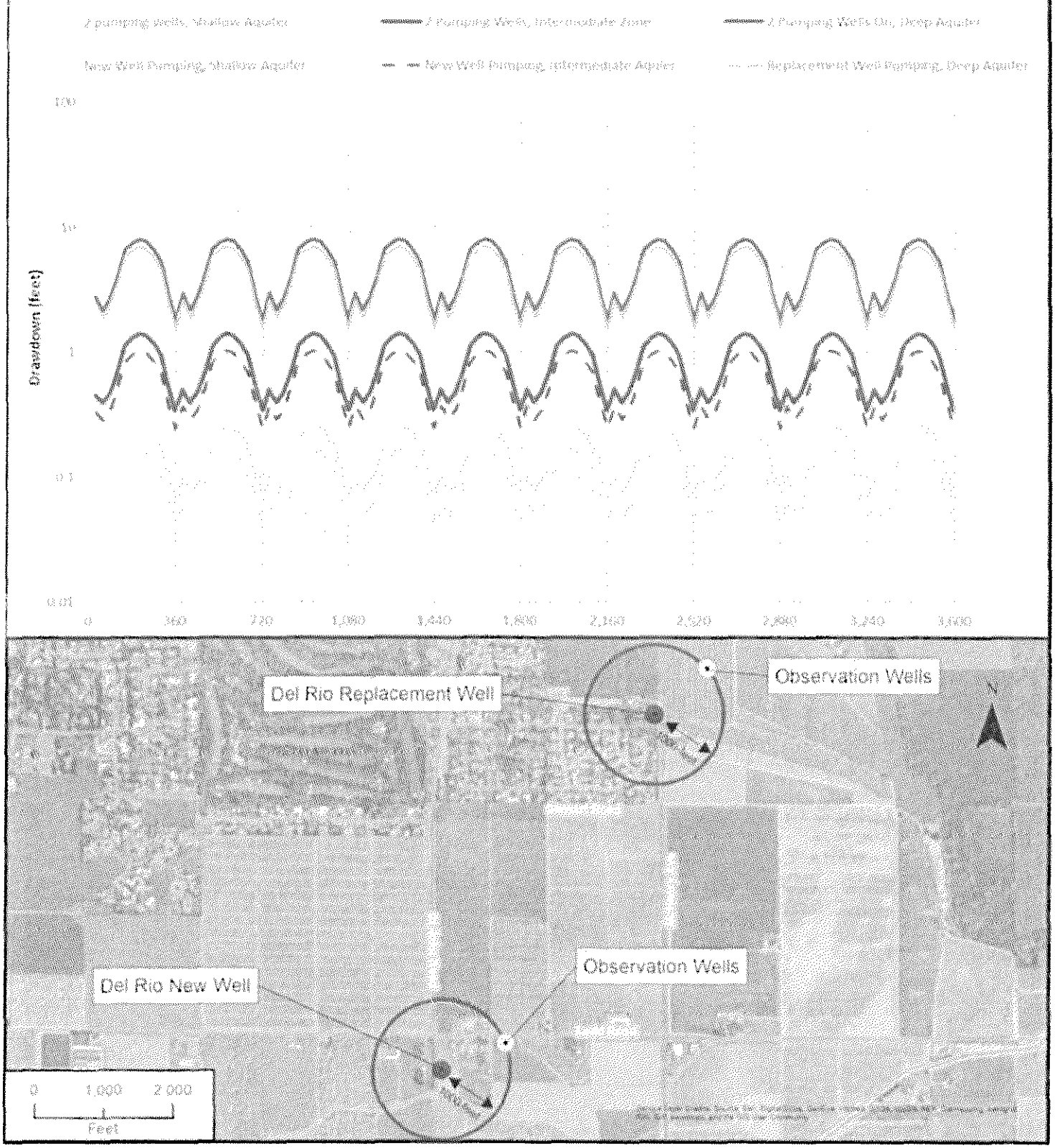
Simulation Results: Model 1, Simulation 3

Modesto, California

Figure 9

Del Rio New Well Simulated Drawdown Analysis
1,000-feet from Pumping Well (Two Production Wells)



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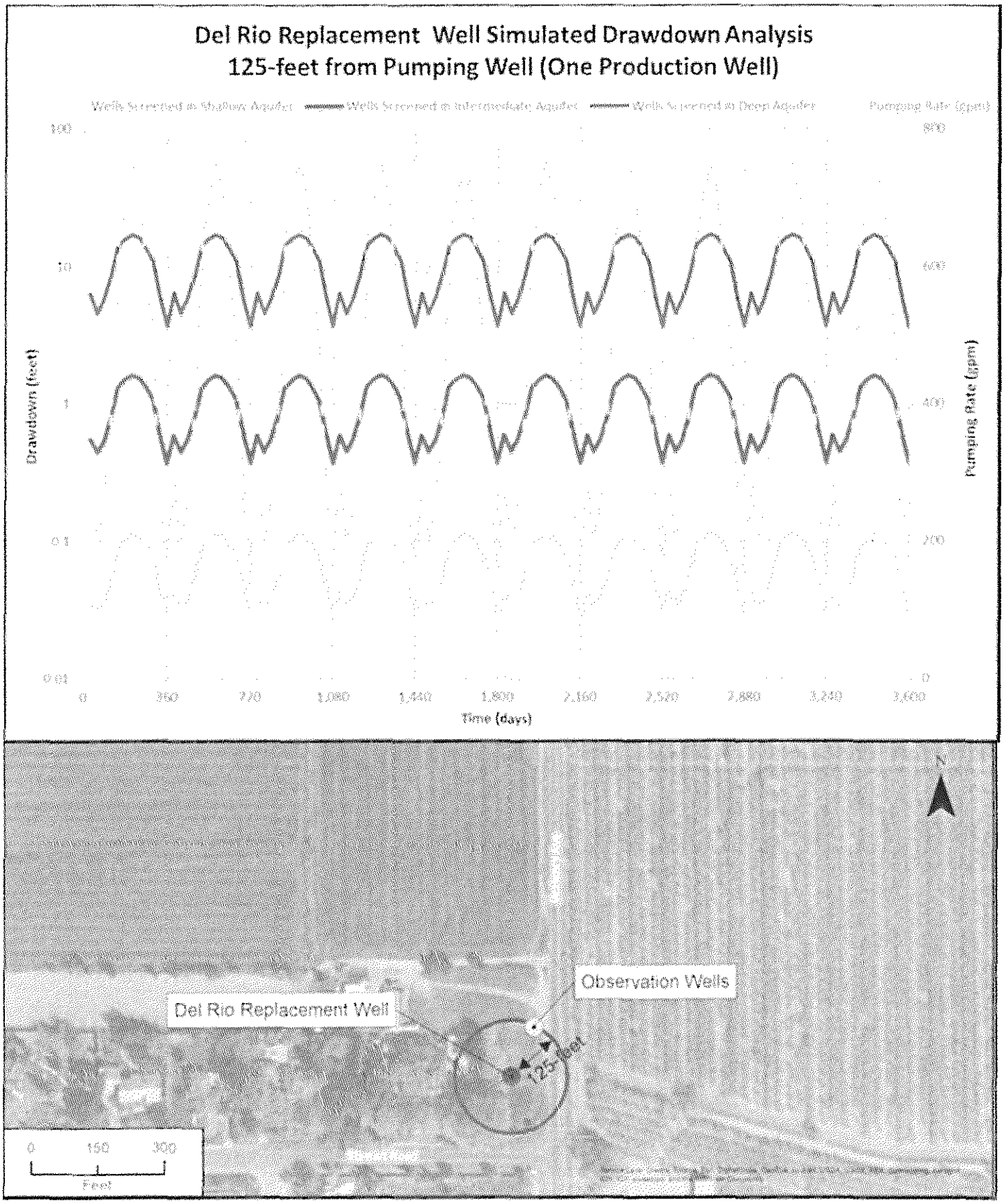
Simulation Results: Model 1, Simulation 4

Modesto, California

Figure 10



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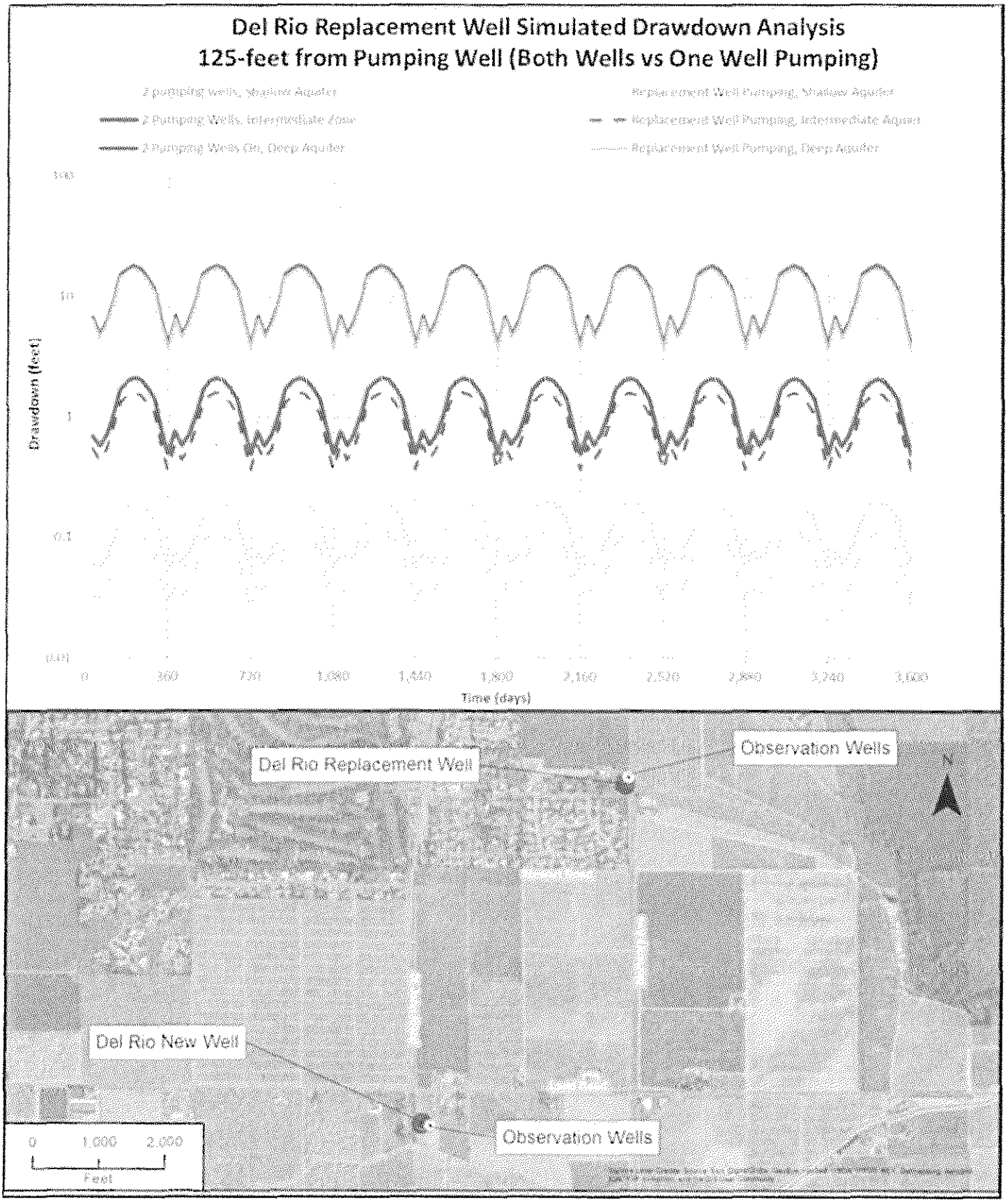
Simulation Results: Model 2, Simulation 1

Modesto, California

Figure 11



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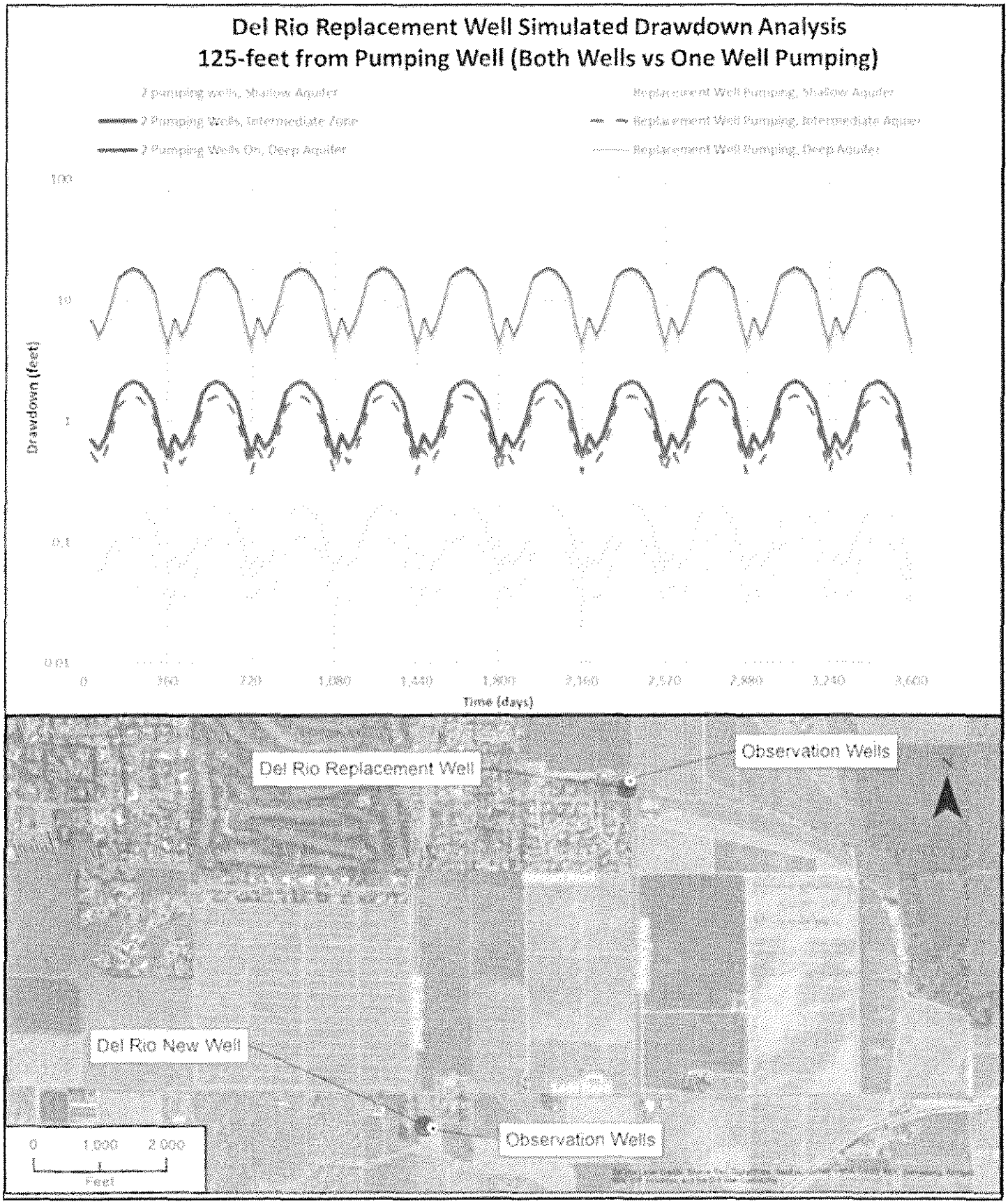
Simulation Results: Model 2, Simulation 3

Modesto, California

Figure 12



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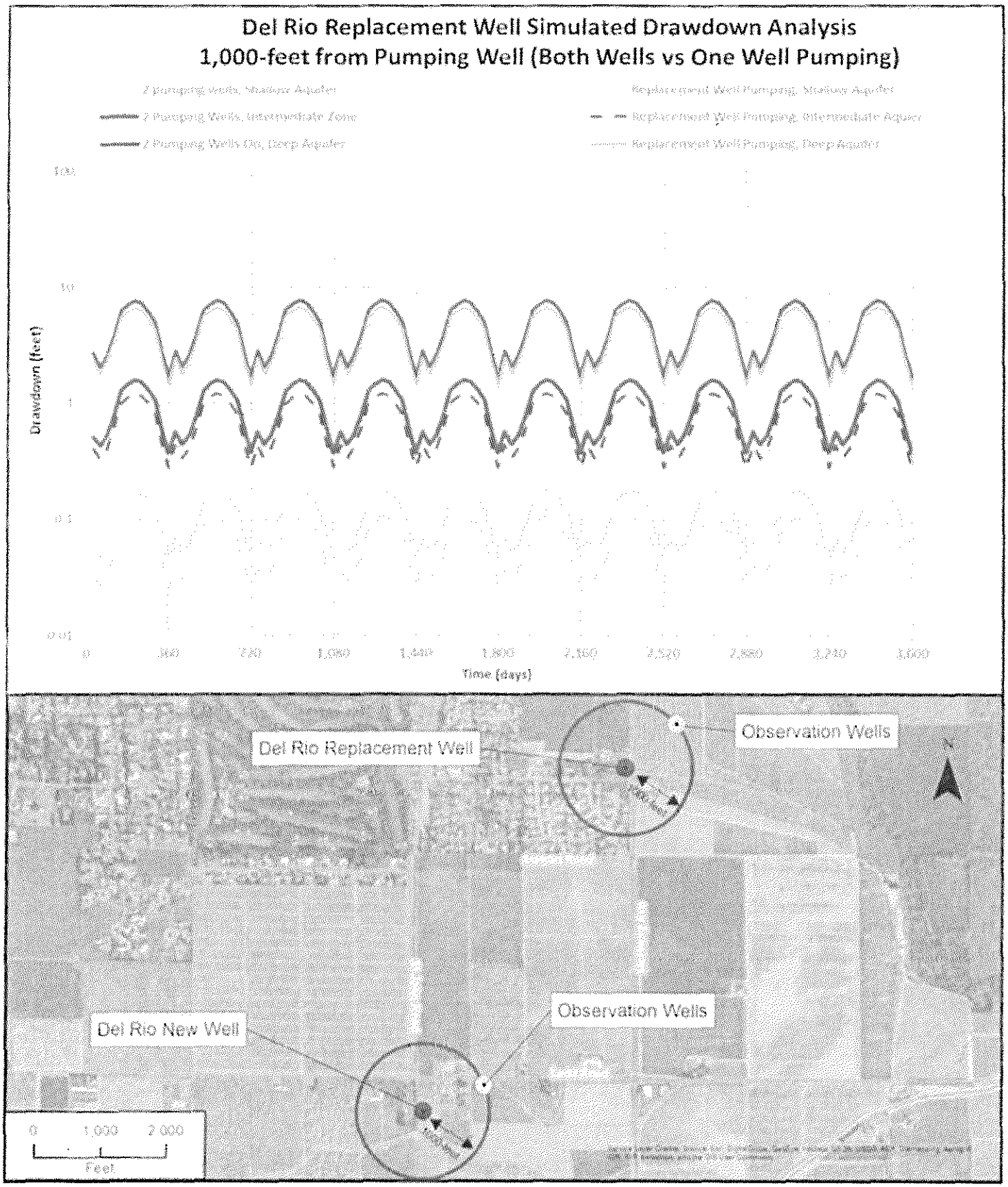
Simulation Results: Model 2, Simulation 3

Modesto, California

Figure 13



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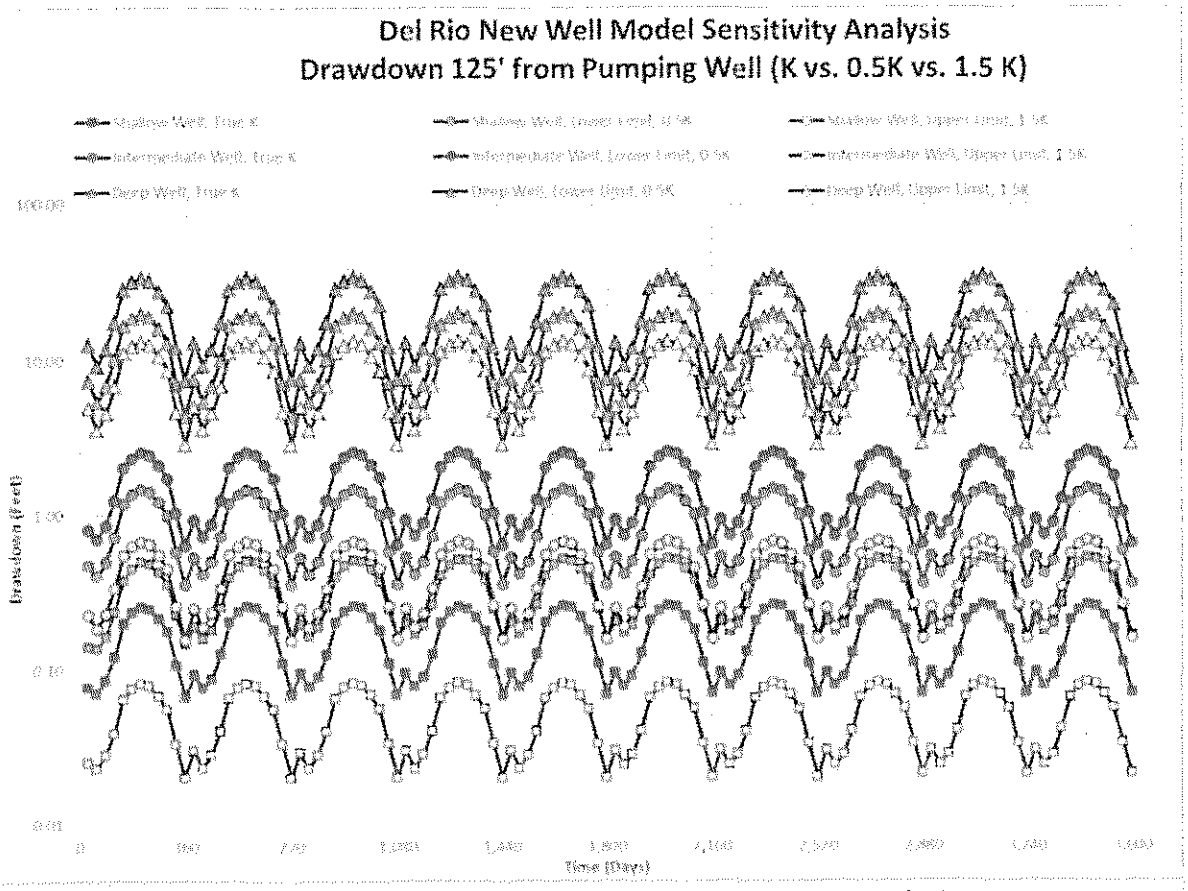
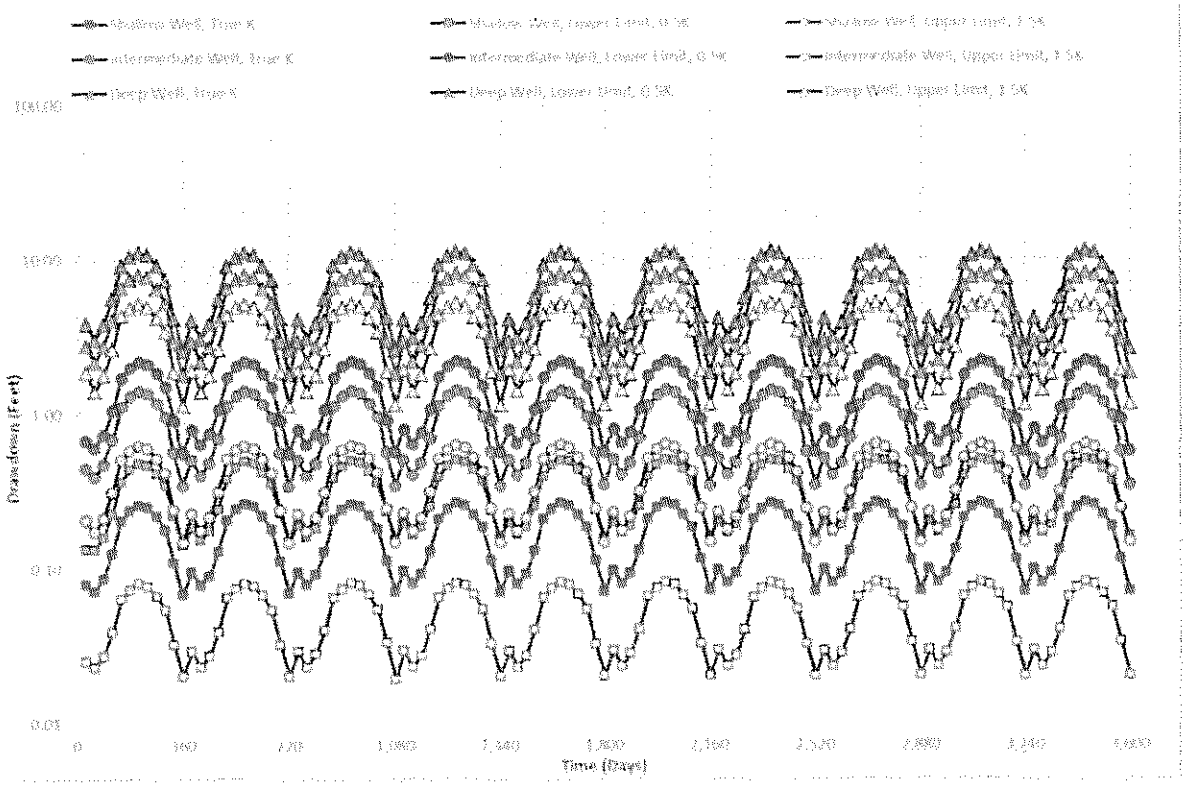
Simulation Results: Model 2, Simulation 4

Modesto, California

Figure 14





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Sensitivity Analysis Vs. Drawdown Results

Modesto, California

Figure 15

Appendix G

Noise and Vibration Impacts Evaluation
Supporting Documentation

Draft

City of Modesto Del Rio Well and Tanks CEQA Compliance

Prepared for:

Horizon Water and Environment, LLC

AECOM

October 2015

Draft

City of Modesto Del Rio Well and Tanks CEQA Compliance

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October 2015

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Appendices

A Fundamentals of Acoustics and Environmental Noise
B Continuous Measured Hourly Noise Levels, and Noise Level Calculations

ACRONYMS AND OTHER ABBREVIATIONS

AEC	Acoustical Engineering Consultants
dBA	A-weighted decibels
ADT	Average Daily Traffic
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
Calveno	California Vehicle Noise
CHABA	Committee of Hearing, Bio Acoustics, and Bio Mechanics
CNEL	Community noise equivalent level
cy	Cubic yards
L_{dn}	Day-night average level
dB	Decibels
DD	Doubling of distance
EPA	Environmental Protection Agency's
L_{eq}	Equivalent sound level
FHWA	Federal Highway Administration
FTA	Federal Transit Administration's
gpm	Gallons per minute
Hz	Hertz
hp	Horsepower
In/sec	Inches per second
ITT	International Telephone & Telegraph
LDL	Larson Davis Laboratories
LLC	Limited Liability Company
LSE	Laimschutz Elemente (German = noise protection element)
L_{max}	Maximum sound level
L_{min}	Minimum sound level
µin/sec	Micro inch per second
mm/sec	Millimeters per second
PPV	Peak Particle Velocity
L_n	Percentile-exceeded sound level
lbs/sq.ft	Pound per square foot
RD	Road
RCNM	Roadway Construction Noise Model
RMS	Root Mean Square
SENL	Single-Event [Impulsive] Noise Level
SCADA	Supervisory Control and Data Acquisition
Lv	Velocity Level in decibels
VdB	Vibration decibels

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1 INTRODUCTION

This Technical Report includes a summary of applicable regulations and a description of the existing noise sensitive uses in the vicinity of the two proposed sites for the Del Rio Well project area. Typical noise levels for various non-transportation noise sources are included in this analysis pertaining to construction activities associated with the project. This Technical Report also provides quantitative noise levels for transportation noise sources associated with major roadways in the analysis area. Calculated and predicted operational noise levels associated with the project will be analyzed at sensitive receptors in close proximity to project sites, and mitigation measures are discussed where applicable.

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2 PROJECT DESCRIPTION

The Del Rio Tank and Wells project sites are located in the community of Del Rio in Stanislaus County, California. Site A is located at the southeast intersection of Ladd Road and St. John's Road on APNs 004-077-018 and 004-077-019, Ladd Road. Site B is located at the northwest corner of McHenry Avenue and Stewart Road on the southeastern-most portion of APN 004-102-003. Exhibit 2-1 shows the locations of the proposed project sites.

The Del Rio water system currently requires a new storage tank (and associated pump station), well, replacement well, backup generators, and pipelines to correct existing supply deficiencies. The existing Del Rio water system does not meet certain design pressure and storage volume requirements for water supply and fire-flow demand. The existing Del Rio water system also is not sufficient to supply anticipated future growth in the Del Rio area. The proposed project involves the construction and operation of water wells, a storage tank, and associated distribution facilities.

2.1 SITE A – LADD ROAD TANK AND WELL

Site A, located on Ladd Road, would encompass approximately four acres and is owned by the City of Modesto. The project facilities at Site A would consist of an above ground water storage tank, water well and pump, a stand-by generator, and a booster pump station. Site improvements would include a small parking and access area, fencing or walls, a retention basin, and low-maintenance landscaping. In addition, a 2,500-foot-long, 16-inch diameter transmission main would be installed to connect the proposed well to the City's existing water distribution system. Exhibit 2-2 provides a site plan of the Site A facilities.

The water tank would store at least 250,000 gallons (0.25 million gallons) of water. The tank would stand a maximum 20 feet above grade and would be approximately 55 feet in diameter. The footprint area of the tank would be approximately 173 square feet. The tank would be constructed on a circular concrete pad. The pump station building will house the production well, booster pumps, disinfection equipment, ancillary valves and flow meters, and electrical equipment. A masonry building will include three separate rooms: a pump station room, an electrical room, and calcium hypochlorite room.

The production groundwater well would be drilled a maximum of 600 feet deep with a minimum yield of 1,000 gallons per minute (gpm), 1,000 gpm is the desired yield. Pumping will vary throughout the year depending upon need, based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as two hours per day in the winter. Pumping is expected to occur for an annual average of eight hours per day. The well would be housed inside the pump station building. The proposed project includes up to four 60-horsepower (hp) electric pumps. Two pumps would be on-duty, one is for standby, and the fourth pump is for future buildout. The booster pumps would be housed inside the pump station building.

A 16-inch diameter transmission main would be constructed from the pump station building to the intersection of St. John's Road and Country Club Drive. The transmission main would extend for a distance of approximately 2,500 linear feet, and would be installed in accordance with Stanislaus County Department of Public Works Trenching requirements, which would include a 36-inch trench and a 60-inch trench patch. A portion of the transmission main (approximately 65 feet) would be installed by jack and bore underneath an existing rail crossing on Ladd Road, just east of St. John Road.

A standby diesel generator and an above-ground diesel storage tank would be installed on a 10-foot by 20-foot concrete pad within the project site. The standby generator would be used as an alternate power source to the proposed project facilities as necessary. The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing in order to achieve an approximate sound level of 75 decibels (dB) within 30 feet of the unit.

2.2 SITE B – MCHENRY AVENUE WELL

Site B, located on McHenry Avenue, would encompass approximately 0.4 acres that the City is in negotiations to acquire. The facilities at this site would consist of a production well and pump, stand-by generator, disinfection facilities, connecting lines to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and treatment filters. These facilities would be fully enclosed by a 12-foot tall concrete block wall with a 24-foot wide gate. The site would be accessed from a new driveway off McHenry Avenue; there would be no site access from Stewart Road. Site improvements would include a concrete pad and paved driveway, well and associated piping, controls, treatment, generator and appurtenances. Exhibit 2-3 provides a site plan of the Site B facilities.

The Site B groundwater well would be drilled to a maximum of 600 feet deep with a desired minimum yield of 1,000 gallons per minute. While 1,000 gallons per minute is the desired yield, pumping will vary throughout the year depending upon need, based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as two hours per day in the winter. Pumping is expected to occur for an annual average of eight hours per day. The pump will be powered by electricity and would have a size of approximately 200 hp.

A 12-inch transmission pipeline would be constructed from the well to existing City distribution pipelines along McHenry Avenue. The transmission main would run from the well site easterly approximately 500 feet and would be installed in accordance with Stanislaus County Department of Public Works trenching requirements, which would include a 32-inch trench and a 56-inch trench patch.

A standby diesel generator and an above-ground diesel storage tank would be installed on a 10 foot by 20 foot concrete pad within the project site. The standby generator would be used as an alternate power source to the proposed project facilities as necessary. The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing in order to achieve an approximate sound level of 75 dBA within 30 feet of the unit.

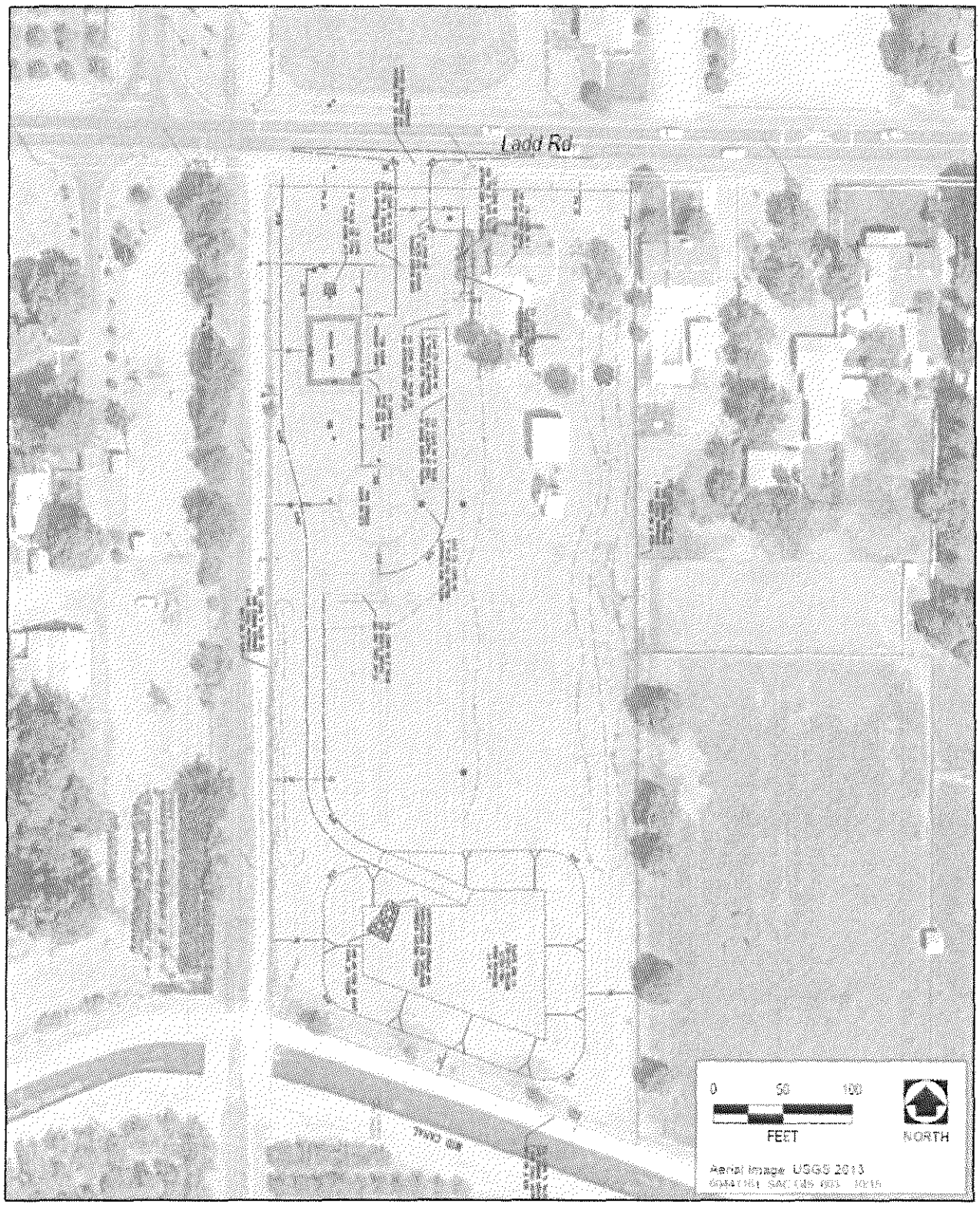
2.3 CONSTRUCTION METHODS

Site preparation would include clearing and grubbing; excavation, import, and placement of fill; and compaction. Clearing and grubbing would be conducted using standard excavators, bulldozers, and hand labor.

To the extent feasible, excavated soil would be reused on-site. If required, fill would be delivered to the project sites by conventional haul trucks (approximately 15 cubic yards [cy] per load). Fill material would be placed with an excavator and compacted with a compactor/roller. The installation of new water transmission pipelines would occur beneath existing streets, and within the project sites. The construction method for new water transmission pipelines would include "jack and bore" with "sending/receiving pits." This method reduces disturbance to the ground surface and disruption to other facilities or surface features. The directional drilling involves use of cutting

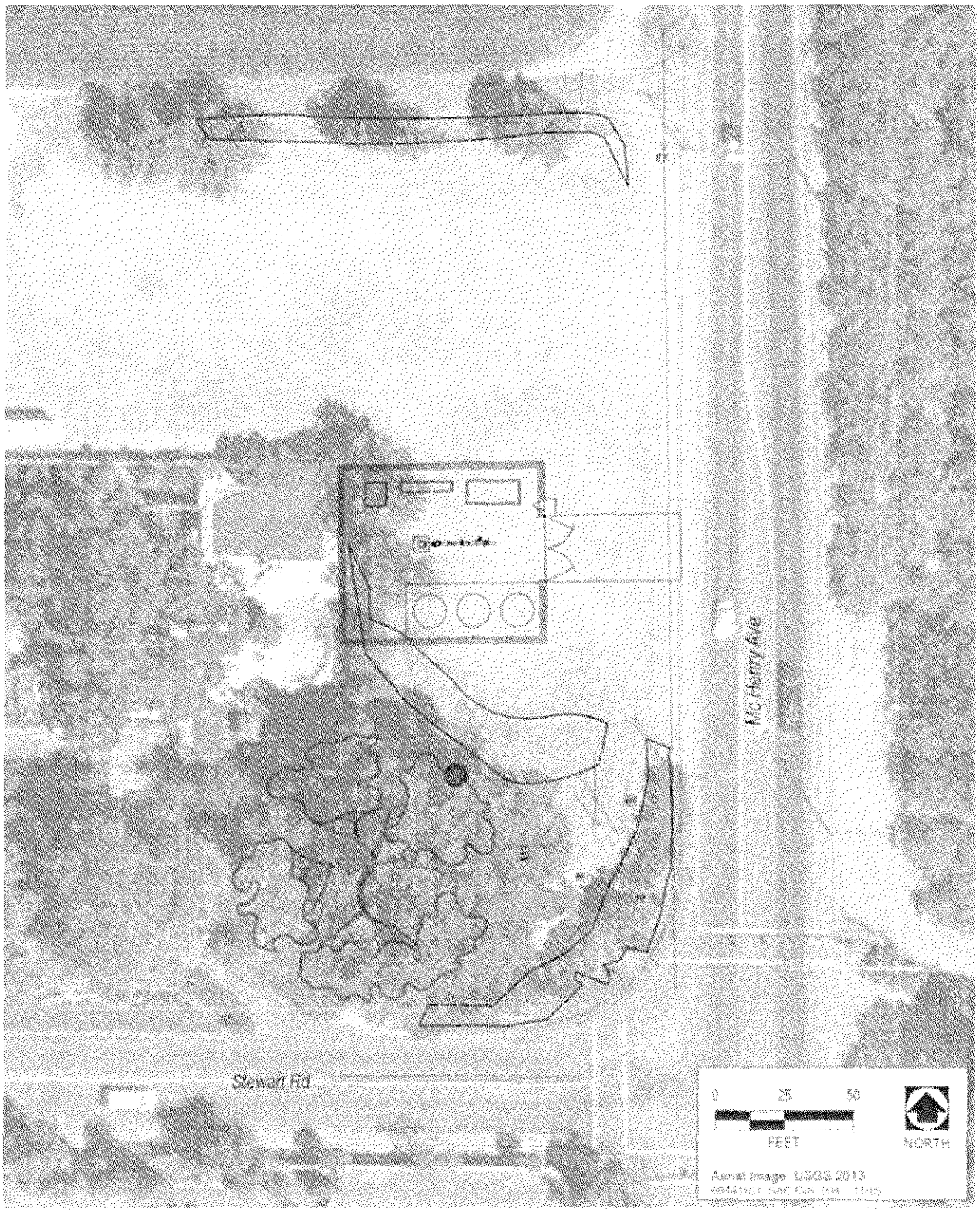
Source: Data adapted by AECOM 2015

Exhibit 2-1. Project Site



Source: Data adapted by AECOM 2015

Exhibit 2-2. Site A Facilities



Source: Data adapted by AECOM 2015

Exhibit 2-3. Site B Facilities

heads or hydraulic jacks to install pipe from a launch (bore) pit to a receiving pit, and the microtunneling technique uses a small tunneling machine. Slurry, typically bentonite (inert clay) and water, is used as a lubricant for tunneling and pipe installation for both methods. Construction crews would spend 3 to 4 weeks excavating the launch and receiving pits. The actual tunneling work would take 3 to 5 days. Staging areas would be needed to store pipe, construction equipment, and other construction-related material. Staging areas would likely be established at Sites A and B, along the pipeline routes where space is available within the road right-of-way, or in vacant lots. The final step in the construction process is to restore the ground surface. Site restoration would generally involve paving, installing landscaping, or installing erosion controls, as necessary.

The main pieces of equipment that may be used are:

- well drilling equipment
- track-mounted excavator
- small crane
- end dump truck
- ten-wheel dump truck
- paving equipment
- flat-bed delivery truck
- concrete truck
- grader
- bulldozer
- backhoe
- front-end loader
- compactor
- forklift
- compressors/jack hammers
- water truck
- boom truck
- mowing equipment (e.g., weed eaters, commercial lawnmowers)

2.4 CONSTRUCTION SCHEDULE

Construction of the Proposed Project is anticipated to last for up to approximately 15 months, beginning in 2016, and completed in 2017. Within this timeframe, the majority of construction work that involves use of operating equipment would occur within a 10-month period. Construction activities would generally occur Monday through Friday between 7:00 a.m. and 5:00 p.m., excluding weekends and State or Federal observed holidays.

2.5 PROJECT OPERATIONS

Operation of the proposed project would primarily involve the operation, inspection, and maintenance of the facilities. The pump stations, storage tank, and wells would be remotely controlled through a Supervisory Control and Data Acquisition (SCADA) system. The facilities would be inspected at least once a week to verify instrument readings, check on the condition of the site, and maintain equipment.

The City would inspect the water system on an annual basis to determine whether maintenance was needed. Maintenance activities for the storage tank would include the periodic cleaning of the tank's inside (with the use

of a vacuum system) to maintain capacity and functioning and occasional recoating of the tank, as needed. Maintenance activities of the wells would include various mechanical tests and meter calibration (with equipment specific to those activities) and general maintenance of treatment systems (e.g., treatment system flushing or regeneration). The City would inspect the wells and pump stations on a regular basis (numerous times during the wet months and less frequently the remainder of the year) to ensure optimal performance. Maintenance of the pump stations and pipelines would be performed on an as-needed basis.

2.6 ACOUSTIC FUNDAMENTALS

Noise is generally defined as sound that is loud, disagreeable, unexpected, or unwanted. Sound, as described in more detail below, is mechanical energy transmitted in the form of a wave because of a disturbance or vibration, and as any pressure variation in air that the human ear can detect.

2.6.1 SOUND PROPERTIES

A sound wave is introduced into a medium (air) by a vibrating object. The vibrating object (e.g., vocal cords, the string and sound board of a guitar, the diaphragm of a radio speaker) is the source of the disturbance that moves through the medium. Regardless of the type of source that creates the sound wave, the particles of the medium through which the sound moves are vibrating in a back-and-forth motion at a given frequency (pitch). The frequency of a wave refers to how often the particles vibrate when a wave passes through the medium. The frequency of a wave is measured as the number of complete back-and-forth vibrations of a particle per unit of time. If a particle of air undergoes 1,000 longitudinal vibrations in 2 seconds, then the frequency of the wave would be 500 vibrations per second. A commonly used unit for frequency is cycles per second, called hertz (Hz).

Each particle vibrates as a result of the motion of its nearest neighbor. For example, the first particle of the medium begins vibrating at 500 Hz and sets the second particle of the medium into motion at the same frequency (500 Hz). The second particle begins vibrating at 500 Hz and sets the third particle into motion at 500 Hz. The process continues throughout the medium; hence each particle vibrates at the same frequency, which is the frequency of the original source. A guitar string vibrating at 500 Hz will set the air particles in the room vibrating at the same frequency (500 Hz), which carries a sound signal to the ear of a listener that is detected as a 500-Hz sound wave.

The back-and-forth vibration motion of the particles of the medium would not be the only observable phenomenon occurring at a given frequency. Because a sound wave is a pressure wave, a detector could be used to detect oscillations in pressure from high to low, and back to high pressure. As the compression (high-pressure) and rarefaction (low-pressure) disturbances move through the medium, they would reach the detector at a given frequency. For example, a compression would reach the detector 500 times per second if the frequency of the wave were 500 Hz. Similarly, a rarefaction would reach the detector 500 times per second if the frequency of the wave were 500 Hz. Thus, the frequency of a sound wave refers not only to the number of back-and-forth vibrations of the particles per unit of time, but also to the number of compression or rarefaction disturbances that pass a given point per unit of time.

A detector could be used to detect the frequency of these pressure oscillations over a given period of time. The period of the sound wave can be found by measuring the time between successive high-pressure points (corresponding to the compressions) or the time between successive low-pressure points (corresponding to the

rarefactions). The frequency is simply the reciprocal of the period; thus, an inverse relationship exists so that as frequency increases, the period decreases, and vice versa.

A wave is an energy transport phenomenon that transports energy along a medium. The amount of energy carried by a wave is related to the amplitude (loudness) of the wave. A high-energy wave is characterized by high amplitude; a low-energy wave is characterized by low amplitude. The amplitude of a wave refers to the maximum amount of displacement of a particle from its rest position. The energy transported by a wave is directly proportional to the square of the amplitude of the wave. This means that a doubling of the amplitude of a wave is indicative of a quadrupling of the energy transported by the wave.

2.6.2 SOUND AND THE HUMAN EAR

Because of the ability of the human ear to detect a wide range of sound-pressure fluctuations, sound-pressure levels are expressed in logarithmic units called decibels (dB) to avoid a very large and awkward range in numbers. The sound-pressure level in decibels is calculated by taking the log of the ratio between the actual sound pressure and the reference sound pressure squared. The reference sound pressure is considered the absolute hearing threshold (Caltrans 2011). Use of this logarithmic scale reveals that the total sound from two individual sources, each measured at 65 A-weighted decibels (dBA), is 68 dBA, not 130 dBA; that is, doubling the source strength increases the sound pressure by 3 dBA.

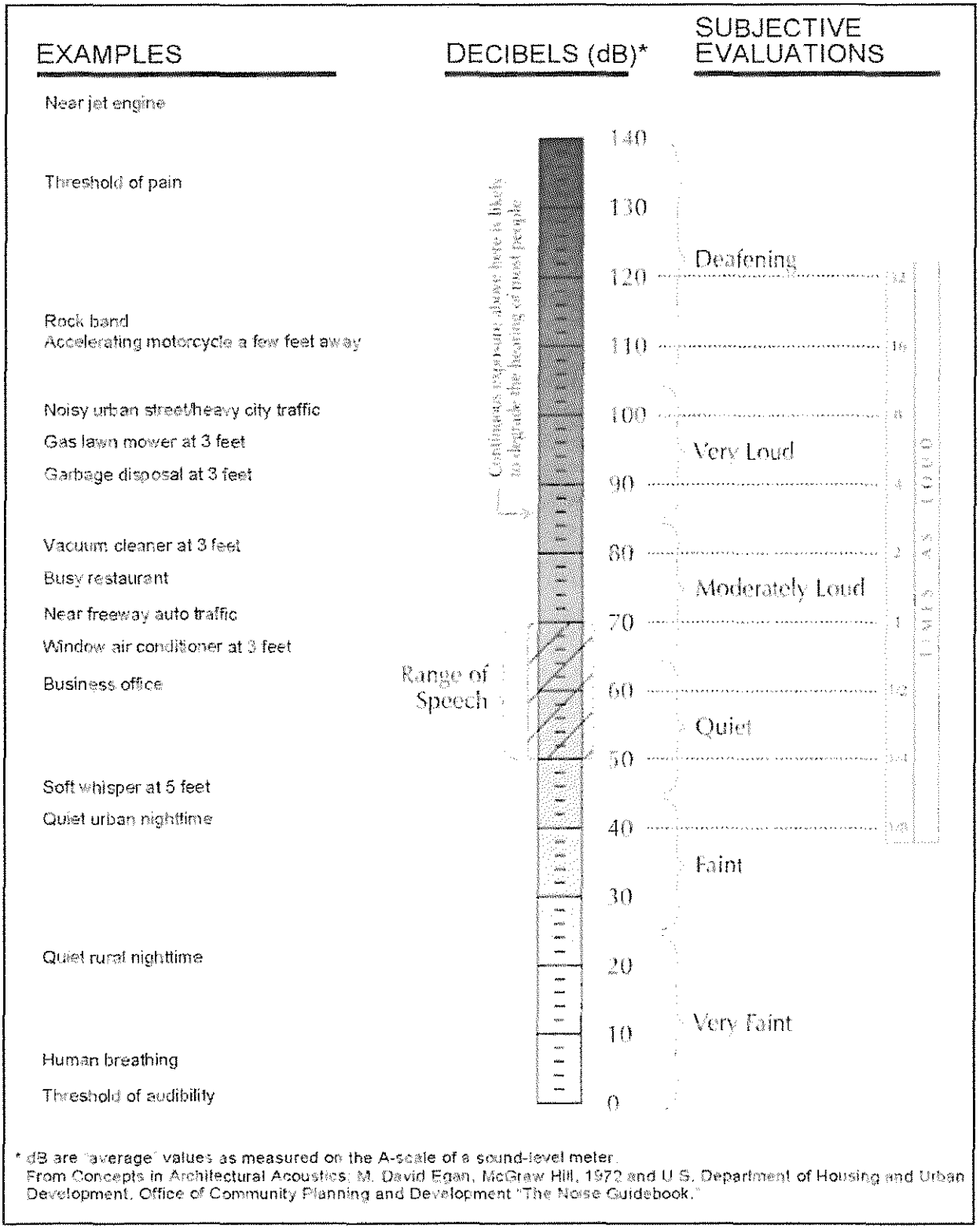
Because the human ear is not equally sensitive to all sound frequencies, a specific frequency-dependent rating scale was devised to relate noise to human sensitivity. A dBA scale performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. The basis for compensation is the faintest sound audible to the average ear at the frequency of maximum sensitivity. This dBA scale has been chosen by most authorities to regulate environmental noise. Typical indoor and outdoor noise levels are presented in Exhibit 2-4.

With respect to how humans perceive and react to changes in noise levels, a 1-dBA increase is imperceptible, a 3-dBA increase is barely perceptible, a 6-dBA increase is clearly noticeable, and a 10-dBA increase is subjectively perceived as approximately twice as loud (Egan 1988), as presented in Table 2-1. Table 2-1 was developed on the basis of the reactions of test subjects to changes in the levels of steady-state pure tones or broadband noise and to changes in levels of a given noise source. It is probably most applicable to noise levels in the range of 50–70 dBA, as this is the usual range of voice and interior noise levels.

Table 2-1. Subjective Reaction to Changes in Noise Levels of Similar Sources

Change in Level, dBA	Subjective Reaction	Factor Change in Acoustical Energy
1	Imperceptible (except for tones)	1.3
3	Just barely perceptible	2.0
6	Clearly noticeable	4.0
10	About twice (or half) as loud	10.0

Note: dBA = A-weighted decibels
Source: Egan 1988



Source: Data compiled by AECOM 2010

Exhibit 2-4. Typical Noise Levels

2.6.3 SOUND PROPAGATION AND ATTENUATION

As sound (noise) propagates from the source to the receptor, the attenuation, or manner of noise reduction in relation to distance, is dependent on surface characteristics, atmospheric conditions, and the presence of physical barriers. The inverse-square law describes the attenuation caused by the pattern in which sound travels from the source to the receptor. Sound travels uniformly outward from a point source in a spherical pattern with an attenuation rate of 6 dBA per doubling of distance (dBA/DD). However, from a line source (e.g., a road), sound travels uniformly outward in a cylindrical pattern with an attenuation rate of 3 dBA/DD. The characteristics of the surface between the source and the receptor may result in additional sound absorption and/or reflection.

Atmospheric conditions such as wind speed, temperature, and humidity may affect noise levels. The presence of a barrier between the source and the receptor may also attenuate noise levels. The actual amount of attenuation depends on the size of the barrier and the frequency of the noise. A noise barrier may be any natural or human-made feature such as a hill, tree, building, wall, or berm (Caltrans 2011).

All buildings provide some exterior-to-interior noise reduction. A building constructed with a wood frame and a stucco or wood sheathing exterior typically provides a minimum exterior-to-interior noise reduction of 25 dBA with its windows closed; by contrast, a building constructed of a steel or concrete frame, a curtain wall or masonry exterior wall, and fixed plate glass windows of one-quarter-inch thickness typically provides an exterior-to-interior noise reduction of 30–40 dBA when its windows are closed (Paul S. Veneklasen & Associates 1973, cited in Caltrans 2002).

2.6.4 NOISE DESCRIPTORS

The selection of a proper noise descriptor for a specific source depends on the spatial and temporal distribution, duration, and fluctuation of the noise. The noise descriptors most often encountered when dealing with traffic, community, and environmental noise are defined below (Caltrans 2011).

- **L_{max} (Maximum Noise Level):** The maximum instantaneous noise level during a specific period of time. The L_{max} may also be referred to as the "peak (noise) level."
- **L_{min} (Minimum Noise Level):** The minimum instantaneous noise level during a specific period of time.
- **L_{eq} (Equivalent Noise Level):** The energy mean (average) noise level. The instantaneous noise levels during a specific period of time in dBA are converted to relative energy values. From the sum of the relative energy values, an average energy value is calculated, which is then converted back to dBA to determine the L_{eq}. In noise environments that are determined by major noise events, such as aircraft overflights, the L_{eq} value is heavily influenced by the magnitude and number of single events that produce the high noise levels.
- **L_{dn} (Day-Night Noise Level):** The 24-hour L_{eq} with a 10-dBA "penalty" for noise events that occur during the noise-sensitive hours between 10:00 p.m. and 7:00 a.m. In other words, 10 dBA is "added" to noise events that occur in the nighttime hours, and this generates a higher reported noise level when determining compliance with noise standards. The L_{dn} attempts to account for the fact that noise during this specific period of time is a potential source of disturbance with respect to normal sleeping hours.

- **CNEL (Community Noise Equivalent Level):** Similar to the L_{dn} described above, but with an additional 5-dBA "penalty" added to noise events that occur during the noise-sensitive hours between 7:00 p.m. and 10:00 p.m., which are typically reserved for relaxation, conversation, reading, and television. When the same 24 hour noise data are used, the reported CNEL is typically approximately 0.5 dBA higher than the L_{dn}.

- **SENL (Single-Event [Impulsive] Noise Level):** A receiver's cumulative noise exposure from a single impulsive noise event, which is defined as an acoustical event of short duration and involves a change in sound pressure above some reference value. SENLs typically represent the noise events used to calculate the L_{eq}, L_{dn}, and CNEL.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level L_{eq}, which corresponds to a steady-state A-weighted sound level containing the same total energy as a time-varying signal over a given time period (usually 1 hour). The L_{eq} is the foundation of the composite noise descriptors such as L_{dn} and CNEL, as defined above, and correlates well with community response to noise.

2.6.5 Negative Effects of Noise on Humans

Negative effects of noise exposure include physical damage to the human auditory system, interference, and disease. Exposure to noise may result in physical damage to the auditory system, which may lead to gradual or traumatic hearing loss. Gradual hearing loss is caused by sustained exposure to moderately high noise levels over a period of time; traumatic hearing loss is caused by sudden exposure to extremely high noise levels over a short period. Gradual and traumatic hearing loss both may result in permanent hearing damage. In addition, noise may interfere with or interrupt sleep, relaxation, recreation, and communication. Although most interference may be classified as annoying, the inability to hear a warning signal may be considered dangerous. Noise may also be a contributor to diseases associated with stress, such as hypertension, anxiety, and heart disease. The degree to which noise contributes to such diseases depends on the frequency, bandwidth, and level of the noise, and the exposure time (Caltrans 2011).

Fundamental Noise Control Options

Any noise problem is generally composed of three basic elements: the noise source, a transmission path, and a receiver. The appropriate acoustical treatment for a given project should consider the nature of the noise source and the sensitivity of the receiver. The problem should be defined in terms of appropriate criteria (L_{dn}, L_{eq}, or L_{max}); the location of the sensitive receiver (inside or outside); and the time that the problem occurs (daytime or nighttime). Noise control techniques should then be selected to provide an acceptable noise environment for the receiving property while remaining consistent with local aesthetic standards and practical structural and economic limits. Fundamental noise control options are described below.

Setbacks

Noise exposure may be reduced by increasing the distance between the noise source and the receiving use. Setback areas can, for example, take the form of open space, frontage roads, recreational areas, and storage yards. The available noise attenuation from this technique is limited by the characteristics of the noise source, but is generally about 4–6 dBA.

Barriers

Shielding by barriers can be obtained by placing walls, berms, or other structures (such as buildings) between the noise source and the receiver. The effectiveness of a barrier depends on blocking the line of sight between the source and receiver; effectiveness is improved when the sound must travel a longer distance to pass over the barrier than if it were traveling in a straight line from source to receiver. The difference between the distance over a barrier and a straight line between source and receiver is called the "path length difference," and is the basis for calculating barrier noise reduction.

Barrier effectiveness depends upon the relative heights of the source, barrier, and receiver. In general, barriers are most effective when placed close to either the receiver or the source. An intermediate barrier location yields a smaller path length difference for a given increase in barrier height than does a location closer to either source or receiver.

For maximum effectiveness, barriers must be continuous and relatively airtight along their length and height. To ensure that sound transmission through the barrier is insignificant, barrier mass should be about 4 pounds per square foot, although a lesser mass may be acceptable if the barrier material provides sufficient transmission loss. Satisfaction of the above criteria requires substantial and well-fitted barrier materials, placed to intercept the line of sight to all significant noise sources. Earth, in the form of berms or the face of a depressed area, is also an effective barrier material.

There are practical limits to the noise reduction provided by barriers. For vehicle traffic or railroad noise, a noise reduction of 5–10 dBA may often be reasonably attained. A 15-dBA noise reduction is sometimes possible, but a 20-dBA noise reduction is extremely difficult to achieve. Barriers usually are provided in the form of walls, berms, or berm/wall combinations. The use of an earth berm in lieu of a solid wall may provide up to 3 dBA additional attenuation over that attained by a solid wall alone, because of the absorption provided by the earth. Berm/wall combinations offer slightly better acoustical performance than solid walls alone, and they are often preferred for aesthetic reasons.

Site Design

Buildings can be placed on a project site to shield other structures or areas from areas affected by noise, and to prevent an increase in noise level caused by reflections. The use of one building to shield another can significantly reduce a project's overall noise control costs, particularly if the shielding structure is insensitive to noise.

Site design should guard against creating reflecting surfaces that may increase on-site noise levels. For example, two buildings placed at an angle facing a noise source may cause noise levels within that angle to increase by up to 3 dBA. The open end of U-shaped buildings should point away from noise sources for the same reason. Landscaping walls or noise barriers located within a development may inadvertently reflect noise back to a noise-sensitive area unless located carefully. Avoidance of these problems while attaining an aesthetic site design requires close coordination between local agencies, the project engineer and architect, and the noise consultant.

Building Façades

When interior noise levels are of concern in a noisy environment, noise reduction may be obtained through acoustical design of building façades. Standard construction practices provide a noise reduction of 10–15 dBA for building façades with open windows and a noise reduction of approximately 25 dBA when windows are closed.

Thus, an exterior-to-interior noise reduction of 25 dBA can be obtained by requiring that building design include adequate ventilation systems, which allows windows on a noise-affected façade to remain closed under any weather condition.

Where greater noise reduction is required, acoustical treatment of the building façade is necessary. Reducing relative window area is the most effective control technique, followed by providing acoustical glazing (thicker glass or increased air space between panes) in frames with low air infiltration rates, using fixed (nonmovable) acoustical glazing, or eliminating windows. Noise transmitted through walls can be reduced by increasing wall mass (using stucco or brick in lieu of wood siding), isolating wall members by using double or staggered stud walls, or mounting interior walls on resilient channels. Noise control for exterior doorways is provided by reducing door area, using solid-core doors, and by acoustically sealing door perimeters with suitable gaskets. Roof treatments may include the use of plywood sheathing under roofing materials.

Vegetation

Trees and other vegetation are often thought to provide significant noise attenuation. However, approximately 100 feet of dense foliage (so that no visual path extends through the foliage) is required to achieve a 5-dBA attenuation of traffic noise. Thus, the use of vegetation as a noise barrier should not be considered a practical method of noise control unless large tracts of dense foliage are part of the existing landscape.

Vegetation can be used to acoustically "soften" intervening ground between a noise source and a receiver, increasing ground absorption of sound and thus increasing the attenuation of sound with distance. Planting trees and shrubs also offers aesthetic and psychological value, and it may reduce adverse public reaction to a noise source by removing the source from view, even though noise levels will be largely unaffected. However, trees planted on the top of a noise-control berm can slightly degrade the acoustical performance of the barrier. This effect can occur when high-frequency sounds are diffracted (bent) by foliage and directed downward over a barrier.

The effects of vegetation on noise transmission are minor, and are primarily limited to increased absorption of high-frequency sounds and to reducing adverse public reaction to the noise by providing aesthetic benefits.

2.6.6 VIBRATION

Vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structureborne noise. Sources of groundborne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as operating factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean square (RMS), as in RMS vibration velocity. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Federal Transit Administration [FTA] 2006). PPV and RMS are normally described in inches per second (in/sec).

Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table 2-2, which was developed by Caltrans, shows the vibration levels which would normally be required to result in damage to structures. The vibration levels are presented in terms of peak particle velocity in inches per second.

Table 2-2. Effects of Various Vibration Levels on People and Buildings

Peak Particle Velocity		Human Reaction	Effect on Buildings
inches/second	mm/second		
0.006-0.019	0.15-0.30	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
0.08	2.0	Vibrations readily perceptible	Recommended upper level of which ruins and ancient monuments should be subjected
0.10	2.5	Level at which continuous vibrations begin to annoy people	Virtually no risk of architectural damage to normal buildings
0.20	5.0	Vibrations annoying to people in buildings	Threshold at which there is a risk of architectural damage to normal dwelling –houses with plastered walls and ceilings
0.4-0.6	10-15	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause architectural damage and possibly minor structural damage

Notes: PPV=peak particle velocity; In/sec=inches per second; mm/sec= millimeters per second
Source: Caltrans 2013

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a period of 1 second. Like airborne sound, the RMS velocity is often expressed in decibel notation, as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2006). This is based on a reference value of 1 microinch per second (μin/sec).

The background vibration-velocity level in residential areas is usually approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2006).

Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. Construction activities can generate groundborne vibrations, which can pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA 2006).

Construction vibrations can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Continuous vibrations result from vibratory pile drivers, large pumps, horizontal directional drilling, and compressors. Random vibration can result from jackhammers,

pavement breakers, and heavy construction equipment. Table 2-3 describes the general human response to different levels of groundborne vibration-velocity levels.

Table 2-3. Human Response to Groundborne Vibration Levels

Vibration Velocity (Vibration Decibels)	Human Response
65	Approximate threshold of perception for many humans.
75	Approximate dividing line between barely perceptible and distinctly perceptible.
85	Vibration acceptable only if there is a small number of events per day.

Source: FTA 2006

3 REGULATORY SETTING

3.1 FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

The U.S. Environmental Protection Agency's (EPA's) Office of Noise Abatement and Control was originally established to coordinate Federal noise control activities. After its inception, EPA's Office of Noise Abatement and Control issued the Federal Noise Control Act of 1972, establishing programs and guidelines to identify and address the effects of noise on public health, welfare, and the environment. In 1981, EPA administrators determined that subjective issues such as noise would be better addressed at lower levels of government. Consequently, in 1982 responsibilities for regulating noise control policies were transferred to state and local governments. However, noise control guidelines and regulations contained in EPA rulings in prior years remain in place by designated Federal agencies, thereby allowing more individualized control for specific issues by designated Federal, state, and local government agencies.

To address the human response to groundborne vibration, the FTA of the U.S. Department of Transportation has set forth guidelines for maximum-acceptable-vibration criteria for different types of land uses. These include 65 VdB referenced to 1 μin/sec and based on RMS velocity amplitude for land uses where low ambient vibration is essential for interior operations (e.g., hospitals, high-tech manufacturing, laboratory facilities); 80 VdB for residential uses and buildings where people normally sleep; and 83 VdB for institutional land uses with primarily daytime operations (e.g., schools, churches, clinics, offices) (FTA 2006).

Standards have also been established to address the potential for groundborne vibration to cause structural damage to buildings. These standards were developed by the Committee of Hearing, Bio Acoustics, and Bio Mechanics (CHABA) at the request of the U.S. Environmental Protection Agency (FTA 2006). For fragile structures, CHABA recommends a maximum limit of 0.25 in/sec PPV (FTA 2006).

3.2 STATE PLANS, POLICIES, REGULATIONS, AND LAWS

3.2.1 GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

The State of California, Governor's Office of Planning and Research (OPR), published the *State of California General Plan Guidelines* (OPR 2003), which provide guidance for the acceptability of projects within specific L_{dn} contours. Table 3-1 summarizes acceptable and unacceptable community noise-exposure limits for various land use categories. Generally, residential uses (e.g., mobile homes) are considered to be acceptable in areas where exterior noise levels do not exceed 60 dBA L_{dn}. Residential uses are normally unacceptable in areas exceeding 70 dBA L_{dn} and conditionally acceptable within 55–70 dBA L_{dn}. Schools are normally acceptable in areas up to 70 dBA L_{dn} and normally unacceptable in areas exceeding 70 dBA L_{dn}. Commercial uses are normally acceptable in areas up to 70 dBA CNEL. Between 67.5 and 77.5 dBA L_{dn}, commercial uses are conditionally acceptable, depending on the noise insulation features and the noise reduction requirements. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards reflecting the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. In addition, Title 24 of the California Code of Regulations establishes standards governing interior noise levels that apply to all new single-family and multifamily residential units in California. These standards require that acoustical studies be performed before construction at building locations where the existing L_{dn} exceeds 60 dBA. Such acoustical studies must establish mitigation measures that will limit maximum

Table 3-1. Summary of Land Use Noise Compatibility Guidelines				
Land Use Category	Community Noise Exposure (dBA L_{dn})			
	Normally Acceptable[1]	Conditionally Acceptable[2]	Normally Unacceptable[3]	Clearly Unacceptable[4]
Residential—Low-Density Single-Family, Duplex, Mobile Home	<60	55–70	70–75	75+
Residential—Multifamily	<65	60–70	70–75	75+
Transient Lodging—Motel, Hotel	<65	60–70	70–80	80+
Schools, Libraries, Churches, Hospitals, Nursing Homes	<70	60–70	70–80	80+
Auditoriums, Concert Halls, Amphitheaters		<70	65+	
Sports Arena, Outdoor Spectator Sports		<75	70+	
Playgrounds, Neighborhood Parks	<70		67.5–75	72.5+
Golf Courses, Riding Stables, Water Recreation, Cemeteries	<75		70–80	80+
Office Building, Business Commercial, and Professional	<70	67.5–77.5	75+	
Industrial, Manufacturing, Utilities, Agriculture	<75	70–80	75+	

Notes: dBA = A-weighted decibels; L_{dn} = day-night average noise level

[1] Specified land use is satisfactory, based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

[2] New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

[3] New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. Outdoor areas must be shielded.

[4] New construction or development should generally not be undertaken.

Source: OPR 2003

L_{dn} levels to 45 dBA in any habitable room. Although there are no generally applicable interior noise standards pertinent to all uses, many communities in California have adopted an L_{dn} of 45 dBA as an upper limit on interior noise in all residential units.

3.2.2 California Department of Transportation

For the protection of fragile, historic, and residential structures, Caltrans recommends a more conservative threshold of 0.2 in/sec PPV for normal residential buildings and 0.08 in/sec PPV for old or historically significant structures (Caltrans 2013). These standards are more stringent than the federal standard established by CHABA, presented above.

3.3 Local Plans, Policies, Regulations, and Ordinances

3.3.1 Stanislaus County General Plan

Stanislaus County addresses noise impacts through its General Plan and Municipal Code. The Noise Element of the Stanislaus County General Plan utilizes noise exposure information to identify existing and potential noise

conflicts through the Land Use Planning and Project Review processes. The Noise Element establishes exterior noise level standards and maximum allowable noise exposure from stationary noise sources at noise-sensitive land uses. For transportation noise sources (e.g., traffic, railroads, airports), the Noise Element establishes 60 dBA L_{dn} or less in outdoor activity areas of single family residences, 65 dBA L_{dn} or less in community outdoor space for multi-family residences, and 45 dBA L_{dn} or less within noise sensitive interior spaces (Policy Two, Implementation Measure 1(a)). For stationary noise sources, new development of industrial, commercial, or other noise generating land uses are not permitted if resulting noise levels will exceed 60 dBA L_{dn} in noise-sensitive areas. Additionally, development of new noise-generating land uses which are not preempted from local noise regulation will not be permitted if resulting noise levels will exceed the performance standards shown in Table 3-2 in residential areas or other noise sensitive land uses.

Table 3-2. Maximum Allowable Noise Exposure from Stationary Noise Sources[1]

	Daytime 7a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly L_{eq}, dBA	55	45
Maximum level, dBA	75	65

Note:
[1] As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.
Source: Stanislaus County General Plan, Noise Element, Table 3-1

Lastly, the Stanislaus County Noise Element requires evaluation of mitigation measures for projects that would cause the L_{dn} at noise-sensitive uses to increase by 3 dBA or more and exceed the "normally acceptable" level, cause the L_{dn} at noise-sensitive uses to increase 5 dBA or more and remain "normally acceptable," or cause new noise levels to exceed the noise ordinance limits (Policy Three, Implementation Measure 1).

3.3.2 Stanislaus County Municipal Code

Noise generating sources in Stanislaus County are also regulated under the Municipal Code, Chapter 10.46 (Noise Control). Property line and construction noise limits are established in this ordinance. Property line noise limits apply to noise generation from one property to an adjacent property with the existence of a sensitive receptor (if no receptor, an exception or variance to the standards may be appropriate). These standards do not apply to construction noise that occurs between 7 a.m. and 7 p.m. The following is the applicable portions of the Stanislaus County Noise Control Ordinance and Tables 3-3 and 3-4 highlight the applicable noise limits related to the ordinance.

Table 3-3. Exterior Noise Level Standards		
	Maximum A-Weights Sound Level as Measured on a Sound Level Meter (L_{max})	
Land Use Zone	7 a.m. to 9:59 p.m.	10 p.m. to 6:59 a.m.
Noise Sensitive	45	45
Residential	50	45
Commercial	60	55
Industrial	75	75
Source: Stanislaus County Code, Chapter 10, Table A.		

Table 3-4. Cumulative Duration Allowance Standards	
Cumulative Duration	Allowance Decibels
Equal to or greater than 30 minutes per hour	Table 6 plus 0 dBA
Equal to or greater than 15 minutes per hour	Table 6 plus 5 dBA
Equal to or greater than 5 minutes per hour	Table 6 plus 10 dBA
Equal to or greater than 1 minute per hour	Table 6 plus 15 dBA
Less than 1 minute per hour	Table 6 plus 20 dBA
Source: Stanislaus County Code, Chapter 10, Table B.	

Section 10.46.050 Exterior Noise Level Standards. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise which causes the exterior noise level when measured at any property situated in either the incorporated or unincorporated area of the county to exceed the noise level standards as set forth below:

1. Unless otherwise provided herein, the following exterior noise level standards shall apply to all properties within the designated noise zone: of Imperial on or beyond the boundaries of the property on which the noise is produced."

2. Exterior noise levels shall not exceed the following cumulative duration allowance standards: Pure Tone Noise, Speech and Music. The exterior noise level standards set forth in Table 6 shall be reduced by five dBA for pure tone noises, noises consisting primarily of speech or music, or reoccurring impulsive noise.

3. In the event the measured ambient noise level exceeds the applicable noise level standard above, the ambient noise level shall become the applicable exterior noise level standard.

Section 10.46.060 Specific Noise Source Standards, Subsection E. Construction Equipment. No person shall operate any construction equipment so as to cause at or beyond the property line of any property upon which a dwelling unit is located an average sound level greater than seventy-five decibels (75 dBA) between the hours of seven p.m. and seven a.m. (7:00 p.m. to 7:00 a.m.)

Section 10.46.070 Vibration. Operating or permitting the operation of any device that creates vibration that is above the vibration perception threshold of any individual at or beyond the property boundary of the source if on private property, or at one hundred fifty feet from the source if on a public space or public right-of-way is prohibited. For the purpose of this section, "vibration perception threshold" means the minimum ground-borne or structure-borne vibration motion necessary to cause a reasonable person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects, or a measured motion velocity of 0.01 in/sec over the range of one to one hundred Hertz.

Section 10.46.080 Exemptions. The following sources are exempt from the provisions of this chapter:

J. Public Entity or Public Utility Activity. This chapter shall not apply to construction or maintenance activities performed by or at the direction of any public entity or public utility.

3.3.3 CITY OF MODESTO URBAN AREA GENERAL PLAN

All development projects located within the Baseline Developed Area (and Redevelopment Area) shall be required to incorporate the following measures into the project.

a. The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The City should consider potential mitigation measures, including, but not limited to, the following:

    1. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

    2. Equipment that is quieter than standard equipment should be utilized.

    3. Haul routes that affect the fewest number of people should be selected.

b. During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation for outdoor activity areas typically defined as common outdoor recreational areas, as discussed below:

    1. Single-family Residential uses: the noise would exceed 65 dBA, Ldn at outdoor activity areas. Outdoor activity areas for single-family residential uses are defined as backyards.

    2. Other proposed uses: the noise/land compatibility guidelines (i.e., those noise levels that are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable") shown on Table VII-2. For multi-family residential uses, the exterior noise level standard shall be

applied at the common outdoor recreation area, such as pools, play areas, or tennis courts. Where such areas are not provided in multi-family residential uses, the standards shall be applied at individual patios and balconies of the development. Outdoor activity areas of transient lodging facilities include swimming pool and picnic areas.

c. For new single-family residential development within the 65 dBA, Ldn contour, new multifamily residential development within the 65 dBA Ldn contour (Figure VII-2), and other land uses located within the "Normally Acceptable" contour distances indicated in Table VII-2 and Figure VII-2, the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than significant level, as follows:

   1. Incorporate construction techniques to achieve an interior noise limit of 45 Ldn (these potential techniques are presented in CCR Title 24 standards).

   2. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.

   3. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses. This policy is appropriate for more suburban, less densely populated areas of the City. More urban areas of the City would more likely require policies VII-G.3 [c.1] and [c.2], above.

d. The City of Modesto shall use the most recent noise contour map to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. (Title 24 applies to multi-family housing, not single-family.) Title 24 also specifies minimum values for the sound insulation afforded by interior partitions separating different dwelling units from each other and from interior common space.

e. For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines (Table VII-2), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

   1. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.

   2. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses from noise sources.

   3. Incorporate construction techniques to achieve specified interior noise limits. One source that can be used for such specifications is the Noise Control Manual for Residential Buildings (Builder's Guide) by David A. Harris (1997).

f. With road extension, widening, and upgrade projects, the City of Modesto shall implement, as feasible, techniques to minimize noise impacts on adjacent uses. Potentially available techniques may include:

1. Widened right-of-way
2. Depressed roadway alignments
3. Earthen berms or earthen/wall combination
4. Walls
5. Acoustical retrofitting to affected parties

g. In recognition of the conservative methodology used to develop the noise contours shown on Figure VII-2, builders, developers (for private development projects), and the City (for Capital projects) shall be allowed to demonstrate that detailed noise studies and/or mitigation are not necessary because future noise levels would be substantially less than depicted on Figure VII-2 due to, for example, natural shielding (e.g. from intervening topographical features or man-made structures) of a site or inapplicability of assumptions (shown on Table 3-3 of the Master Environmental Impact Report) used to develop the contours.

h. The City of Modesto shall limit trucking to specific routes, times, and speeds that minimize adverse effects to sensitive land uses such as schools and residential areas.

i. Airport and aircraft noise analysis will be conducted in accordance with the Modesto City–County Airport's Master Plan mitigation measure in the approved plan and Federal Aviation Regulation (FAR) Part 150. Mitigation will be required for new construction as necessary to meet the noise compatibility standards of the UAGP. As airport operations increase, mitigation will be provided to existing residential and other sensitive uses, either through operations or direct property improvements, in order to meet Title 14 Code of Federal Regulations Part 150 land use compatibility guidelines.

j. Proponents of new heliports where projected noise impacts from helicopter operations would exceed 65 Ldn at the nearest residential uses should utilize the latest FAA helicopter modeling tools and noise assessment criteria.

3.3.4 CITY OF MODESTO CODE OF ORDINANCES

ARTICLE 1. - GENERAL NOISE REGULATIONS

4-9.101 - Declaration of Policy.

It is hereby declared to be the policy of the City of Modesto that the peace, health, safety, and welfare of its citizens require protection from loud and raucous noises from any and all sources in the community.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

4-9.102 - Prohibited Generally.

It shall be unlawful for any person to willfully or knowingly make, continue, or cause to be made or continued any loud and raucous noise.

The term "loud and raucous noise" shall mean any sound which, because of its volume level, duration, or character, annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of a reasonable person of ordinary sensibility within the limits of the City of Modesto.

The term "loud and raucous noise" specifically includes, but is not limited to, the kinds of noise generated by the activities enumerated in Section 4-9.103. The term "loud and raucous noise" specifically excludes the kinds of noise generated by the activities described in Section 4-9.104.

For any kind of noise not enumerated in Section 4-9.103, the factors which may be considered in determining whether a violation of the provisions of this section exists may include, but shall not be limited to, the following:

(a) The volume of the noise;

(b) Whether the nature of the noise is usual or unusual;

(c) Whether the origin of the noise is natural or unnatural;

(d) The volume and intensity of the background noise, if any;

(e) The proximity of the noise to residential sleeping facilities;

(f) The nature and zoning of the area within which the noise emanates;

(g) The density of the inhabitation of the area within which the noise emanates;

(h) The time of the day or night the noise occurs;

(i) The day of the week the noise occurs;

(j) The duration of the noise;

(k) Whether the noise is recurrent, intermittent, or constant; and

(l) Whether the noise is produced by a commercial or noncommercial activity.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

4-9.103 - Enumeration.

The following specific acts, subject to the exemptions provided in Section 4-9.104, are declared to be public nuisances in violation of Section 4-9.102, namely:

(a) The loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine.

(b) The loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

(1) A hammer, or any other device or implement used to pound or strike an object.

(2) An impact wrench, or other tool or equipment powered by compressed air.

(3) A hand-powered saw.

(4) Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower. Except as included in subsection (a)(6) below, motor vehicles, powered by an internal-combustion engine and subject to the California Vehicle Code, are excluded from this prohibition.

(5) Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

(6) Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

(7) Any construction, demolition, excavation, erection, alteration, or repair activity.

In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from the requirements within subsection (b) of this section. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

(c) The loud and raucous use or operation of any radio, amplifier, phonograph, stereo, compact disc or tape player, loudspeaker, bullhorn, megaphone, or other device for the producing or reproducing of sound.

(d) Loud and raucous yelling, shouting, talking, whistling, or singing between the hours of 10:00 p.m. and 7:00 a.m. on any day.

(e) The owning, possessing, controlling, harboring, or keeping of any dog, cat, or other animal or fowl which by howling, yelping, whining, barking, or otherwise causes a loud and raucous noise.

(f) The loud and raucous use of any drum, guitar, horn, or other musical instrument or device.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

4-9.104 - Exemptions.

The term "loud and raucous noise" as used in this chapter does not include noise or sound generated by the following:

(a) Cries for emergency assistance and warning calls.

(b) Radios, sirens, horns, and bells on police, fire, and other emergency response vehicles.

(c) Parades, fireworks displays, and other special events for which a permit has been obtained from the City are exempted provided there is compliance with all conditions which have been noted in writing on the permit. That loud and raucous noise produced as a result of noncompliance with any condition specified on the permit is not exempted from the requirements of this chapter.

(d) Activities on or in publicly owned property and facilities, or by public employees while in the authorized discharge of their responsibilities, are exempt provided that such activities have been authorized by the owner of such property or facilities or its agent or by the employing authority.

(e) Religious worship activities, including but not limited to, bells, organs, singing, and preaching.

(f) Locomotives and other railroad equipment, and aircraft.

(g) The collection of solid waste is exempted to the extent that the noise of such collection is regulated by Section 5-5.15 (Collection Equipment). That noise not covered by Section 5-5.15 is not exempted from the requirements of this chapter.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

4-9.105 - Persons Responsible.

Any person, owner, agent, manager, or supervisor in charge of operating, ordering, directing, or allowing the operation or maintenance of any device, object, machine, or animal creating a noise as prohibited in this chapter, shall be deemed guilty of violating this chapter.

(Added by Ord. 2752-C.S., § 1, effective 3-27-91)

4 EXISTING CONDITIONS

4.1 EXISTING NOISE- AND VIBRATION-SENSITIVE RECEPTORS

Sensitive land uses generally include those uses where exposure to noise and vibration would result in adverse effects, as well as uses where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both noise levels (interior and exterior) and vibration levels. Other sensitive land uses include schools, hospitals, convalescent facilities, parks, hotels, places of worship, libraries, and other uses where low noise and vibration levels are essential.

The land uses in the immediate vicinity of the project sites include residential and agricultural. Existing nearby sensitive receptors include rural residential dwellings south of Ladd Road adjacent to project Site A and single subdivision residential dwellings located west of McHenry Avenue, adjacent to project Site B. Refer to Exhibit 4-1 for the general locations of existing sensitive receptors with respect to the project sites.

4.2 EXISTING NOISE AND VIBRATION SOURCES

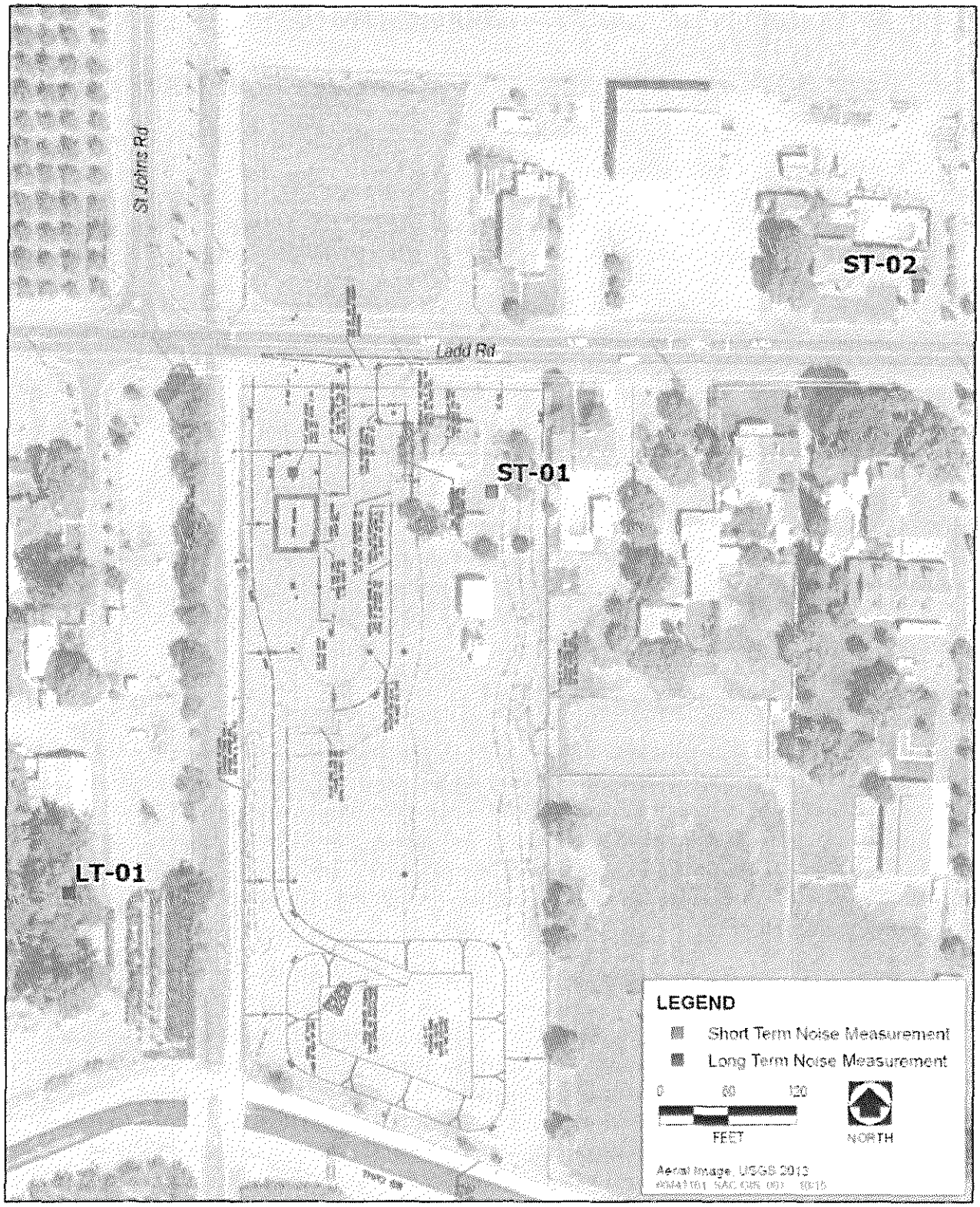
The existing dominant noise source in the vicinity of the project sites are influenced by surface transportation noise emanating from roadway vehicle traffic on Ladd Road and McHenry Avenue. Noise from agricultural uses adjacent to both project sites, in addition to noise from outdoor activities (e.g., people talking, dogs barking, operation of landscaping and agricultural equipment) also contributes to the existing noise environment. Refer to Exhibit 4-1 for general locations of existing land uses and their respective location to noise sources (i.e., Ladd Road and McHenry Avenue).

4.2.1 ROADWAY VEHICLE TRAFFIC

As mentioned above, one of the noise sources in the study area is roadway vehicle traffic along McHenry Avenue and Ladd Road. Existing vehicle traffic noise levels were modeled using the Federal Highway Administration (FHWA) Traffic Noise Model and traffic data obtained from the traffic counts in Google Earth. Additional input data included day/night percentages of autos, medium and heavy trucks, vehicle speeds, ground attenuation factors, and roadway widths. Table 4-1 summarizes the modeled hourly L_{eq} noise levels at 100 feet from the roadway centerline and distance from the roadway centerline to the 60-, 65-, and 70-dBA L_{eq} contours for existing average daily traffic volume.

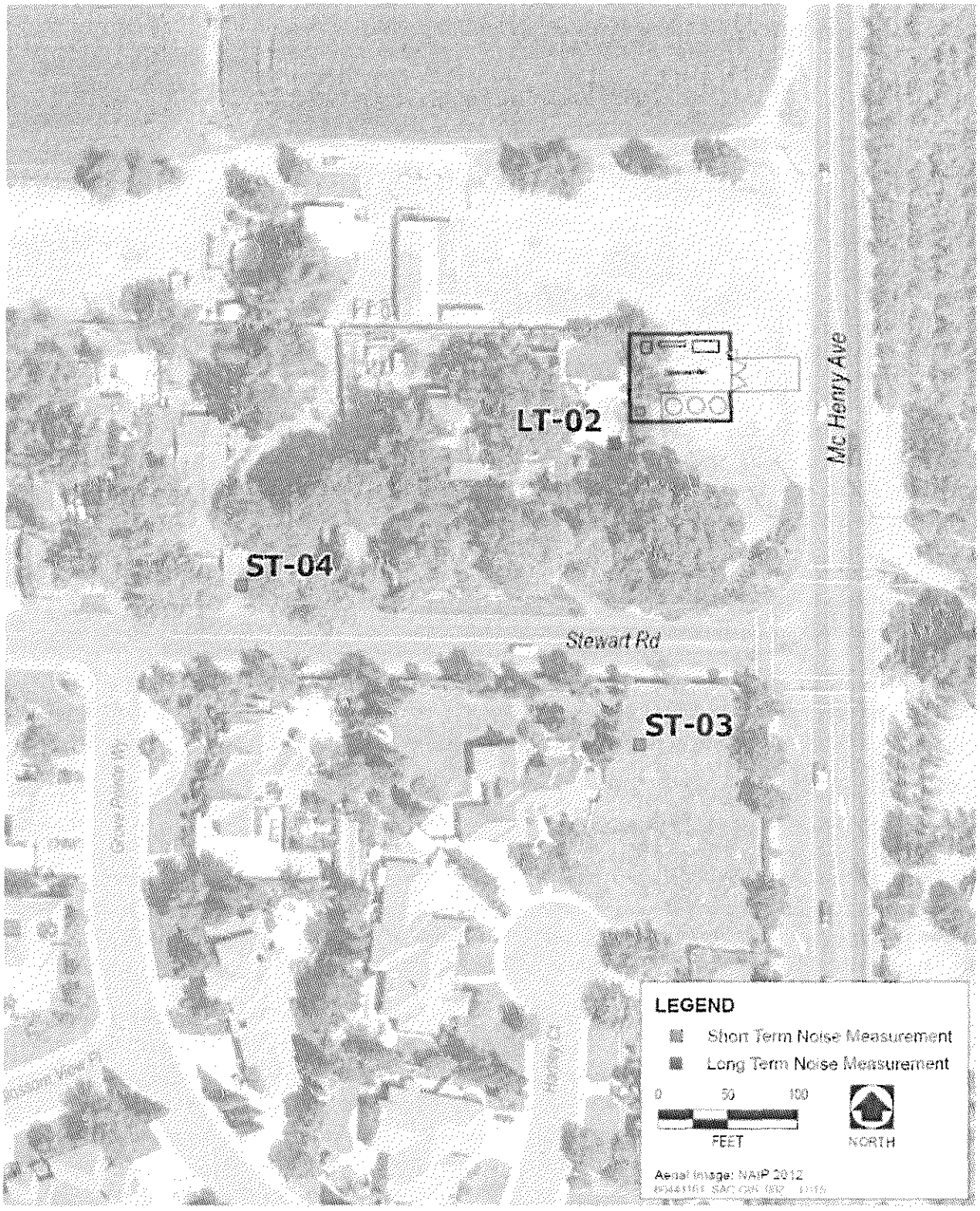
4.3 AMBIENT-NOISE SURVEY

An ambient-noise survey was conducted September 23-29, 2015, to document the existing noise conditions at various locations in the vicinity of the project sites. The 24-hour continuous long-term noise-level measurements were taken in accordance with the American National Standards Institute's acoustic standards at two locations, one at Site A in the front yard of 816 Ladd Road and one at Site B near the pool in the backyard of 117 Stewart Road. Short term 15 minute ambient noise measurements were also conducted at various locations near both sites. Instrumentation consisted of a Larson Davis Laboratories (LDL) Model 820 and Model 824 precision integrating sound-level meter. The systems were calibrated before and after use with a LDL CAL200 acoustical calibrator to ensure that measurements would be accurate, (refer to Exhibits 4-1 and 4-2 for ambient-noise monitoring locations).



Source: Data adapted by AECOM 2015

Exhibit 4-1. Site A, Ambient Noise Monitoring Locations



Source: Data adapted by AECOM 2015

Exhibit 4-2. Site B, Ambient Noise Monitoring Locations

Table 4-1. Modeled Noise Levels for Existing Traffic in the Project Area						
	Segment		L_{eq} 100 Feet from Roadway Centerline (dBA)	Distance (feet) from Roadway Centerline to L_{eq} Contour		
Roadway	From	To		70 dBA	65 dBA	60 dBA
Ladd Road	Tully Road	Saint John Road	67	49	155	491
	Saint John Road	McHenry Avenue	66	41	129	409
McHenry Avenue	Ladd Road	Stewart Road	67	45	143	453
	Stewart Road	Hogue Road	67	46	146	461
Stewart Road	McHenry Avenue	Del Cielo Way	56	4	12	37

Notes: dB = A-weighted decibels; Ldn = day-night average noise level.
Source: Modeled by AECOM in 2015

Atmospheric conditions were observed during long-term noise-level measurement sessions. Wind speeds typically ranged from 3 to 12 miles per hour. Temperatures averaged from 62°F to 89°F, with average humidity of 46 percent. These atmospheric conditions were verified using historical data from the Weather Underground website (www.wunderground.com).

The L_{dn}, L_{90}, and values for each ambient-noise measurement location are summarized in Table 4-2. Refer to Appendix A for a complete listing of hourly noise levels and modeled L_{dn} for each noise measurement location. Table 4-3 summarizes the short term ambient noise measurements.

The noise levels shown in Table 9 indicate medium ambient noise levels at the Site A and medium to high ambient noise levels at the Site B. The majority of the noise levels result from roadway vehicle traffic along Ladd Road and McHenry Avenue, respectively. The noise levels shown in Table 10 where utilized for calibrating the FHWA Traffic Noise Model.

4.3.1 Methods and Assumptions

Project details and observations during on-site noise monitoring were used to determine potential locations of sensitive receptors and potential noise generating land uses on the project sites. Noise-sensitive land uses and major noise sources near the project sites were identified based on existing documentation (e.g., equipment noise levels and attenuation rates) and site reconnaissance data.

To assess the impacts of potential short-term construction noise on sensitive receptors, the sensitive receptors and their relative exposure to the impacts (considering intervening building façades and distance) were identified to assess the impacts of potential short-term construction noise on sensitive receptors. The construction noise that would be generated by the proposed project was predicted by using the Federal Transit Noise and Vibration Impact Assessment methodology (FTA 2006). The emission noise levels referenced and the usage factors were based on the FHWA Roadway Construction Noise Model. The noise levels of the specific construction equipment that would be used and the resulting noise levels where sensitive receptors are located were calculated.

Table 4-2. Summary of Measured Long Term 24-hour Ambient Noise Survey Levels

Date	Average Measured Hourly Noise Levels, dB				
	L_{dn}	Daytime (7 a.m.–10 p.m.)		Nighttime (10 p.m.–7 a.m.)	
		L_{eq}	L_{max}	L_{eq}	L_{max}
Site A - Front yard of 816 Ladd Road					
September 23-24, 2015	56	51	69	49	64
September 24-25, 2015	57	51	72	50	65
September 25-26 2015	54	50	72	48	69
September 26-27, 2015	55	52	77	47	66
September 27-28, 2015	55	50	69	49	71
September 28-29, 2015	54	50	73	46	67
September 29-30, 2015	54	50	67	47	71
Site B – Backyard of 117 Stewart Road					
September 23-24, 2015	62	58	75	55	70
September 24-25, 2015	63	58	77	56	79
September 25-26 2015	63	58	87	56	79
September 26-27, 2015	62	57	79	55	76
September 27-28, 2015	62	58	78	56	73
September 28-29, 2015	62	58	80	55	73
September 29-30, 2015	62	58	77	55	73

Monitoring locations correspond to those depicted in Exhibits 4-1, and 4-2.
Notes: dB = A-weighted decibels; L_{dn} = day-night average noise level; L_{eq} = the equivalent hourly average noise level; L_{max} = maximum noise level.
Source: Data collected by AECOM, 2015

Table 4-3. Short-Term Ambient Noise Levels Monitored during the Daytime

Site	Location	Date/Time	Noise Sources	A-Weighted Sound Level (dBA)	
				L_{eq}	L_{max}
Site A Ladd Road					
1	Backyard of 706 Ladd Road	September 30, 2015 3:58–4:13 pm	Traffic on Ladd Road	61	72
2	Behind 625 Ladd Road	September 30, 2015 4:17–4:32 pm	Traffic on Ladd Road	68	83
Site B McHenry Avenue					
3	7008 Hartley Court (vacant land)	September 30, 2015 4:38–4:52 pm	Traffic on McHenry Avenue	60	70
4	Front yard of 201 Stewart Road	September 30, 2015 4:56–5:11 pm	Traffic on McHenry Avenue	62	79

Monitoring locations correspond to those depicted in Exhibits 5, and 6 .
Notes: dB = A-weighted decibels; L_{eq} = the equivalent hourly average noise level; L_{max} = maximum noise level.
Source: Data collected by AECOM in 2015

Traffic noise modeling was conducted based on average daily traffic volumes obtained from the traffic counts in Google Earth.[1] The FHWA Highway Traffic Noise Prediction Model (FHWA RD 77-108) was used to calculate traffic noise levels along affected roadways based on the trip distribution estimates from the field counted traffic volumes. The project's contribution to the existing traffic noise levels along area roadways was determined by comparing the predicted noise levels at a reference distance of 100 feet from the roadway centerline for the cumulative conditions with and without project-generated traffic.

Potential noise impacts from long-term (operation-related) stationary sources were assessed based on existing documentation (e.g., AEC noise impact assessment of Well #315) and site reconnaissance data. This analysis also includes an evaluation of the proposed noise-generating uses that could affect noise-sensitive receptors near the project site.

To assess the land use compatibility of the proposed project with on-site noise levels, predicted operational noise contours were used to determine whether development of the proposed project would exceed the applicable noise criteria.

Groundborne vibration impacts were qualitatively assessed based on existing documentation (e.g., vibration levels produced by specific construction equipment operations) and the distance of sensitive receptors from the given source.

The standards of significance applied in this analysis address the exterior noise standards established by Stanislaus County and/or the City of Modesto. Unless otherwise stated, standards for interior noise levels would not be exceeded if exterior noise-level standards are achieved.

4.3.2 Criteria for Determining Significance of Effects

The significance criteria for this analysis are based on the environmental checklist in Appendix G of the State CEQA Guidelines and applicable jurisdictional noise standards. The proposed project under consideration was determined to result in a significant impact related to noise if it would:

- Expose persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies
- Result in a substantial temporary, periodic or permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or

[1] Google Earth. 2015. Traffic count data for Ladd Road, McHenry Road, and Stewart Road, 31°47'08.52" N and 35°12'02.52" E. Traffic count year 2007. Accessed September 15, 2015.

- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

The proposed project sites (Sites A and B) would not be located within an airport compatibility land use plan with an adopted 60 dBA L_{dn} noise contour. The project would not result in locating new receptors or workers on the project site to excessive airport noise levels. Therefore, these issues are not evaluated further.

The following considerations apply to the first four significance thresholds:

- **Noise impacts from operation of project facilities:** For all affected noise sensitive uses, noise that would be generated by operation of project facilities would be significant if it would cause the overall exterior noise level to exceed the "normally acceptable" noise standard compatible with exterior land uses (i.e., 50 dBA L_{eq} daytime or 45 dBA L_{eq} nighttime at the noise sensitive receptor property line), or would result in an increase of ambient noise levels by 5 dBA.

- **Noise impacts from increased daily traffic:** For all affected noise sensitive uses, noise that would be generated by an increase in daily traffic volumes caused by the project would be significant if it would cause the overall exterior noise level to exceed the "normally acceptable" noise standard compatible with exterior land uses (i.e., 60 dBA L_{dn}/CNEL at outdoor activity areas), exceed the interior noise standard (i.e., 45 dBA L_{dn}/CNEL in any inhabitable room), or would result in an increase of ambient noise levels by 5 dBA.

- **Exposure of sensitive receptors to, or generation of, excessive vibration levels:** Short- and long-term vibration impacts would be significant if project construction or operation would result in the exposure of sensitive receptors to, or would generate, vibration levels that exceed Caltrans' recommended standard of 0.2 in/sec PPV regarding the prevention of structural damage for normal buildings or the FTA's maximum acceptable vibration standard of 80 VdB regarding human response for residential uses (i.e., annoyance) at any nearby existing sensitive land uses.

- **Temporary, short-term noise impacts from construction:** Temporary, short-term noise impacts caused by construction would be significant if construction-generated noise levels exceed the Stanislaus County Municipal Code Specific Noise Source Standards Subsection E (Section 10.46.060, "Construction Equipment") and the City of Modesto Code Ordinances (Section 4-9.103, "Enumeration"). Project-related construction noise at exterior uses of residential properties (buildings) in the project vicinity would be considered significant if it would exceed 75 dBA during weekday daytime hours of 7 p.m. to 7 a.m..

Generally, a project may have a significant effect on the environment if it would substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been implemented. These standards state that a noise impact would be significant if it would generate noise that would conflict with local planning criteria or ordinances or substantially increase noise levels at noise-sensitive land uses.

For the proposed project, the significance of anticipated noise effects is based on a comparison between predicted noise levels and noise criteria defined by Stanislaus County (Site A) or the City of Modesto (Site B). For this project, noise impacts would be significant if existing or proposed noise-sensitive land uses would be exposed to noise levels in excess of the *County of Stanislaus General Plan* Noise Element, Stanislaus County Municipal Code standards, *City of Modesto General Plan* Noise Element, or City of Modesto Noise Ordinance standards as

described above (see "Regulatory Setting"), or if implementing the proposed project would result in increasing ambient noise levels at noise sensitive land uses in excess of those described above.

4.4 IMPACTS AND MITIGATION DISCUSSION

4.4.1 OPERATIONAL NOISE

Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Long-term operation of the proposed project would result in the operation of new noise-generating stationary equipment. The proposed project would include the long-term operation of water well and pump, a stand-by generator, and a booster pump station. Pumping will vary throughout the year depending upon need, based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as two hours per day in the winter. Pumping is expected to occur for an annual average of eight hours per day.

4.4.2 SITE A: LADD ROAD

Site A, located on Ladd Road, would encompass approximately four acres. The project facilities at Site A would consist of an above ground water storage tank, water well and pump, a stand-by generator, and a booster pump station. The pump station building will house the production well, booster pumps, disinfection equipment, ancillary valves and flow meters, and electrical equipment. The masonry block building will include three separate rooms: a pump station room, an electrical room, and calcium hypochlorite room.

The building would have various sound attenuation features including wall panels, fans, and louvers to reduce noise related to removing heat generated within the pump and electrical rooms. Metal wall panels would achieve a noise reduction coefficient of approximately 0.90. The pump station building would be ventilated by one side-wall mounted exhaust fan with a capacity of 4,500 cubic feet per minute. Exhaust fans would have the lowest possible exhaust fan noise measurement unit. Ducting in the building would be designed to minimize noise. The intake and exhaust pump station louvers would be sized to minimize air flow noise.

Production well pumping will vary throughout the year depending upon need, based upon system pressure or tank level, ranging from as much as 20 hours per day during the summer months to as few as two hours per day in the winter. Pumping is expected to occur for an annual average of eight hours per day. The proposed project includes up to four 60- hp) electric pumps. Two pumps would be on-duty, one is for standby, and the fourth pump is for future buildout. The well and booster pumps would be housed inside the pump station building.

A standby diesel generator and an above-ground diesel storage tank would be installed on a 10 foot by 20 foot concrete pad within the project site. The standby generator would be used as an alternate power source to the proposed project facilities. The generator would be equipped with critical grade mufflers for the exhaust system and level 2 sound housing in order to achieve an approximate sound level of 75 dB within 30 feet of the unit.

Based on the proposed site plan for Site A, operational noise would be reduced through site design, specifically building materials, surface treatments and acoustically designed louvers, to achieve and not exceed the City's noise thresholds. Project related operation noise at Site A would be considered exempt from Stanislaus County noise regulations because the project is a public utility. However, with the incorporated site design features

operational noise would comply with the County's Municipal Code and the City's Code of Ordinances noise standards[2]. Thus, the project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. As a result, project generated operational noise levels for Site A would be **less than significant**.

4.4.3 SITE B: MCHENRY AVENUE

Site B would encompass approximately 0.4 acres. The facilities at this site would consist of a production well and pump, stand-by generator, disinfection facilities, connecting lines to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and treatment filters. These facilities would be fully enclosed by a 12-foot tall concrete block wall with a 24-foot wide gate; there would be no roof over these facilities. Equipment at the site would consist of an above ground pump motor, engine generator, controls, chlorinator, and associated plumbing and equipment.

The production well and pump, stand-by generator are the two main sources of noise associated with the well. The analysis assumed an above-ground pump. Noise levels were measured at an existing well site where similar equipment to the proposed Del Rio well would be installed.[3] Well 62 at Freedom Park uses a Goulds (ITT Corporation) pump with a 200 HP Emerson motor and a 300kW standby diesel generator inside a Quiet Site Level II enclosure by Cummins. The Cummins generator measured 71 dBA at a distance of 23 feet diagonally from the air intake of the unit. The pump measured 72 dBA at a distance of 18 feet from the motor (70 dBA at 23 feet), with a sound spectrum in the higher frequencies. The generator dominated the existing background noise levels, while the pump-only operational noise was much less noticeable, raising noise levels 1 dBA. Subjectively, pump "whine" noise was barely audible over background noise levels.[4]

Based on the proposed site plan for Site B, the nearest adjacent residential property,117 Stewart Road, is approximately 30 feet west of the proposed location of the pump motor. The topography of the site is such that the pump, generator, and 12-foot-tall block wall would be at a ground level, 7 feet below the grade of the house pad for the residence to the west. It was assumed that the ground level on the residential property is 7 feet above the pump grade at a distance of approximately 20 feet from the property line. Noise levels are predicted to reach 48 dBA within the residential backyard of 117 Stewart Road based on the 200HP well pump data described above, and in consideration of the proposed 12-foot tall wall around the well facility. Noise levels are expected to drop down to 39 dBA at the nearest facade of the existing residence. Using an identical generator set and enclosure (300kW standby diesel generator inside a Quiet Site Level II enclosure by Cummins), unmitigated sound levels are expected to reach 58 dBA within the adjacent residential property at Site B.

These noise sources could be considered exempt from Stanislaus County noise regulations because the project is a public utility. However, local noise regulations were evaluated to determine the significance of potential noise impacts.

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2 City of Modesto, Del Rio Well Replacement, Well #315, Noise Impact Assessment; prepared by Acoustical Engineering Consultants (AEC) July 13, 2012

3 City of Modesto, Del Rio Well Replacement, Well #315, Noise Impact Assessment; prepared by Acoustical Engineering Consultants (AEC) July 13, 2012

4 City of Modesto, Del Rio Well Replacement, Well #315, Noise Impact Assessment; prepared by Acoustical Engineering Consultants (AEC) July 13, 2012

The pump operating during nighttime hours is expected to exceed the County's noise standard of 45 dBA. Daytime operation of the pump is predicted to be less than the County's 50 to 55 dBA noise standard. Subjectively, the pump would be barely audible over background sources during daytime hours with the source becoming more audible as background levels drop during nighttime hours. Routine testing of the generator set would occur one to two times per month. During these tests, sound levels would technically exceed the local noise regulations. The generator is exempt from noise regulations when providing emergency power to the pump station and during short term testing periods.

Operational noise associated with the proposed project is predicted to dominate the existing noise environment when background levels are low (nighttime) at the adjacent receptor to the west of the project site. Operational activities could be considered exempt from noise standards when operating as a public utility or for emergency purposes. However, there is the potential for perceived noise impacts at 117 Stewart Road residence west of the proposed project site. Thus, the project would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. As a result, project generated operational noise levels for Site B would be **less than significant with mitigation incorporated**.

Mitigation Measures for Site B:

- Project specifications should include generator sound level limits similar to those used for the Freedom well site (i.e., 73 dBA at 23 feet).
- Noise control for the generator set will include a sound attenuated enclosure and the equipment yard sound wall. No additional sound reduction is recommended for the generator set.

  Equipment Yard Sound Wall Details

  - Construct a sound wall around the equipment within the yard.
  - The wall shall weigh a minimum of 4 lbs/sq.ft. Painted and sealed concrete block easily meets the weight requirement.
  - The sound wall must be continuous along its length and width with no gaps in the construction, including at the ground. Slope the equipment yard pad such that weeping holes are only needed on the north and east sides of the structure.
  - The wall height on the west and western half of the south sides shall be increased to a minimum of 13 feet above grade.

  Generator Set Sound Enclosure Details

  - Install a modular sound wall with an optional removable roof adjacent to the pump.
  - Install a sound absorptive modular barrier system along the west edge of the pump base to a height of at least 10 feet above grade. The barrier system would wrap around the north and south sides of the pump to create a three-walled system with integrated sound absorption. In general, acoustical barriers perform best when close to the noise source. Acceptable products include the following or an approved equal: Kinetics Noiseblock

Barrier Panel System, Noise Barriers LLC QuietLine Barrier Walls, Sound Fighter Systems LSE.

- Include an insulated sheet metal shroud
- Construct a sheet metal shroud to block the line of sight to the motor ventilation openings.
- Construction materials would likely include exterior grade sheet metal used for HVAC ducts and acoustical duct liner. Additional details and requirements would be developed if this option is used.
- Care must be taken to retain adequate ventilation for the pump motor.
- Optional: For additional noise reduction, install a removable solid roof system over the top of the pump motor. The removable roof must weigh a minimum of 3 lbs/sq.ft. and have no holes or gaps on the exterior surface. Neoprene gaskets should be used to provide a seal against the supporting walls.

- Routine testing should be performed during daytime hours, between 10 am and 5 pm, when background sound levels are highest to minimize potential noise impacts.

Additional noise reduction to meet the County's nighttime noise threshold of 45 dBA is possible for the pump through a variety of options:

- A submersible pump would place the motor under water and virtually eliminate the sound source.
- Reducing sound levels for the proposed above-ground pump motor can be accomplished by increasing the height of the equipment yard sound wall above 12 feet. Based on the analysis, increasing the equipment yard wall height to 13 feet would result in an additional 2 dBA of attenuation and a predicted sound level of 45 dBA. A 14-foot-tall wall could reduce sound levels by an additional 1 dBA.
- Sound levels could be reduced by constructing a barrier adjacent to the motor with an optional removable roof barrier directly over the motor. Placing a secondary barrier directly adjacent to the pump motor on the west side with an optional removable roof structure would be much more effective. The detachable roof would still provide access to the motor for servicing and removal.
- Another option for pump noise control would be to construct an insulated sheet metal shroud around the motor and shaft while still allowing the required air circulation through the motor. Sound radiates primarily from the motor openings and at the base of the motor where the shaft is visible. The shroud would divert sound energy from these openings through a path lined with sound absorbing material. Care must be taken using this method to ensure adequate ventilation is provided and motor warranties are not voided.

The proposed project, with the implementation of the above mitigation measures, would ensure that operational associated with the proposed project would comply with the County's Municipal Code and the City's Code of Ordinances noise standards.

4.4.4 CONSTRUCTION AND OPERATION GENERATED TRAFFIC

Would the project result in a substantial permanent increase in ambient traffic noise levels in the project vicinity above levels existing without the project?

Implementation of the proposed project would result in an increase of traffic volumes due to the addition of construction-generated traffic and long term operation. Construction-generated traffic on the local roadway network was analyzed based on the two material supply scenarios presented in the traffic section. As such, all materials would be transported over designated haul routes on the local roadway network, thus increasing traffic volumes along affected roadway segments. Long term operation related traffic volume increases would be considerably less than construction related traffic volume increases.

To examine the effect of project-generated traffic increases, traffic noise levels associated with the proposed project were calculated for roadway segments in the project study area using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise levels were modeled under existing conditions, with and without implementation of the proposed project's construction traffic and operational traffic. Average Daily Traffic (ADT) volumes and the distribution thereof were obtained from the traffic counts in Google Earth. Vehicle speeds and truck volumes on local area roadways were determined based on field observations and vehicle counts conducted. Table 4-4 summarizes the modeled traffic noise levels at 100 feet from the centerline of affected roadway segments. Additional input data included day/night percentages of autos, medium and heavy trucks, vehicle speeds, ground attenuation factors, and roadway widths. Refer to Appendix B for complete modeling inputs and results.

Table 4-4. Predicted Traffic Noise Levels Conditions

Roadway	Segment		Ldn at 100 Feet, dBA					
	From	To	No Project	Plus Construction	Net Change	Plus Project	Net Change	Significant Impact?
Ladd Road	Tully Road	Saint John Road	67	68	1	68	1	No
	Saint John Road	McHenry Avenue	66	67	1	67	1	No
McHenry Road	Ladd Road	Stewart Road	67	67	1	67	1	No
	Stewart Road	Hogue Road	67	67	1	67	1	No
Stewart Road	McHenry Avenue	Del Cielo Way	56	58	2	58	2	No

Notes: dB = A-weighted decibels; L_{dn} = day-night average noise level; U.S. 50 = U.S. Highway 50.
Traffic noise levels are predicted at a standard distance of 100 feet from the roadway centerline and do not account for shielding from existing noise barriers or intervening structures. Traffic noise levels may vary depending on actual setback distances and localized shielding.
Source: Data modeled by AECOM in 2015, using Average Daily Traffic (ADT) Volumes in Google Earth.

The modeling conducted shows that implementing the proposed project would not result in substantial traffic noise level increases compared to noise levels without the project. Based on volume, trip generation and distribution data, future traffic noise levels with and without the project, project generated traffic noise increases

would range from less than +0 dBA to +2 dBA L_{dn}, as shown in Table 4-4. A project-related noise level increase of +5 dBA or greater would be significant where ambient noise levels are less than 60 dBA L_{dn}/CNEL; +3 dBA where ambient noise levels exceed 60 dBA L_{dn}/CNEL. Thus, short- and long-term noise levels from project-generated traffic source increases would not result in a substantial permanent increase in ambient noise levels (+3 dBA or greater) or exceed applicable transportation noise standards at sensitive receptors. As a result, project generated construction traffic noise levels would be **less-than-significant**. No mitigation is required.

4.4.5 CONSTRUCTION VIBRATION

Would the project exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels

Construction vibration would occur during construction of the proposed project during equipment operation on the project site and during the transport of construction equipment and materials to and from the site. New development should minimize vibration impacts to adjacent uses during demolition and construction based on Caltrans vibration standards. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. A vibration level of 85 VdB will be used to evaluate human response to groundborne vibration levels, as shown in Table 4-3 above. Table 4-5 shows the results of the construction vibration related to the proposed project.

Table 4-5. Project Construction Vibration Levels at Closest Sensitive Receptors

Receiver	Location	Shortest Distance (ft) Between Noise-Sensitive Uses and Proposed Construction Areas	Project, Vibration Levels	
			PPV[1]	VdB[2]
LT-01	Front Yard of 816 Ladd Road	130	0.008	66
LT-02	By the Pool in Backyard of 117 Stewart Road	50	0.031	78
ST-01	Backyard of 706 Ladd Road	100	0.011	69
ST-02	Behind 625 Ladd Road	500	0.001	48
ST-03	7008 Hartley Court (Vacant Land)	100	0.011	69
ST-04	Front Yard of 201 Stewart Road	300	0.002	55

Notes:
[1] Where PPV is the peak particle velocity.
[2] Where Lv is the velocity level in decibels and based on the root mean square velocity amplitude.
Source: FTA 2006

Operation of heavy duty construction equipment would produce ground borne vibrations measuring approximately 87 VdB (0.089 in/sec PPV) at a distance of 25 feet (FTA 2006; Caltrans 2004). The distance between proposed construction activities and the closest acoustically sensitive uses would be approximately 50 feet (Table 4-5). Assuming a standard reduction of 9 VdB per doubling of distance (FTA 2006), the project-related construction vibration level at the nearest receivers would be approximately 78 VdB (0.03 in/sec PPV). This level of vibration is well below the Caltran's vibration standards of 0.08 in/sec PPV residential buildings. Thus, the project would not expose persons to, or generation of, excessive groundborne vibration or groundborne noise levels. As a result, project generated vibration levels would be **less than significant**.

4.4.6 CONSTRUCTION NOISE

Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;

Construction and maintenance activities for the proposed project would generate short-term, temporary, and intermittent noise at adjacent noise-sensitive receptors. Noise levels generated during construction and maintenance would fluctuate depending on the particular type, number, and duration of use of various pieces of equipment. Noise from construction and maintenance activities is typically considered point-source noise. Noise levels drop off at a rate of 6 dBA per doubling of distance over hard site surfaces such as streets and parking lots, and approximately 7.5 dBA per doubling of distance over soft site surfaces such as grass fields and open terrain with vegetation (FTA 2006).

Equipment required for construction and maintenance activities for the proposed project would likely consist of a paver, backhoe, bulldozer, tractor, well drilling equipment, and various trucks. The maximum noise levels produced by one of these types of equipment, at a distance of 50 feet and without noise controls, could range from 80 to 85 dBA L_{max} (Table 4-6). Noise levels vary for individual pieces of equipment because equipment comes in different sizes and with different engines. Noise levels also vary as a function of the activity level or duty cycle. Typical construction projects, with equipment moving from one point to another, including work breaks and idle time, have long-term noise averages that are lower than many short-term noise events. In addition, because of the dynamic nature of a construction site, noise levels are calculated from the center of the activity. Using these parameters, project-related construction noise was estimated using the Federal Highway Administration (FHWA) Roadway Construction Noise Model (FHWA 2006), including simultaneous operation of multiple pieces of equipment, were modeled with the results shown in Table 4-6 (Appendix B).

Construction equipment noise levels at 50 feet would as high as 87 dBA L_{eq} during the varying construction phase activities (Table 4-6). Assuming the standard spherical spreading loss (-6 dB per doubling of distance) and the highest unmitigated construction noise level of 87 dBA L_{eq} at 50 feet, the project construction noise levels are estimated to range between 67 and 87 dBA L_{eq} at the nearest noise-sensitive uses to the proposed project, as shown in Table 4-7. These results represent the worst-case, conservative noise exposure because they do not consider noise attenuation associated with intervening structures and atmospheric absorption. Therefore, actual construction equipment noise levels at the nearest residences could be lower. Construction activities are not expected to occur on weekends or legal holidays, nor would nighttime work be conducted.

Table 14 shows the resulting predicted interior noise levels at the closest noise sensitive receptor could be as high as 62 dBA at residential uses to the west of the proposed project site, specifically the residence at 117 Stewart Road. The Stanislaus County Municipal Code Specific Noise Source Standards Subsection E (Section 10.46.060, "Construction Equipment") and the City of Modesto Code Ordinances (Section 4-9.103, "Enumeration") were used for this analysis. Project-related construction noise at exterior uses of residential properties (buildings) in the project vicinity would be considered significant if it would exceed 75 dBA during weekday daytime hours of 7 p.m. to 7 a.m. These are the most restrictive criteria established by the County and City and provide the most conservative assessment of construction noise impacts at existing noise-sensitive uses in the project vicinity.

Table 4-6.	Construction Phases, Equipment, Anticipated Duration of Use, and Calculated Noise Levels		
Phase	Anticipated Number and Type of Equipment that May Be Utilized by the Contractor	Noise Level at 50 Feet	
		L_{max}, dBA	L_{eq}, dBA
Site Preparation Phase	Excavator	85	81
	Dump Truck	84	80
	Dozer	85	81
Maximum and Combined Noise Level		**85**	**87**
Well Drilling	Drill Rig Truck	84	77
	Jack Hammer	85	78
	Generator	82	79
Maximum and Combined Noise Level		85	86
Pipeline	Excavator	85	81
	Crane	85	77
	Dozer	85	81
Maximum and Combined Noise Level		85	87
Site Restoration	Paver	85	82
	Concrete Mix Truck	85	81
	Man Lift	85	78
Maximum and Combined Noise Level		85	87

Notes: dB = decibels; L_{eq} = equivalent sound level (the sound energy averaged over a continuous 15-minute to 1-hour period); Lmax = maximum instantaneous sound level
Source: Data compiled by AECOM in 2015

Table 4-7.	Construction Equipment Noise Levels at the Nearest Noise-Sensitive Uses in the Project Area					
Receiver	Location	Shortest Distance (feet) between Noise-Sensitive Uses and Proposed Construction Area	Noise Level, dBA L_{eq}			
			Exterior		Interior	
			Ambient Noise	Project Construction Noise	Project Noise, Doors/Windows Open[1]	Project Noise, Doors/Windows Closed[2]
LT-01	Front Yard of 816 Ladd Road	130	50	79	64	54
LT-02	By the Pool in Backyard of 117 Stewart Road	50	57	87	72	62
ST-01	Backyard of 706 Ladd Road	100	61	81	66	56
ST-02	Behind 625 Ladd Road	500	68	67	52	42
ST-03	7008 Hartley Court (Vacant Land)	100	60	81	66	56
ST-04	Front Yard of 201 Stewart Road	300	62	72	57	47

Table 4-7. Construction Equipment Noise Levels at the Nearest Noise-Sensitive Uses in the Project Area						
Receiver	Location	Shortest Distance (feet) between Noise-Sensitive Uses and Proposed Construction Area	Noise Level, dBA L_{eq}			
			Exterior		Interior	
			Ambient Noise	Project Construction Noise	Project Noise, Doors/Windows Open[1]	Project Noise, Doors/Windows Closed[2]

Notes: dBA = A-weighted decibels; L_{eq} = equivalent sound level (the sound energy averaged over a continuous 15-minute to 1-hour period); NA = Not Applicable.

[1] 15 dB reduction for doors/windows open (EPA 1974)

[2] 25 dB reduction for doors/windows closed (EPA 1974)

* Conservatively assumed 50 feet from the proposed construction activities.

Source: Data compiled by AECOM in 2015

Construction noise associated with the proposed project is predicted to dominate to the existing noise environment at adjacent receptors during all construction phases. Construction activities would be exempt from noise standards when operating during allowable daytime hours outlined above. However, there is the potential for perceived noise impacts at the residential uses adjacent to the proposed project due to projected related construction noise. As a result, temporary, short term project generated construction noise would be considered **less than significant with mitigation incorporated.**

The City shall ensure the following mitigation measures are implemented prior to and throughout the duration of project construction:

- At least two weeks prior to the start of construction, provide written notification to the potentially affected property owners and residents within 500 feet of the project site, identifying the type, duration, and frequency of construction activities to residences directly exposed to the project noise. Notification of heavy construction activities shall include anticipated dates and hours during which construction activities are anticipated to occur. Notification materials shall also identify a mechanism for residents to register complaints with the City through contact information, including a daytime telephone number, for the project representative to be contacted in the event that construction noise levels are deemed excessive, overly intrusive or construction occurs outside the permitted hours. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall be included in the notification.
- Prohibit the start-up of machines or equipment before 7 a.m. and after 7 p.m. Monday through Saturday and before 9 a.m. and after 5 p.m.
- Prohibit use of materials and equipment deliveries before 7 a.m. and after 7 p.m., Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday.
- Restrict the use of bells, whistles, alarms, and horns to safety-warning purposes.
- Equip all construction equipment with noise-reduction devices such as mufflers to minimize construction noise and operate all internal combustion engines with exhaust and intake silencers.
- To the extent feasible, the simultaneous operation of multiple construction equipment shall be limited.

- Locate fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas, and construction vehicle routes as far as feasible from noise-sensitive receptors.
- Use noise-reducing enclosures around stationary noise generating equipment.
- Install temporary barrier between noise sources and noise sensitive receptors, or the use of intervening structures (i.e.; on-site construction trailer, stockpiles).
- Designate a disturbance coordinator and conspicuously post this person's number around the project sites, in adjacent public spaces, and in construction notifications. The disturbance coordinator shall be responsible for responding to any complaints about construction activities. The disturbance coordinator shall receive all public complaints about construction disturbances and be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem.

The proposed project, with the implementation of the above mitigation measures, would ensure that construction activities associated with the proposed project would comply with the County's Municipal Code and the City's Code of Ordinances noise standards.

4.4.7 CUMULATIVE NOISE IMPACTS

Project implementation would result in significant noise impacts associated with construction activities and noise generated by on-site stationary equipment. Noise impacts from construction activities and on-site stationary sources would be reduced to less-than-significant levels with implementation of Mitigation Measures for Site B relative to stationary-source noise and mitigation for construction activities, thus complying with the City's and County's maximum allowable noise standards.

Noise is a localized occurrence and attenuates rapidly with distance. Therefore, only future cumulative development projects in the direct vicinity of the project site would have the potential to add to anticipated project-generated stationary-source noise, thus resulting in cumulative noise impacts.

Stationary-source noise associated with the Del Rio Well project and the related projects could potentially result in exceedance of the City's noise regulations at sensitive receptors. The noise from any stationary noise sources associated with the related projects would be controlled at the source (by means of noise walls, enclosures, louvers and site planning), but there is no guarantee that all the relatable projects would include such noise controls as part of their proposals. Therefore, significant cumulative noise impacts associated with stationary noise sources could occur. As mentioned above, implementation of Mitigation Measures for Site B would reduce project-generated stationary-source noise impacts to a less-than-significant level; thus, project implementation would not result in a cumulatively considerable incremental contribution to significant cumulative stationary-source noise impacts.

The City's noise regulations limit construction activities to daytime hours. There are no other planned construction projects anticipated in the area of the Del Rio Well project. Therefore, significant cumulative noise impacts associated with construction activities would not occur. Implementation of Mitigation Measures for construction activities would reduce project-related construction-noise impacts to a less-than-significant level. Coupled with the fact that noise diminishes with distance, project construction would not result in a cumulatively considerable incremental contribution to any significant cumulative noise impacts.

Construction noise and stationary-source noise can be controlled on-site at the point of origin; however, traffic noise may extend beyond a project site along existing and proposed off-site and on-site roadways, resulting in significant traffic noise impacts on sensitive uses along these roadways. Because full buildout of the Del Rio Well project would not result in a perceptible increase in traffic noise on project area roadways, the project would not incrementally contribute to a cumulative impact. Thus, the traffic noise impacts from Del Rio Well project are considered cumulatively less than significant.

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APPENDIX A

Fundamentals of Acoustics and Environmental Noise

Appendix A

1. Fundamentals of Acoustics and Environmental Noise

1.1 Sound, Noise, and Acoustics

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air). Noise is generally defined as unwanted sound (i.e., loud, unexpected, or annoying sound). Acoustics is defined as the physics of sound. In acoustics, the fundamental scientific model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions or atmospheric factors affecting the propagation path to the receiver determines the sound level and characteristics of the noise perceived by the receiver. Acoustics addresses primarily the propagation and control of sound.

1.2 Frequency

The number of sound pressure peaks travelling past a given point in a single second is referred to as the frequency, expressed in cycles per second or Hertz (Hz). A given sound may consist of energy at a single frequency (pure tone) or in many frequencies over a broad frequency range (or band). Human hearing is generally affected by sound frequencies between 20 Hz and 20,000 Hz. (20 kHz).

Sound having a high concentration of energy in a relatively narrow frequency band may be considered "tonal" in character. Sources of noise that may tonal noise include fans, motors, transformers, and compressors. These sources generally have moving parts that rotate, oscillate, or vibrate at a given speed, producing a distinct tonal noise output directly related to that speed.

1.3 Amplitude

The amplitude of pressure waves generated by a sound source determines the perceived loudness of that source. Sound pressure amplitude is measured in micro-Pascals (μPa). One μPa is approximately one hundred billionths (0.00000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 μPa to 100,000,000 μPa. Because of this huge range of values, sound is rarely expressed in terms of pressure. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of decibels (dB). The threshold of human hearing (near total silence) is approximately 0 dB which corresponds to 20 μPa.

1.4 Addition of Decibels

Because decibels are logarithmic units, SPL cannot be added or subtracted through ordinary arithmetic means. Under the decibel scale, a doubling of sound energy corresponds to a 3 dB increase. In other words, when two sources are each producing sound of the same loudness, the resulting sound level at a given distance would be approximately 3 dB higher than one of the sources under the same conditions. For example, if one automobile produces an SPL of 70 dB when it passes an observer, two cars passing simultaneously would not produce 140 dB –

rather they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level of approximately 5 dB louder than one source, and ten sources of equal loudness together produce a sound level of approximately 10 dB louder than the single source.

1.5 A-Weighted Decibels

Figure A illustrates sound levels associated with common sound sources. The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental sound levels, perception of loudness is relatively predictable, and can be approximated by frequency filtering using the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. For this reason, the A-weighted sound level has become the standard descriptor for environmental noise assessment. All noise levels reported in this report are A-weighted.

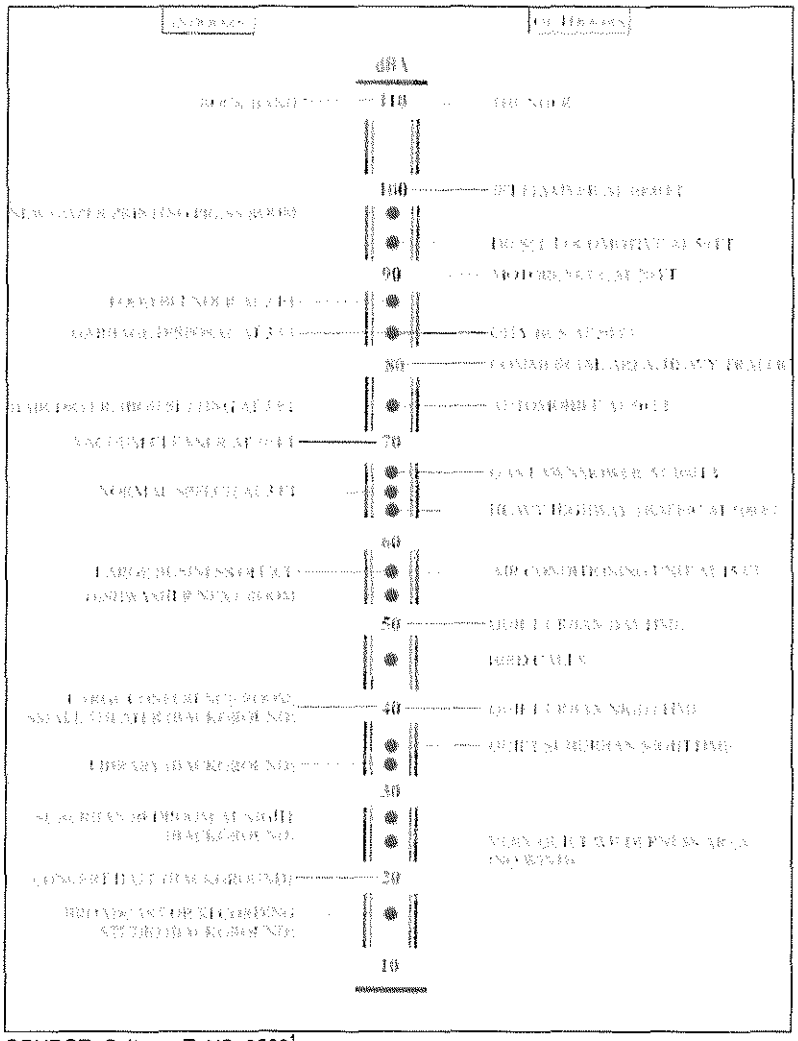
1.6 Human Response to Changes in Noise Levels

As discussed above, doubling sound energy results in a 3 dB increase in sound level. However, given a sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different than what is measured.

Under controlled conditions in a laboratory setting, the trained, healthy human ear is able to discern 1 dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency range (1,000 Hz–8,000 Hz). In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible. However, it is widely accepted that people are able to begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5 dB increase is generally perceived as a distinctly noticeable increase, and a 10 dB increase is generally perceived as a doubling of loudness. Therefore, a doubling of sound energy that would result in a 3 dB increase in sound pressure level would generally be perceived as barely detectable. Please refer to Table A.

1.7 Noise Sensitive Land Uses

Noise-sensitive land uses are generally defined as locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Noise-sensitive land uses typically include residences, hospitals, schools, transient lodging, libraries, and certain types of recreational uses. Noise-sensitive, residential receivers are found throughout the study area.



SOURCE: Caltrans TeNS, 2009[1]

Figure A
Decibel Scale and Common Noise Sources

Table A
Approximate Relationship Between Increases in Environmental Noise Level and Human Perception

Noise Level Increase, dB	Human Perception (Typical)
up to about 3	not perceptible
about 3	barely perceptible
about 5	distinctly noticeable
about 10	twice as loud
about 20	four times as loud

SOURCE: Egan, 1988[2]

[1] *ICF Jones & Stokes, Caltrans Technical Noise Supplement (TeNS), November 2009.*

1.8 Noise Descriptors

Noise in our daily environments fluctuates over time. Some fluctuations are minor, but some are substantial. Some noise levels occur in regular patterns, but others are random. Some noise levels fluctuate rapidly, but others slowly. Some noise levels vary widely, but others are relatively constant. Various noise descriptors have been developed to describe time-varying noise levels. The following are the noise descriptors most commonly used in environmental noise analysis, and may be applicable to this study:

- **Equivalent Sound Level (L_{eq}):** The L_{eq} represents an average of the sound energy occurring over a specified time period. In effect, the L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound that actually occurs during the same period. The 1-hour, A-weighted equivalent sound level ($L_{eq}[h]$) is the energy average of A-weighted sound levels occurring during a 1-hour period, and is the basis for noise abatement criteria (NAC) used by Caltrans and the FHWA.

- **Percentile-Exceeded Sound Level (L_n):** The L_n represents the sound level exceeded "n" percentage of a specified period (e.g., L_{10} is the sound level exceeded 10 percent of the time, and L_{90} is the sound level exceeded 90 percent of the time).

- **Maximum Sound Level (L_{max}):** The L_{max} is the highest instantaneous sound level measured during a specified period.

- **Day-Night Average Sound Level (L_{dn}):** The L_{dn} is the energy-average of A-weighted sound levels occurring over a 24-hour period, with a 10 dB penalty applied to A-weighted sound levels occurring during nighttime hours (10 p.m.-7 a.m.). The L_{dn} is often noted as the DNL.

- **Community Noise Equivalent Level (CNEL):** Similar to L_{dn}, CNEL is the energy-average of the A-weighted sound levels occurring over a 24-hour period, with a 10 dB penalty applied to A-weighted sound levels occurring during the nighttime hours (10 p.m.-7 a.m.), and a 5 dB penalty applied to the A-weighted sound levels occurring during evening hours (7 p.m.-10 p.m.). The CNEL is usually within 1 dB of the L_{dn}, and for all intents and purposes, the two are interchangeable. As it is easier to compute and of more common use, the L_{dn} is used as the long-term noise measure in this study.

1.9 Sound Propagation/Geometric Spreading

Sound from a localized source (i.e., point source) propagates uniformly outward in a spherical pattern; therefore, this type of propagation is called *spherical spreading*. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point/stationary source as its energy is continuously spread out over a spherical surface (see Figure B).

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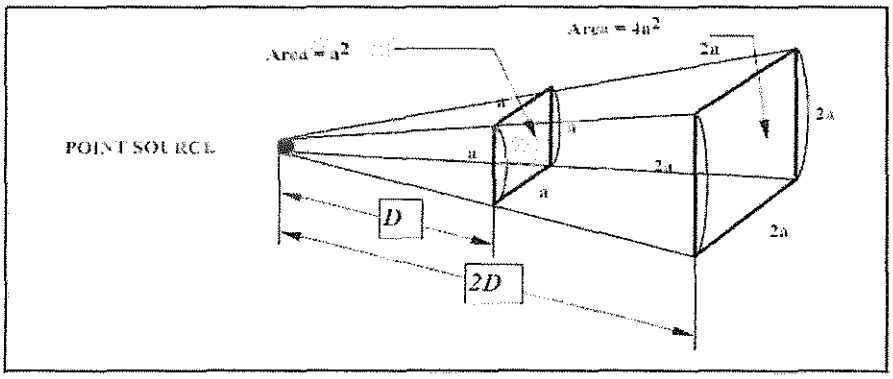
[2] *Egan, Architectural Acoustics, 1988, Page 21.*



SOURCE: Caltrans TeNS, 2009

Figure B
Point Source Spreading with Distance

APPENDIX B

Continuous Measured Hourly Noise Levels, and Noise Level Calculations

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Wednesday, September 23, 2015** **Thursday, September 24, 2015**

Site: Front Yard of 816 Ladd Road

Hour	Leq	Lmax	L50	L90
19:00	53.6	68.5	52.2	49.3
20:00	51.8	63.7	50.9	48.1
21:00	50.7	61.5	50.0	47.4
22:00	48.2	60.6	46.5	43.5
23:00	46.8	61.9	44.5	42.7
0:00	45.2	57.0	43.6	42.4
1:00	45.2	58.4	43.4	42.3
2:00	46.1	58.5	43.8	42.5
3:00	48.3	64.2	45.4	43.1
4:00	50.0	63.2	48.0	44.5
5:00	50.3	62.5	49.5	46.4
6:00	52.5	58.9	52.0	48.9
7:00	54.3	62.3	53.7	51.7
8:00	51.2	64.8	50.8	49.1
9:00	49.8	66.1	49.0	46.6
10:00	48.5	60.8	47.5	45.5
11:00	50.1	59.9	48.7	46.6
12:00	48.1	60.4	47.5	45.0
13:00	48.8	63.7	47.7	46.0
14:00	49.4	60.8	48.7	46.5
15:00	49.7	57.5	49.3	47.2
16:00	50.2	68.8	49.3	47.1
17:00	51.1	64.6	50.4	48.2
18:00	53.1	68.6	51.8	48.9

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	51.1	63.5	49.8	47.5
Nighttime (10 p.m. - 7 a.m.)	48.7	60.6	46.3	44.0

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	54.3	68.8	53.7	51.7
Nighttime (10 p.m. - 7 a.m.)	52.5	64.2	52.0	48.9

Percentage of Energy

Daytime	74%
Nighttime	26%

Calculated L_{dn}, dBA

55.6

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Thursday, September 24, 2015** **Friday, September 25, 2015**

Site: Front Yard of 816 Ladd Road

Hour	Leq	Lmax	L50	L90
19:00	52.2	67.2	51.0	47.1
20:00	52.6	71.9	50.5	46.2
21:00	50.4	66.3	49.0	45.2
22:00	49.6	61.5	48.2	45.2
23:00	49.1	64.9	47.1	45.1
0:00	47.1	58.7	45.4	43.4
1:00	46.3	61.0	44.8	43.5
2:00	47.9	59.5	47.0	45.0
3:00	49.7	64.9	47.5	44.8
4:00	50.0	63.0	48.5	45.2
5:00	52.2	63.9	50.5	46.4
6:00	54.3	64.0	53.3	49.5
7:00	55.0	63.0	54.5	51.6
8:00	51.4	61.9	50.9	48.1
9:00	49.6	65.9	47.6	45.6
10:00	47.5	60.1	46.7	45.0
11:00	48.1	62.1	47.1	44.7
12:00	48.2	61.3	46.9	44.5
13:00	53.0	67.9	48.3	45.2
14:00	52.4	70.4	49.0	45.9
15:00	48.8	60.6	48.2	45.8
16:00	49.7	62.6	48.9	46.5
17:00	49.9	62.6	49.3	47.0
18:00	51.3	63.7	50.4	47.8

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	51.2	64.5	49.2	46.4
Nighttime (10 p.m. - 7 a.m.)	50.3	62.4	48.0	45.3

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	55.0	71.9	54.5	51.6
Nighttime (10 p.m. - 7 a.m.)	54.3	64.9	53.3	49.5

Percentage of Energy

Daytime	67%
Nighttime	33%

Calculated L_{dn}, dBA

56.8

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Friday, September 25, 2015** **Saturday, September 26, 2015**

Site: Front Yard of 816 Ladd Road

Hour	Leq	Lmax	L50	L90
19:00	50.8	71.7	49.7	46.4
20:00	50.7	63.4	49.5	46.1
21:00	49.3	57.9	48.5	45.5
22:00	50.2	69.2	48.6	45.5
23:00	47.4	60.8	45.9	44.0
0:00	46.4	58.9	45.1	43.4
1:00	46.6	67.2	44.3	42.5
2:00	44.7	59.6	43.2	42.2
3:00	45.7	62.3	43.7	42.4
4:00	45.6	55.1	44.4	43.0
5:00	49.4	60.1	46.9	44.3
6:00	49.3	65.1	48.2	44.9
7:00	49.6	64.4	49.0	47.0
8:00	49.6	62.5	48.8	47.0
9:00	49.6	61.2	48.8	46.5
10:00	49.5	67.0	48.3	46.2
11:00	49.9	67.5	47.9	46.0
12:00	48.5	59.1	47.8	45.4
13:00	49.1	62.6	48.6	46.0
14:00	49.9	59.8	48.7	46.3
15:00	49.6	67.8	48.8	46.1
16:00	49.8	58.6	49.1	46.6
17:00	49.4	63.9	48.8	46.2
18:00	50.7	71.5	49.3	46.2

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	49.8	63.9	48.8	46.2
Nighttime (10 p.m. - 7 a.m.)	47.7	62.0	45.6	43.6

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	50.8	71.7	49.7	47.0
Nighttime (10 p.m. - 7 a.m.)	50.2	69.2	48.6	45.5

Percentage of Energy

Daytime	73%
Nighttime	27%

Calculated L_{dn}, dBA

54.4

Long-Term 24 Hour Continuous Noise Monitoring
Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Saturday, September 26, 2015** **Sunday, September 27, 2015**

Site: Front Yard of 816 Ladd Road

Hour	Leq	Lmax	L50	L90
19:00	59.3	76.7	49.1	46.1
20:00	51.3	72.3	47.4	44.6
21:00	49.5	64.4	48.0	45.3
22:00	48.8	61.9	47.5	44.4
23:00	49.0	62.8	47.4	43.8
0:00	47.9	66.1	45.1	42.5
1:00	47.9	66.0	44.3	42.3
2:00	46.2	61.2	42.9	42.1
3:00	44.9	59.1	42.7	41.5
4:00	46.1	59.8	44.0	42.2
5:00	46.8	55.6	45.4	42.8
6:00	47.4	59.1	45.8	43.1
7:00	49.2	58.4	48.0	45.2
8:00	48.3	64.6	46.7	44.6
9:00	48.3	62.2	46.5	44.3
10:00	46.6	56.2	45.8	43.5
11:00	47.1	67.4	45.4	43.3
12:00	47.6	66.6	45.9	43.6
13:00	46.1	61.1	45.5	43.4
14:00	46.2	61.6	45.0	43.2
15:00	54.3	73.9	46.4	44.2
16:00	51.8	71.3	47.0	44.7
17:00	47.9	62.0	47.0	44.7
18:00	50.7	67.5	49.1	45.6

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	51.5	65.7	46.9	44.4
Nighttime (10 p.m. - 7 a.m.)	47.4	61.3	45.0	42.7

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	59.3	76.7	49.1	46.1
Nighttime (10 p.m. - 7 a.m.)	49.0	66.1	47.5	44.4

Percentage of Energy

Daytime	81%
Nighttime	19%

Calculated L_{dn}, dBA

54.7

Long-Term 24 Hour Continuous Noise Monitoring
Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Sunday, September 27, 2015** **Monday, September 28, 2015**

Site: Front Yard of 816 Ladd Road

Hour	Leq	Lmax	L50	L90
19:00	51.2	63.1	49.8	47.2
20:00	52.2	68.7	50.4	46.7
21:00	49.9	61.7	48.3	45.3
22:00	48.2	59.5	46.4	43.0
23:00	46.2	60.2	44.2	42.4
0:00	44.1	53.0	43.1	42.2
1:00	44.5	57.8	43.6	42.4
2:00	45.4	58.1	43.8	42.7
3:00	47.2	60.4	44.4	42.8
4:00	50.9	70.9	46.9	43.8
5:00	51.6	61.5	50.1	45.8
6:00	51.9	62.9	51.1	48.2
7:00	52.8	61.0	52.5	50.4
8:00	51.4	63.1	50.7	49.1
9:00	49.8	62.0	49.1	47.2
10:00	49.0	60.1	48.1	46.3
11:00	48.1	62.8	47.1	45.0
12:00	49.4	65.6	47.7	45.4
13:00	46.8	58.3	46.4	44.3
14:00	47.7	62.3	46.4	44.3
15:00	48.3	69.1	46.9	44.7
16:00	48.7	66.4	46.8	44.9
17:00	49.6	60.9	48.3	46.3
18:00	51.5	63.7	50.1	47.3

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	50.1	63.3	48.6	46.3
Nighttime (10 p.m. - 7 a.m.)	48.7	60.5	46.0	43.7

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	52.8	69.1	52.5	50.4
Nighttime (10 p.m. - 7 a.m.)	51.9	70.9	51.1	48.2

Percentage of Energy

Daytime	70%
Nighttime	30%

Calculated L_{dn}, dBA

55.4

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Monday, September 28, 2015** **Tuesday, September 29, 2015**

Site: Front Yard of 816 Ladd Road

Hour	Leq	Lmax	L50	L90
19:00	51.6	62.4	50.4	46.7
20:00	48.1	62.7	47.1	44.6
21:00	47.6	63.2	46.6	44.1
22:00	45.9	63.4	45.0	43.5
23:00	45.2	55.3	44.4	43.1
0:00	45.2	59.1	43.1	42.2
1:00	43.5	54.0	42.7	41.9
2:00	43.5	57.5	42.8	42.1
3:00	44.4	53.6	43.4	42.2
4:00	45.9	57.7	44.7	43.0
5:00	48.3	58.3	47.2	44.2
6:00	50.7	67.2	49.7	46.8
7:00	51.4	61.9	50.8	48.4
8:00	50.3	63.5	49.7	47.5
9:00	49.4	61.8	48.6	46.4
10:00	49.4	66.1	48.2	45.7
11:00	48.5	65.1	47.3	45.2
12:00	49.1	65.5	47.2	44.6
13:00	48.9	63.8	47.3	45.0
14:00	49.3	62.7	47.7	45.6
15:00	48.9	62.8	48.1	45.9
16:00	48.9	65.7	47.7	45.4
17:00	49.7	63.2	48.9	46.9
18:00	53.3	72.6	50.4	47.7

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	49.9	64.2	48.4	46.0
Nighttime (10 p.m. - 7 a.m.)	46.5	58.5	44.8	43.2

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	53.3	72.6	50.8	48.4
Nighttime (10 p.m. - 7 a.m.)	50.7	67.2	49.7	46.8

Percentage of Energy

Daytime	78%
Nighttime	22%

Calculated L_{dn}, dBA

53.6

Long-Term 24 Hour Continuous Noise Monitoring
Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Tuesday, September 29, 2015** **Wednesday, September 30, 2015**

Site: Front Yard of 816 Ladd Road

Hour	Leq	Lmax	L50	L90
19:00	49.8	62.6	48.9	46.5
20:00	49.4	64.6	48.3	45.2
21:00	47.6	55.7	46.7	43.6
22:00	46.8	60.7	45.5	43.1
23:00	44.9	57.6	43.8	42.4
0:00	43.8	54.2	43.1	42.2
1:00	43.4	59.2	42.7	41.9
2:00	43.5	55.8	42.7	42.1
3:00	45.2	61.3	43.0	42.0
4:00	46.5	59.9	44.9	42.8
5:00	47.8	62.4	46.8	44.2
6:00	52.0	70.5	49.7	46.7
7:00	51.7	61.0	51.1	47.9
8:00	51.3	63.8	50.3	48.0
9:00	49.4	64.3	48.7	46.8
10:00	50.2	67.2	48.8	47.0
11:00	49.3	65.2	48.0	46.0
12:00	48.0	64.7	46.6	44.4
13:00	47.9	61.9	47.1	44.6
14:00	49.7	60.5	48.3	46.0
15:00	50.1	65.0	48.7	46.2
16:00	50.7	63.2	50.1	47.5
17:00	51.5	65.8	50.8	48.2
18:00	49.8	63.3	48.9	46.4

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	49.9	63.3	48.8	46.3
Nighttime (10 p.m. - 7 a.m.)	46.9	60.2	44.7	43.0

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	51.7	67.2	51.1	48.2
Nighttime (10 p.m. - 7 a.m.)	52.0	70.5	49.7	46.7

Percentage of Energy

Daytime	77%
Nighttime	23%

Calculated L_{dn}, dBA

53.9

Long-Term 24 Hour Continuous Noise Monitoring
Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Wednesday, September 23, 2015** **Thursday, September 24, 2015**

Site: By the Pool in Backyard of 117 Stewart Road

Hour	Leq	Lmax	L50	L90
18:00	58.7	67.5	57.9	53.8
19:00	58.0	69.6	57.0	52.6
20:00	57.4	72.2	56.3	50.0
21:00	55.6	72.9	54.3	48.6
22:00	54.3	68.4	52.0	44.2
23:00	53.7	69.5	48.2	39.5
0:00	50.4	63.2	42.8	38.6
1:00	52.3	68.0	41.8	38.4
2:00	50.9	67.5	39.8	38.3
3:00	52.7	69.2	42.5	38.5
4:00	57.8	68.1	56.2	45.9
5:00	58.2	68.8	56.8	51.1
6:00	58.8	70.1	57.9	53.7
7:00	59.1	69.8	58.4	54.6
8:00	59.3	74.7	57.3	52.8
9:00	57.2	67.8	56.0	49.8
10:00	56.1	70.8	54.4	48.1
11:00	55.7	69.7	54.0	47.2
12:00	56.4	69.4	54.6	48.2
13:00	56.4	67.1	55.1	49.1
14:00	56.9	69.6	55.6	50.2
15:00	58.2	69.3	57.3	52.7
16:00	58.4	70.2	57.6	53.2
17:00	58.2	69.8	57.4	52.7

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	57.6	70.0	56.2	50.9
Nighttime (10 p.m. - 7 a.m.)	55.4	68.1	48.7	43.1

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	59.3	74.7	58.4	54.6
Nighttime (10 p.m. - 7 a.m.)	58.8	70.1	57.9	53.7

Percentage of Energy

Daytime	73%
Nighttime	27%

Calculated L_{dn}, dBA

62.2

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Thursday, September 24, 2015** **Friday, September 25, 2015**

Site: By the Pool in Backyard of 117 Stewart Road

Hour	Leq	Lmax	L50	L90
18:00	58.2	70.6	57.4	52.7
19:00	58.7	75.6	57.9	52.3
20:00	57.7	67.1	56.7	49.5
21:00	56.2	67.7	54.8	47.4
22:00	56.9	78.5	52.1	42.1
23:00	54.8	67.6	50.6	40.5
0:00	52.0	67.8	44.0	39.5
1:00	50.1	64.3	42.5	39.3
2:00	50.7	66.9	40.2	38.7
3:00	53.3	68.7	45.5	39.5
4:00	57.8	67.4	56.0	46.8
5:00	58.9	72.1	58.3	52.3
6:00	59.6	72.5	58.9	54.4
7:00	59.4	67.6	58.6	54.7
8:00	57.8	69.0	56.8	51.6
9:00	56.8	67.3	55.3	49.6
10:00	56.6	66.9	55.2	50.0
11:00	57.0	72.7	55.5	49.6
12:00	60.5	77.0	57.1	51.5
13:00	57.4	70.8	55.8	50.4
14:00	57.4	70.5	56.1	50.3
15:00	57.3	68.0	56.4	51.4
16:00	58.1	70.5	57.2	53.1
17:00	58.3	68.7	57.6	53.3

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	58.0	70.0	56.6	51.2
Nighttime (10 p.m. - 7 a.m.)	56.1	69.5	49.8	43.7

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	60.5	77.0	58.6	54.7
Nighttime (10 p.m. - 7 a.m.)	59.6	78.5	58.9	54.4

Percentage of Energy

Daytime	72%
Nighttime	28%

Calculated L_{dn}, dBA

62.8

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Friday, September 25, 2015** **Saturday, September 26, 2015**

Site: By the Pool in Backyard of 117 Stewart Road

Hour	Leq	Lmax	L50	L90
18:00	58.6	68.7	57.8	54.1
19:00	57.0	69.5	56.1	51.5
20:00	56.7	73.4	55.5	50.2
21:00	56.1	64.5	55.3	49.5
22:00	57.1	73.8	55.7	49.0
23:00	55.0	68.9	52.4	43.4
0:00	53.2	71.6	47.5	40.0
1:00	54.7	77.1	45.1	40.0
2:00	50.4	68.2	42.2	39.7
3:00	52.5	72.5	42.6	39.7
4:00	56.7	67.4	52.1	43.7
5:00	57.8	70.2	56.0	47.3
6:00	58.5	79.2	56.4	50.0
7:00	58.1	69.9	56.9	50.4
8:00	58.3	78.8	56.7	51.9
9:00	57.8	69.6	56.6	51.9
10:00	58.5	69.8	57.0	52.4
11:00	58.6	76.5	56.4	51.1
12:00	59.4	84.3	56.8	51.5
13:00	60.6	87.1	55.5	50.2
14:00	60.2	81.4	58.3	53.2
15:00	58.1	75.0	57.1	53.2
16:00	58.1	67.5	57.3	53.6
17:00	58.5	69.7	57.4	52.9

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	58.5	73.7	56.7	51.8
Nighttime (10 p.m. - 7 a.m.)	55.8	72.1	50.0	43.6

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	60.6	87.1	58.3	54.1
Nighttime (10 p.m. - 7 a.m.)	58.5	79.2	56.4	50.0

Percentage of Energy

Daytime	76%
Nighttime	24%

Calculated L_{dn}, dBA

62.7

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Saturday, September 26, 2015** **Sunday, September 27, 2015**

Site: By the Pool in Backyard of 117 Stewart Road

Hour	Leq	Lmax	L50	L90
18:00	57.9	73.1	57.0	52.4
19:00	57.3	76.2	55.8	51.6
20:00	56.3	69.4	55.3	50.2
21:00	56.6	71.0	55.4	49.5
22:00	55.7	68.7	54.4	47.8
23:00	55.7	72.4	53.6	44.6
0:00	54.5	67.6	51.2	41.5
1:00	53.6	76.2	46.4	40.1
2:00	51.8	67.2	43.6	39.8
3:00	52.1	75.4	42.1	39.3
4:00	56.3	68.0	51.9	44.3
5:00	56.7	70.1	53.5	44.6
6:00	55.4	68.1	52.9	44.8
7:00	55.8	73.5	53.5	45.9
8:00	55.2	75.0	53.0	48.0
9:00	56.4	68.3	55.0	50.0
10:00	56.2	77.3	54.3	48.5
11:00	55.6	67.6	54.2	46.7
12:00	60.9	69.2	60.8	58.6
13:00	57.9	70.0	55.8	48.6
14:00	55.7	71.3	54.1	46.5
15:00	55.8	69.9	54.0	46.9
16:00	56.7	78.6	54.1	47.8
17:00	57.1	76.9	55.1	50.3

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	57.0	72.5	55.2	49.4
Nighttime (10 p.m. - 7 a.m.)	54.9	70.4	50.0	43.0

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	60.9	78.6	60.8	58.6
Nighttime (10 p.m. - 7 a.m.)	56.7	76.2	54.4	47.8

Percentage of Energy

Daytime	73%
Nighttime	27%

Calculated L_{dn}, dBA

61.7

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Sunday, September 27, 2015** **Monday, September 28, 2015**

Site: By the Pool in Backyard of 117 Stewart Road

Hour	Leq	Lmax	L50	L90
18:00	57.6	78.2	55.8	50.8
19:00	57.4	76.9	55.6	50.1
20:00	56.5	75.6	55.0	48.1
21:00	55.5	65.7	54.1	46.2
22:00	55.3	72.5	52.4	44.7
23:00	53.2	69.4	48.4	40.6
0:00	49.9	66.3	42.9	39.3
1:00	49.9	69.0	42.0	39.3
2:00	50.1	69.1	42.2	39.4
3:00	51.8	69.4	41.7	39.1
4:00	58.2	69.3	55.7	45.1
5:00	58.8	69.0	58.0	52.4
6:00	59.3	71.1	58.7	54.5
7:00	59.4	69.1	58.8	55.2
8:00	59.1	73.1	58.4	54.6
9:00	57.4	69.0	56.3	51.8
10:00	58.1	69.5	56.6	52.4
11:00	58.2	67.1	57.2	53.2
12:00	58.1	67.8	57.3	53.1
13:00	56.9	69.0	55.5	49.8
14:00	57.0	68.0	55.7	49.4
15:00	57.2	69.5	56.1	49.5
16:00	57.3	68.6	56.1	50.7
17:00	57.6	70.1	56.8	51.5

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	57.7	70.5	56.4	51.1
Nighttime (10 p.m. - 7 a.m.)	55.6	69.5	49.1	43.8

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	59.4	78.2	58.8	55.2
Nighttime (10 p.m. - 7 a.m.)	59.3	72.5	58.7	54.5

Percentage of Energy

Daytime	73%
Nighttime	27%

Calculated L_{dn}, dBA

62.4

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Monday, September 28, 2015** **Saturday, October 07, 1939**

Site: By the Pool in Backyard of 117 Stewart Road

Hour	Leq	Lmax	L50	L90
18:00	57.6	68.7	56.5	51.6
19:00	58.5	79.3	56.0	50.4
20:00	55.1	66.8	53.6	48.0
21:00	55.1	70.2	53.6	48.2
22:00	53.3	66.4	50.3	42.0
23:00	52.1	69.6	47.8	40.9
0:00	49.5	68.2	43.4	41.1
1:00	49.6	68.3	43.1	40.3
2:00	48.6	66.4	43.2	39.9
3:00	49.7	65.9	44.4	41.6
4:00	58.1	69.8	54.6	47.7
5:00	58.6	72.5	57.4	50.6
6:00	59.2	70.2	58.7	54.2
7:00	59.6	68.1	59.0	55.1
8:00	58.5	69.2	57.6	53.9
9:00	58.5	68.9	57.5	53.1
10:00	57.4	65.8	56.5	52.2
11:00	57.6	69.8	56.8	52.3
12:00	57.8	69.0	56.8	52.5
13:00	57.7	66.9	56.8	52.4
14:00	57.9	69.0	56.9	52.3
15:00	59.0	80.2	57.7	53.1
16:00	58.5	76.5	57.5	52.7
17:00	58.5	70.4	57.7	53.3

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	58.0	70.6	56.7	52.1
Nighttime (10 p.m. - 7 a.m.)	55.1	68.6	49.2	44.3

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	59.6	80.2	59.0	55.1
Nighttime (10 p.m. - 7 a.m.)	59.2	72.5	58.7	54.2

Percentage of Energy

Daytime	76%
Nighttime	24%

Calculated L_{dn}, dBA

62.1

Long-Term 24 Hour Continuous Noise Monitoring

Model Input Sheet

AECOM

Project: City of Modesto's Del Rio Project

Date: **Tuesday, September 29, 2015** **Wednesday, September 30, 2015**

Site: By the Pool in Backyard of 117 Stewart Road

Hour	Leq	Lmax	L50	L90
18:00	59.3	76.1	58.2	54.4
19:00	57.1	68.8	56.0	50.0
20:00	55.9	66.6	54.5	48.0
21:00	55.4	68.4	53.9	47.1
22:00	53.9	67.2	51.3	43.3
23:00	52.4	66.9	49.2	41.7
0:00	50.1	67.9	43.5	40.6
1:00	50.6	67.7	43.7	41.1
2:00	49.3	65.2	43.1	41.3
3:00	49.6	65.9	44.1	41.5
4:00	58.0	72.5	55.0	47.1
5:00	58.4	68.9	56.9	51.3
6:00	58.9	69.0	58.3	53.7
7:00	59.2	67.0	58.7	54.6
8:00	58.6	70.0	57.8	53.6
9:00	58.3	71.4	57.0	52.2
10:00	57.8	71.1	56.7	52.1
11:00	57.9	69.7	56.9	52.5
12:00	56.8	66.3	55.6	50.4
13:00	56.8	71.4	55.7	49.4
14:00	57.7	69.2	56.5	51.4
15:00	58.7	70.6	57.9	53.6
16:00	59.7	69.5	59.2	55.2
17:00	61.2	77.4	59.6	54.7

Averages

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	58.3	70.2	56.9	51.9
Nighttime (10 p.m. - 7 a.m.)	55.1	67.9	49.5	44.6

Uppermost-Level

	Leq	Lmax	L50	L90
Daytime (7 a.m. - 10 p.m.)	61.2	77.4	59.6	55.2
Nighttime (10 p.m. - 7 a.m.)	58.9	72.5	58.3	53.7

Percentage of Energy

Daytime	78%
Nighttime	22%

Calculated L_{dn}, dBA

62.1

Project-Generated Construction Source Noise Prediction Model

Del Rio Project - City of Modesto

Location	Distance to Nearest Receiver in feet	Combined Predicted Noise Level (L_{eq} dBA)
Threshold*	1,140	60
	50	87
LT-01-01	130	79
ST-01	100	81
ST-02	500	67
ST-03	100	81
ST-04	300	72

Assumptions:	Reference Emission Noise Levels (L_{max}) at 50 feet[1]	Usage Factor[1]
Excavator	85	0.4
Dump Truck	84	0.4
Dozer	85	0.4
Grader	85	0.4
Pickup Truck	55	0.4
Backhoe	80	0.4

Ground Type	Hard
Ground Factor	0.00

Predicted Noise Level [2]	L_{eq} dBA at 50 feet[2]
Excavator	81.0
Dump Truck	80.0
Dozer	81.0
Grader	81.0
Pickup Truck	51.0
Backhoe	76.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)
87.2

Sources:

[1] Obtained from the FHWA Roadway Construction Noise Model, .

[2] Based on the following from the Federal Transit Noise and Vibra

$L_{eq}(equip) = E.L.+10*\log (U.F.) - 20*\log (D/50) - 10*G*\log (D/50)$

Where: E.L. = Emission Level;

U.F.= Usage Factor;

G = Constant that accounts for topography and ground effects; and

D = Distance from source to receiver.

*Project specific threshold

Project-Generated Construction Source Noise Prediction Model

Del Rio Project - City of Modesto

Location	Distance to Nearest Receiver in feet	Combined Predicted Noise Level (L_{eq} dBA)
Threshold*	1,027	60
	50	86
LT-01-01	130	78
ST-01	100	80
ST-02	500	66
ST-03	100	80
ST-04	300	71

Assumptions:	Reference Emission Noise Levels (L_{max}) at 50 feet[1]	Usage Factor[1]
Drill Rig Truck	84	0.2
Compressor (air)	80	0.4
Jackhammer	85	0.2
Dump Truck	84	0.4
Man Lift	85	0.2
Generator	82	0.5
Pickup Truck	55	0.4
Pumps	77	0.5

Ground Type	Hard
Ground Factor	0.00

Predicted Noise Level [2]	L_{eq} dBA at 50 feet[2]
Drill Rig Truck	77.0
Compressor (air)	76.0
Jackhammer	78.0
Dump Truck	80.0
Man Lift	78.0
Generator	79.0
Pickup Truck	51.0
Pumps	74.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)
86.2

Sources:

[1] Obtained from the FHWA Roadway Construction Noise Model, .

[2] Based on the following from the Federal Transit Noise and Vibra

$L_{eq}(equip) = E.L.+10*\log(U.F.) - 20*\log(D/50) - 10*G*\log(D/50)$

Where: E.L. = Emission Level;

U.F.= Usage Factor;

G = Constant that accounts for topography and ground effects; and

D = Distance from source to receiver.

*Project specific threshold

Project-Generated Construction Source Noise Prediction Model

Del Rio Project - City of Modesto

Location	Distance to Nearest Receiver in feet	Combined Predicted Noise Level (L_{eq} dBA)
Threshold*	1,081	60
	50	87
LT-01-01	130	78
ST-01	100	81
ST-02	500	67
ST-03	100	81
ST-04	300	71

Assumptions:	Reference Emission Noise Levels (L_{max}) at 50 feet[1]	Usage Factor[1]
Excavator	85	0.4
Dozer	85	0.4
Flat Bed Truck	84	0.4
Crane	85	0.16
Man Lift	85	0.2

Ground Type	Hard
Ground Factor	0.00

Predicted Noise Level [2]	L_{eq} dBA at 50 feet[2]
Excavator	81.0
Dozer	81.0
Flat Bed Truck	80.0
Crane	77.0
Man Lift	78.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)
86.7

Sources:

[1] Obtained from the FHWA Roadway Construction Noise Model, .

[2] Based on the following from the Federal Transit Noise and Vibra

$L_{eq}(equip) = E.L.+10*\log(U.F.) - 20*\log(D/50) - 10*G*\log(D/50)$

Where: E.L. = Emission Level;

U.F.= Usage Factor;

G = Constant that accounts for topography and ground effects; and

D = Distance from source to receiver.

*Project specific threshold

Project-Generated Construction Source Noise Prediction Model

Del Rio Project - City of Modesto

Location	Distance to Nearest Receiver in feet	Combined Predicted Noise Level (L_{eq} dBA)
Threshold*	1,112	60
	50	87
LT-01-01	130	79
ST-01	100	81
ST-02	500	67
ST-03	100	81
ST-04	300	71

Assumptions:	Reference Emission Noise Levels (L_{max}) at 50 feet[1]	Usage Factor[1]
Paver	85	0.5
Concrete Mixer Truck	85	0.4
Man Lift	85	0.2
Compactor (ground)	80	0.2
Concrete Mixer Truck	85	0.4

Ground Type	Hard
Ground Factor	0.00

Predicted Noise Level [2]	L_{eq} dBA at 50 feet[2]
Paver	82.0
Concrete Mixer Truck	81.0
Man Lift	78.0
Compactor (ground)	73.0
Concrete Mixer Truck	81.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)
86.9

Sources:

[1] Obtained from the FHWA Roadway Construction Noise Model, .

[2] Based on the following from the Federal Transit Noise and Vibra

$L_{eq}(equip) = E.L.+10*\log(U.F.) - 20*\log(D/50) - 10*G*\log(D/50)$

Where: E.L. = Emission Level;

U.F.= Usage Factor;

G = Constant that accounts for topography and ground effects; and

D = Distance from source to receiver.

*Project specific threshold

Appendix H

Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE

The following mitigation monitoring and reporting program (MMRP) summary table includes the mitigation measures identified in the City of Modesto's (City's) Del Rio Tank and Wells Project Draft Environmental Impact Report (DEIR) and the Final Program Environmental Impact Report (Program EIR) for the Water System Engineer's Report (City of Modesto 2010). Mitigation measures from the Program EIR are designated with "P-." For each mitigation measure, this table identifies monitoring and reporting actions that shall be carried out and the monitoring schedule. This table also includes a column where responsible parties can check off monitoring and reporting actions as they are completed.

As lead agency, the City will be responsible for ensuring that mitigation measures identified in this EIR are fully implemented. However, some mitigation measures would be implemented by the contractor(s) on behalf of the City. Contract documents for the proposed project will identify the obligations of the contractor, including relevant mitigation measures. The City will require that the contractor provide the City with documentation that it has adequately implemented its contractual obligations, including applicable mitigation measures.

Thus, in the descriptions of the mitigation measures provided in the table which follows, while the City may be the only party referenced in implementing a mitigation measure (i.e., where the measure states "the District shall"), this is intended to be inclusive of the contractor's role in implementing certain mitigation measures during construction or as part of design.

ACRONYMS AND ABBREVIATIONS USED IN APPENDIX H

ASTM	American Society for Testing Materials
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Modesto
CRHR	California Register of Historical Resources
dBA	A-weighted decibels
DEIR	draft environmental impact report
EIR	environmental impact report
EPA	Environmental Protection Agency
MLD	Most Likely Descendant
MMRP	mitigation monitoring and reporting program
NAHC	Native American Heritage Commission
PRC	Public Resources Code
TCR	tribal cultural resource
USFWS	U.S. Fish and Wildlife Service

Mitigation Measure		Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
Aesthetics				
AES-1	**Locate Staging Areas Away from Public Areas.** Construction staging areas for equipment, personal vehicle parking, and material storage shall be sited as far as possible from residences, major roadways, and public areas. The City contract specifications shall require that staging areas be identified in the documents prepared by construction contractors and subject to approval by the City. The City shall not approve staging areas that are not sited as described above.	▪ Confirm that construction staging area requirements are incorporated into the contract specifications ▪ Designate location of staging areas in contract specifications	▪ During preparation of contract specifications ▪ Before construction begins	
AES-2	**Screen Staging and Construction Areas.** The construction contract shall specify that staging areas be located where opportunities for screening with existing topography and vegetation will be maximized. Security fencing placed around staging and construction areas shall include slats or other screening sufficient to hide the area from the passing public. Screens used for this purpose shall be of an earth tone or other appropriate neutral color.	▪ Confirm that staging area screening requirements are incorporated into the construction specifications ▪ Confirm that screening requirements are implemented properly.	▪ Before construction begins ▪ During construction	
Air Quality				
None				
Biological Resources				
BIO-1	**Avoid and Protect Burrowing Owls at Site A.** Because some burrows that could be used by Burrowing Owls were noted during field surveys at Site A, and in conformance with federal and state regulations regarding	▪ Retain qualified biologist to conduct survey. ▪ Confirm that preconstruction survey is	▪ Before construction ▪ Before construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	the protection of raptors, the City shall hire a qualified biologist to conduct a preconstruction survey(s) for Burrowing Owls within a 250-foot buffer around the project site, in conformance with accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version), and prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action is warranted. However, if breeding or resident owls are located on or within 250 feet of Site A, the following measures shall be implemented. ▪ No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted following evaluation of eviction plans and receipt of formal written approval from CDFW authorizing the eviction. ▪ A 250-foot buffer, within which no new activity is permissible, shall be maintained between project activities and nesting Burrowing Owls. This protected area will remain in effect until August 31 or, at CDFW's discretion (based upon monitoring evidence), until the young owls are foraging independently.	conducted in accordance with this mitigation measure. ▪ If Burrowing Owls are found within 250 feet of Site A, establish buffer and avoid new activity in the area.	▪ During construction as necessary	
BIO-2	**Compensate for Loss of Burrowing Owl Habitat at Site A.** If a preconstruction survey finds that Burrowing Owls occupy Site A, and avoiding construction in occupied areas is not feasible, then the City shall implement habitat compensation on off-site mitigation lands, or shall purchase mitigation bank credits from a mitigation bank approved by CDFW. If mitigation credits are not purchased, habitat management	▪ Consult with CDFW and confirm whether purchasing mitigation bank credits or off-site mitigation option shall be pursued. ▪ If mitigation bank credits are not available, establish an	▪ Before construction ▪ Before or during construction, as necessary	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	lands comprising existing Burrowing Owl foraging and breeding habitat will be acquired and preserved. An area of 6.5 acres (the amount of land found to be necessary to sustain a pair or an individual owl) will be secured for each pair of owls or for an individual, in the case of an odd number of birds. Relocation of owls shall only be implemented during the non-breeding season. As part of an agreement with CDFW, the City shall provide CDFW with security for the performance of its mitigation duties in the form of funds that will: ▪ allow for the acquisition and preservation of 6.5 acres of habitat management lands for each pair of owls or unpaired resident single owl; ▪ provide initial protection and enhancement activities on the habitat management lands, potentially including such measures as fencing, trash cleanup, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW; ▪ establish an endowment for the long-term management of the habitat management lands; and ▪ reimburse CDFW for reasonable expenses incurred as a result of the approval and implementation of this agreement.	agreement with CDFW regarding the appropriate amount of funds that should be set aside for the project's mitigation. ▪ Submit appropriate funds to CDFW consistent with the agreement made with CDFW	▪ Before or during construction, as necessary	
BIO-3				

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	Compensate for Loss of Swainson's Hawk Foraging Habitat. To mitigate for the loss of potential Swainson's Hawk foraging habitat, the City shall provide off-site habitat management lands, as described in the CDFW protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), or by purchasing credits at a CDFW-approved Swainson's Hawk foraging habitat mitigation bank that covers the Proposed Project area, such as the Dutchman Creek Conservation Bank. The City shall determine the final acreage of off-site management lands or mitigation bank credits to be provided based on the distance between the project area and the nearest active nest site, as stated in the CDFW protocol (CDFG 1994). Mitigation credits would follow the same ratio guidelines as off-site management lands. Prior to the grading of any site with potential foraging habitat, the City shall hire a qualified biologist to conduct protocol-level surveys to determine the location of the nearest active nest. Based on these surveys, the City shall compensate for losses in compliance with the protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), as follows: ▪ Projects within 1 mile of an active nest tree shall provide: – 1 acre of habitat management land for each acre of development authorized (1:1 ratio), at least 10% of which shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% protected by a conservation easement acceptable to	▪ Consult with CDFW and confirm whether purchasing mitigation bank credits or off-site mitigation option shall be pursued. ▪ If mitigation credits are available and acceptable to CDFW, purchase the appropriate number of credits from the mitigation bank in accordance with the CDFW protocol. ▪ If off-site management lands are pursued, hire a qualified biologist to conduct protocol-level surveys for Swainson's hawk nests in the project vicinity. ▪ If off-site management lands are pursued, mitigate for those losses consistent with the ratios stated in the mitigation measure and through consultation with CDFW. Protect habitat management lands by acquiring a fee title or establishing a conservation easement.	▪ Before construction ▪ Before or during construction, as necessary ▪ Before or during construction, as necessary ▪ Before or during construction, as necessary	

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
CDFW on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk; or – 0.5 acre of habitat management land for each acre of development authorized (0.5:1 ratio), all of which shall be met by fee title acquisition or a conservation easement acceptable to CDFW that allows for the active management of the habitat for prey production on the habitat management lands. ▪ Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acre of habitat management land for each acre of urban development authorized (0.75:1 ratio). All habitat management lands protected under this requirement may be protected through fee title acquisition or conservation easement on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks. ▪ Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acre of habitat management land for each acre of urban development authorized (0.5:1 ratio). All habitat management lands protected under this requirement may be protected through fee title acquisition or conservation easement acceptable to CDFW on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.			

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	Management Authorization holders/project sponsors shall provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which shall be used for managing the habitat management lands). If mitigation credits are purchased, long term management would be the responsibility of the mitigation bank.			
BIO-4	**Conduct Preconstruction Surveys for Swainson's Hawk Nests.** To ensure that nesting Swainson's Hawks will not be disturbed by construction activities, the City will hire a qualified ornithologist to conduct preconstruction surveys of the Proposed Project sites and adjacent areas within 1 mile of Sites A and B. No fewer than three surveys will be completed in at least each of the two survey periods immediately prior to project initiation, according to this schedule, based on Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000): ▪ Survey Period I occurs from January 1 to March 20; ▪ Period II from March 20 to April 5; ▪ Period III from April 5 to April 20; ▪ Period IV from April 21 to June 10 (surveys are not recommended during this period because identification is difficult, as the adults tend to remain within the nest for longer periods of time); and	▪ Retain a qualified ornithologist to conduct preconstruction surveys. ▪ Complete preconstruction surveys within the time period outlined in the mitigation measure. ▪ In the event that nest is found, halt construction and contact CDFW to confirm how to proceed.	▪ Before construction ▪ Before construction ▪ Before construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	* Period V from June 10 to July 30. If a nest site is found, no construction work shall commence until after the City engages in consultation with CDFW and CDFW-approved measures are implemented. As a performance standard, the measures implemented shall ensure that project initiation will not result in nest disturbance.			
BIO-5	**Conduct Preconstruction Surveys for Nesting Birds.** The City shall require that construction will be avoided during the nesting season (generally between February 1 and August 31), where practical. If construction activities cannot be avoided during the nesting season, a qualified biologist will conduct a preconstruction survey within 500 feet of the construction area to determine whether active nests are present on the site. The survey will be conducted no more than 30 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities can commence without any further mitigation. If active nests are found, CDFW and USFWS will be notified and Mitigation Measure BIO-6 will be implemented.	* Retain a qualified biologist to conduct preconstruction surveys. * Complete surveys at least 30 days before construction. * If active nests are found during the surveys, contact CDFW and USFWS	* Before construction * Before construction * Before construction	
BIO-6	**Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds.** To avoid disturbing any active migratory bird nests, the City shall require that construction activities will be conducted during the non-breeding season for these species (generally between September 1 and January 31). If active nests are present on or adjacent to either of the Proposed Project	* If active nests are found during implementation of Mitigation Measure BIO-5, limit construction activities to the general non-breeding season (September 1 to January 31).	* During construction * During construction * During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	sites, CDFW and USFWS will be notified. If active migratory bird nests are present and construction cannot be avoided during the breeding season, construction will not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the project applicant receives written authorization from CDFW and USFWS to proceed.	* Contact CDFW and USFWS if active nests are present on or near construction work areas. * If active nests are present and cannot be avoided during the breeding season (February 1 to August 31), establish 500-foot buffer around active nest.		
BIO-7	**Protect Bat Colonies.** The following measures shall be implemented to avoid and minimize impacts on bats: * Prior to removal of structures, the City shall hire a qualified bat biologist familiar with bat biology and ecology to assess structures to be removed for potential, active bat habitat. If the biologist determines that bats are not actively occupying the structures based on professional opinion following appropriate survey protocols, then the structures may be removed. * For structures identified by the qualified biologist to be actively occupied by bats, removal of the structures shall not occur between April 15 and August 31 to avoid the bat maternity season, * Demolition of structures shall be preceded by either humane eviction, phased dismantling, and/or deterrent methods to prevent direct mortality.	* Retain a qualified bat biologist to conduct surveys prior to removal of structures at Site A. * Bat biologist shall conduct surveys of structures. * If structures are occupied, ensure that removal of structures occur between September 1 and April 14 (outside of bat maternity season). * Ensure demolition activities take place consistent with Mitigation Measure BIO-7.	* Before construction * Prior to removal of structures * During construction * During construction * During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
Cultural Resources				
CR-1	**Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.** Not all cultural resources are visible on the ground surface. As a result, before initiation of ground-disturbing activities, the City or its designee shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present at the Proposed Project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of the Interior's professional standards. Training shall be required during each phase of construction to educate new construction personnel. If any cultural resources, including structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains, are encountered during Proposed Project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and the City will be contacted. All cultural resources uncovered during construction within the Proposed Project site shall be evaluated for eligibility for inclusion in CRHR. Resource evaluations shall be conducted by individuals who meet the U.S. Secretary of the Interior's professional standards in archaeology, history, or architectural history, as appropriate. If any of the resources	▪ Retain qualified archaeologist or City staff person to conduct worker training. ▪ Halt construction activities in the event any cultural resources are encountered. ▪ If cultural resources are uncovered, retain a qualified individual who meets the U.S. Secretary of the Interior's standards to conduct resource evaluations. ▪ If uncovered resources meet eligibility criteria, implement mitigation measures consistent with Guidelines Section 15126.4(b). ▪ If TCR or any other resources eligible for listing in the CRHR are encountered, implement additional measures in accordance with Mitigation Measure CR-1.	▪ Prior to construction ▪ During construction ▪ During construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	meet the eligibility criteria identified in PRC Section 5024.1 or CEQA Guidelines Section 21083.2(g), mitigation measures will be developed and implemented in accordance with CEQA Guidelines Section 15126.4(b) before construction resumes. For a TCR or any resources eligible for listing in the CRHR that would be significantly adversely affected by the Proposed Project construction, additional mitigation measures shall be implemented. Mitigation measures for archaeological resources may include (but are not limited to) avoidance; incorporation of sites within parks, greenspace, or other open space; capping the site; deeding the site into a permanent conservation easement; or data recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies and, as appropriate, interested parties such as Native American tribes. Native American consultation is required if an archaeological site is determined to be a TCR. Implementation of the approved mitigation is required before resuming any construction activities with the potential to affect identified eligible resources at the site.			
CR-2	**Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary.** Paleontological resources are not necessarily visible on the ground surface. As a result, before initiation of ground-disturbing activities, construction crews shall receive training about the kinds of paleontological materials that could be present at the Proposed Project site and the protocols to be followed should such materials be uncovered during	▪ Retain a qualified paleontologist to conduct worker training. ▪ In the event a paleontological item is discovered, halt construction activities within 50 feet of discovery site and notify the City.	▪ Prior to construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	construction. Training shall be conducted by a professional paleontologist. Training shall be required during each phase of construction to educate new construction personnel. If any items of paleontological interest are discovered during construction, work shall be suspended immediately within 50 feet of the discovery site, or to the extent needed to protect the site, and the City shall be notified. Any discovery of paleontological resources during construction shall be evaluated by the qualified paleontologist. If it is determined that the Proposed Project could damage a unique paleontological resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City. Work shall not be resumed until authorization is received from the City and any recommendations received from the qualified paleontologist are implemented.	▪ Ensure that qualified paleontologist evaluates the discovery and, in the event the project could damage the resource, implement mitigation in accordance with Mitigation Measure CR-2 and consult with the City as necessary.		
CR-3	**Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.** If human remains are discovered during construction activities, the requirements of Section 7050.5 of the California Health and Safety Code shall be followed. Potentially damaging excavation shall halt on the Proposed Project site within a minimum radius of 100 feet of the remains and the County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on	▪ Confirm that measure is included in project plans and specifications. ▪ In the event that human remains are encountered, halt work and contact the Stanislaus County Coroner. ▪ Confirm that any discoveries of human remains are	▪ During preparation of plans and specifications ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	private or state lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). In accordance with the provisions of PRC Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The City or its designee shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect.	evaluated and addressed properly.		
CR-4	**Prepare and Implement Treatment Plans for any TCRs Identified in the Proposed Project Study Area.** If TCRs are identified in the Proposed Project study area, the City shall consult and work with tribes with a traditional and cultural affiliation to the resource to develop feasible alternatives that will avoid impacts or develop and implement treatment plans that will substantially lessen the impacts on identified TCRs, in accordance with PRC Sections 21083(b)(2) or 21084.3.	▪ Confirm that measure is included in project plans and specifications. ▪ In the event that TCRs are identified, consult with tribes with a traditional and cultural affiliation to the resource and implement treatment plans if necessary.	▪ During preparation of plans and specifications ▪ During construction	
Geology, Soils, and Seismicity				
P-GEO-1	**Conduct project-specific geotechnical investigation prior to construction.** During project design, project-specific geotechnical investigations and reports will be prepared by registered engineers to detect site conditions that could result in	▪ Retain a registered engineer to prepare a geotechnical	▪ During the initial design phase ▪ During preparation of	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	liquefaction, construction on expansive soils, or other potential hazards and to identify appropriate design requirements that would prevent damage to structures. Site-specific geological data and recommendations by a registered engineer will be incorporated into project design, thereby reducing any impacts due to liquefaction.	investigation and report for the project. ▪ Incorporate site-specific data and recommendations from the report into project design to minimize impacts related to liquefaction.	plans and specifications	
Global Climate Change				
None				
Groundwater				
None				
Hazards and Hazardous Materials				
P-HAZ-1	Prepare a risk assessment prior to construction activity. Prior to the commencement of construction activities, the City or its contractor will prepare a risk assessment and establish procedures to address the identification, excavation, handling, and disposal of hazardous materials in accordance with ASTM Standard 1527-05, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and the EPA "All Appropriate Inquiries" standards and practices (40 CFR 312). An environmental database search of regulatory-listed hazardous materials sites contained in local, regional, state, and federal databases for the program site and within a 0.5-mile radius of the site will be performed by a qualified professional as part of this assessment. If contaminated soil	▪ Retain a qualified contractor to conduct a Phase I environmental site assessment. ▪ Incorporate recommendations from the Phase I report in the project plans and specifications. ▪ Ensure that the contractor implements risk assessment recommendations and ensure corrective action if necessary.	▪ Prior to construction ▪ During preparation of plans and specifications ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	or groundwater is encountered, the City will notify the appropriate local environmental management agencies and local fire departments. The City will ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations. All recommendations in the risk assessment will be implemented by the City and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to adverse conditions on the program site as a result of discovering existing sources of contamination.	▪ Notify appropriate local environmental agencies fire departments in the event that contaminated soil or groundwater is encountered and remediate in accordance with federal, state and local laws and regulations.		
P-HAZ-2	**Control contamination resulting from previously unidentified hazardous waste materials.** Prior to the onset of construction, all construction workers will be trained in the identification of potentially contaminated soil and water, including the characteristics of potential contamination, such as discolored soil, oils or sheens on water, and unusual odors. In the event that hazardous materials are encountered during construction, all construction activities in the area of the discovery will stop, and the City or its contractors will conduct hazardous materials investigations to identify the nature and extent of contamination and evaluate potential impacts on program construction. If necessary, the City or its contractors will implement remediation measures consistent with all applicable local, state, and federal codes and regulations. Construction will not resume until remediation is complete. If waste disposal is necessary, the City will ensure that all hazardous materials removed during construction are	▪ Confirm that measure is included in project plans and specifications. ▪ Conduct worker training. ▪ Halt construction in the event that hazardous materials are encountered. ▪ As necessary, implement remediation measures and transport hazardous materials to an appropriately-licensed and permitted facility.	▪ During preparation of plans and specifications ▪ Prior to construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	handled and disposed of by a licensed waste-disposal contractor and are transported by a licensed hauler to an appropriately-licensed and permitted disposal or recycling facility, in accordance with local, state, and federal requirements.			
Land Use and Planning				
None				
Noise and Vibration				
NOISE-1	**Employ Noise-reducing Construction Practices.** The following measures shall be implemented by the City or its contractor to reduce adverse effects from construction noise: ▪ At least two weeks prior to the start of construction, provide written notification to the potentially affected property owners and residents within 500 feet of the project site, identifying the type, duration, and frequency of construction activities to residences directly exposed to the project noise. Notification of heavy construction activities shall include anticipated dates and hours during which construction activities are anticipated to occur. Notification materials shall also identify a mechanism for residents to register complaints with the City through contact information, including a daytime telephone number, for the project representative to be contacted in the event that construction noise levels are deemed excessive, overly intrusive or construction occurs outside the permitted hours. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g.,	▪ Confirm that measure is included in project plans and specifications. ▪ Notify property owners and residents within 500 feet of project site about construction activities and schedule. ▪ Designate a noise disturbance coordinator and ensure that this person's contact information is posted around the project site. ▪ Comply with noise minimization measures	▪ During preparation of plans and specifications ▪ At least 2 weeks prior to construction ▪ During construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	closing windows and doors) shall be included in the notification. ▪ Designate a disturbance coordinator and conspicuously post this person's number around the project sites, in adjacent public spaces, and in construction notifications. The disturbance coordinator shall be responsible for responding to any complaints about construction activities. The disturbance coordinator shall receive all public complaints about construction disturbances and be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem. ▪ Locate stationary or fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas, and construction vehicle routes as far as feasible from noise-sensitive receptors. ▪ Prohibit the start-up of machines or equipment before 7 a.m. and after 7 p.m. Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday. ▪ Prohibit use of materials and equipment deliveries before 7 a.m. and after 7 p.m., Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday. ▪ Restrict the use of bells, whistles, alarms, and horns to safety-warning purposes. ▪ Equip all construction equipment with noise-reduction devices such as mufflers to minimize construction noise and operate all internal combustion engines with exhaust and intake silencers.	outlined in Mitigation Measure NOISE-1. ▪ Ensure corrective action as necessary.		

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	▪ Use noise-reducing enclosures around stationary noise generating equipment. ▪ To the extent feasible, the simultaneous operation of multiple construction equipment shall be limited. ▪ Install temporary barrier between noise sources and noise sensitive receptors, or the use of intervening structures (i.e.; on-site construction trailer, stockpiles).			
NOISE-2	**Employ Noise-reducing Methods during Operations at Site B.** The City shall implement noise-reducing methods so that noise from well operations at Site B, located at the corner of McHenry Avenue and Stewart Road, does not exceed County noise-level standards at adjacent residences. Measures to be implemented shall include the following: **Generator** 1. Project specifications shall include generator sound level limits of 73 dBA at 23 feet, similar to those at the City's Well 62 facility. 2. Noise control specifications for the generator set shall include a sound-attenuated enclosure for the pump and a sound wall within the facility wall. Specifications for the pump enclosure and sound wall are prescribed in item 5 below. 3. Routine testing of the generator shall be performed during daytime hours, between 10 a.m. and 5 p.m.,	▪ Incorporate noise-reducing measures into the project's generator and pump enclosure design requirements. ▪ Retain a qualified acoustical consultant to assist with preparing the project's generator and pump enclosure and sound wall specifications. ▪ Ensure that well pumps and generator are designed consistent with Mitigation Measure NOISE-2. ▪ Confirm that noise-reducing methods are included in project plans and specifications.	▪ During the initial design phase ▪ During the initial design phase. ▪ During the design phase. ▪ During preparation of plans and specifications	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	when background sound levels are highest, to minimize potential noise impacts. 4. Obtain the services of a qualified acoustical consultant to conduct project-related operational noise measurements at sensitive receptor locations adjacent to the Proposed Project site to ensure that noise-reducing measures comply with applicable codes. If noise measurements do not comply with applicable codes, additional noise reduction measures should be designed and incorporated. With these measures, no additional sound reduction would be required to reduce sound levels due to the generator set. **Pump Enclosure and Sound Wall** 5. The pump enclosure shall be designed to the following specifications to ensure operational sound levels are reduced below County standards: (a) Install a modular sound wall with an optional removable roof adjacent to the pump. The sound-absorptive modular barrier system shall be installed along the west edge of the pump base to a height of at least 10 feet above grade. The barrier system will wrap around the north and south sides of the pump to create a three-walled system with integrated sound absorption. In general, acoustical barriers perform best when close to the noise source. Acceptable products include the following or an approved equivalent: Kinetics Noiseblock Barrier			

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	Panel System, Noise Barriers LLC QuietLine Barrier Walls, Sound Fighter Systems LSE. (b) Include an insulated sheet metal shroud around the pump motor and shaft. Construct the sheet metal shroud to block the line of sight to the motor ventilation openings. Construction materials shall include exterior-grade sheet metal used for heating, ventilation, and air conditioning (HVAC) ducts and acoustical duct liner. (c) If the above measures cannot be employed for the pump, one of the following measures will be implemented to meet the County's nighttime noise threshold of 45 dBA: i. Install a submersible pump that would place the motor under water and virtually eliminate the sound source. ii. Increase the height of the equipment yard sound wall above 12 feet. Based on the noise analysis, increasing the equipment yard wall height to 13 feet would result in an additional 2 dBA of attenuation and a predicted sound level of 45 dBA. A 14-foot-tall wall could reduce sound levels by an additional 1 dBA. iii. Construct a barrier adjacent to the motor with a removable roof barrier directly over the motor. This secondary barrier directly adjacent to the pump motor on the west side would effectively			

Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
reduce sound levels below the nighttime noise threshold. The detachable roof would still provide access to the motor for servicing and removal. The barrier adjacent to the motor shall be designed to the following specifications to ensure operational sound levels would be reduced below County standards: * The barrier shall be constructed around the equipment within the wall surrounding the facility. * The barrier shall weigh a minimum of 4 pounds per square foot. Painted and sealed concrete block easily meets this weight requirement. * The barrier shall be continuous along its length and width with no gaps in the construction, including at the ground. The equipment yard pad shall be sloped such that weeping holes are only needed on the north and east sides of the facility. iv. Construct an insulated sheet metal shroud around the motor and shaft. This metal shroud would accommodate air circulation requirements for the motor, but would divert sound energy away from the motor openings and base near the shaft. Sound energy would			

Mitigation Measure		Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	be attenuated by sound-absorbing material within the metal shroud.			

City of Modesto Utilities Department

Final Environmental Impact Report
Del Rio Tank and Wells Project

Stanislaus County, California

July 2017

State Clearinghouse Number: 2015072055; EA/UTL No. 2015-05

Horizon
WATER AND ENVIRONMENT

MODESTO
CALIFORNIA

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City of Modesto Utilities Department

Final Environmental Impact Report
Del Rio Tank and Wells Project

Stanislaus County, California

State Clearinghouse Number: 2015072055
EA/UTL No. 2015-05

Prepared for: **City of Modesto Utilities Department**
P.O. Box 642 (1010 Tenth Street)
Modesto, CA 95353

Prepared by: **Horizon Water and Environment, LLC**
266 Grand Avenue, Suite 210
Oakland CA 94610

Contact: Michael Stevenson
(510) 986-1852

July 2017

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Acronyms and Abbreviations

C	
CASGEM	California Statewide Groundwater Elevation Monitoring
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of Modesto
D	
DEIR	draft environmental impact report
E	
EIR	environmental impact report
F	
FEIR	final environmental impact report
G	
gpm	gallons per minute
I	
IRGMP	Integrated Regional Groundwater Management Plan
N	
NOA	Notice of Availability
NOP	Notice of Preparation
NO_X	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NRHP	National Register of Historic Places
O	
OPR	Governor's Office of Planning and Research
R	
RWQCB	Regional Water Quality Control Board
S	
STRGBA	Stanislaus and Tuolumne Rivers Groundwater Basin Association

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Chapter 1
INTRODUCTION

The City of Modesto (City) as the lead agency has prepared this Final Environmental Impact Report (FEIR) to provide other responsible agencies and the public with information about the potential environmental effects of the proposed Del Rio Tank and Wells Project (Proposed Project). This FEIR was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970 (as amended) and the CEQA Guidelines (Title 14 California Code of Regulations [CCR] Section 15000 *et seq.*).

1.1 FEIR Context

The City of Modesto provides water service to the community of Del Rio. The Del Rio water system currently requires a new storage tank (and associated pump station), well, replacement well, backup generators, and pipelines to correct existing supply deficiencies. The Proposed Project was evaluated in a draft environmental impact report (DEIR) in accordance with CEQA and the CEQA Guidelines, and was circulated for a 45-day public review period.

CEQA requires the lead agency to prepare an FEIR, addressing all substantive comments received on the DEIR, before approving a project. The FEIR must include a list of all individuals, organizations, and agencies that provided comments on the DEIR, and must contain copies of all comments received during the public review period along with the lead agency's responses.

The FEIR will be distributed to public agencies that provided comments 10 days prior to certifying the FEIR. At the close of the 10-day public agency review period, City staff will recommend to the Modesto City Council whether or not to certify the FEIR. This governing body then will review the FEIR, consider City staff recommendations and public testimony, and decide whether to certify the FEIR.

For significant impacts identified in the EIR that cannot be mitigated, a statement of overriding considerations must be included in the record of the Proposed Project and mentioned in the Notice of Determination, to be filed with the Governor's Office of Planning and Research (OPR) and at the office of the County Clerk (14 CCR Section 15093[c]).

1.2 Comments on the DEIR

The DEIR for the Proposed Project was submitted to OPR's State Clearinghouse for distribution to state agencies and was available to agencies and the public for review and comment for 45 days from November 7, 2016, to December 22, 2016. Comment letters were received from federal, state, and local agencies; organizations and businesses; and individuals. Chapters 2 and 3 of this FEIR provide detailed summaries of the public participation process and comments received.

1.3 Organization and Contents of the FEIR

The FEIR contains the following components, in addition to the DEIR and its appendices:

Chapter 1, *Introduction,* presents the FEIR context, summarizes the public review period for the DEIR, and describes the organization and contents of the FEIR.

Chapter 2, *Summary of Public Participation,* summarizes the environmental and public review process, in accordance with CEQA.

Chapter 3, *Responses to Comments,* lists and assigns identifiers to each individual or group that commented on the DEIR during the public review process. Written comments received during the public review period are reproduced and a response is provided for each comment that addresses the environmental analysis.

Chapter 4, *Revisions to the DEIR,* identifies changes to the text of the DEIR made in response to the public review and comment process.

Chapter 5, *Report Preparation,* lists the individuals responsible for preparing the FEIR.

Chapter 6, *References,* provides information about all printed or electronic references and persons consulted during the preparation of this FEIR.

Chapter 2
SUMMARY OF PUBLIC PARTICIPATION

Public disclosure and informed decision making are priorities under CEQA. CEQA mandates two periods during the EIR process when citizen and public agency comments on the impacts of a proposed program are solicited: (1) during the scoping comment period, and (2) for a DEIR, during the public review period. This chapter summarizes the City's efforts to comply with CEQA mandates for public disclosure.

2.1 Notice of Preparation and Public Scoping

Scoping refers to the public outreach process used under CEQA to determine the coverage and content of an EIR. The scoping comment period offers an important early opportunity for public review and comment on the focus of the CEQA analysis. The scoping process for an EIR is initiated by publication of the Notice of Preparation (NOP), as required by CEQA, which provides formal notice to the public and to interested agencies and organizations that a DEIR is in preparation. Additionally, the NOP informs responsible agencies and the public whether the Proposed Project could have significant effects on the environment and to solicit their comments so that any concerns raised could be considered during the preparation of the DEIR. During the scoping period, agencies and the public are invited to comment on the project, the approach to environmental analysis, and any issues of concern to be discussed in the DEIR. Scoping also can assist the lead agency with identification of project alternatives and mitigation measures. CEQA does not require public meetings during the scoping phase.

In accordance with CEQA Guidelines Sections 15082(a), 15103, and 15375, the City circulated an NOP for the Proposed Project on July 28, 2016. The NOP was circulated to the public; local, state, and federal agencies; and other interested parties. A copy of the NOP was included in Appendix A, *Scoping Summary,* of the DEIR. Comment letters received in response to the NOP were also compiled in the scoping summary and were considered during preparation of the DEIR.

2.2 Notice of Availability of the DEIR and Public Review

Upon completion of the DEIR, the City issued a Notice of Availability (NOA), providing agencies and the public with formal notification that the document was available for review. The notice was sent to OPR's State Clearinghouse, all responsible and trustee agencies, persons and organizations that requested a copy, and the Stanislaus County Clerk's office for posting. Notices were also published in local newspapers.

These actions triggered a 45-day public review period, which began on November 7, 2016, and concluded on December 22, 2016.

During the review period for the DEIR, all documents related to the Proposed Project were available for review on City business days, between the hours of 8 a.m. and 5 p.m., at the following location:

City of Modesto Utilities Department
1010 Tenth Street, Suite 4600
Modesto, CA 95353

In addition, an electronic copy of the DEIR was available for review and download from the City's website (www.modestogov.com), and CD copies of the DEIR were also available by contacting Tamorah Bryant, Senior Civil Engineer.

2.3 Comments on the DEIR

Written comments or questions concerning the DEIR were accepted during the public review period at the name and address listed below. Submittal of written comments via email was encouraged; however, many commenters elected to mail comments to the address below.

Tamorah Bryant, Senior Civil Engineer
City of Modesto Utilities Department
P.O. Box 642
Modesto, CA 95353
Email: tbryant@modestogov.com

A total of 10 comment submittals (letters and emails) were received during the public review period. Chapter 3 provides additional information about comments received on the DEIR.

2.4 Certification of the FEIR and Public Hearing

CEQA requires the lead agency to prepare a FEIR, addressing all substantive comments received on the DEIR. The FEIR must include a list of all individuals, organizations, and agencies that provided comments on the DEIR, and must contain copies of all comments received during the public review period, along with the lead agency's responses. Accordingly, Chapter 3 of this FEIR includes a list of commenters, copies of all comments received, and responses to those comments. Together with the DEIR, this FEIR constitutes the entire EIR for the purposes of compliance with CEQA. (See generally 14 CCR Section 15132.)

The FEIR will be distributed to public agencies that provided comments, 10 days prior to a public hearing hosted by the City as lead agency. At the public hearing, the City will review the EIR, consider staff recommendations, accept public testimony, and decide whether to certify the EIR.

The EIR certification hearing will be held at 5:30 p.m. on August 2, 2017, at the Modesto City Council Chambers, 1010 Tenth Street, Lower Level, Modesto, CA 95353.

Chapter 3
COMMENTS ON THE DEIR AND RESPONSES

3.1 Introduction

CEQA requires the lead agency to prepare a FEIR, addressing all substantive comments received on the DEIR. The FEIR must include a list of all individuals, organizations, and agencies that provided comments on the DEIR, and must contain copies of all comments received during the public review period, along with the lead agency's responses.

This chapter provides a list of comments received, copies of the comments, and responses to those comments that address environmental issues.

Individual comments within each submittal are marked and numbered in the margin of the comment letter. The marked individual comments correspond to the responses to those comments. For example, Comment A-3 from Letter A corresponds to the response to Comment A-3.

3.2 List of Comments Received

The City received 10 comment submittals, including letters and emails, during the public review period. **Table 3-1** lists the identifier for each submittal; the name and affiliation of the individual who submitted each comment; and the date the comment was received.

Table 3-1. List of DEIR Comment Submittals Received During the Public Review Period

Comment Letter	Commenter Name and Affiliation	Date Received
State and Local Agencies		
A	Stephanie Tadlock, Central Valley Regional Water Quality Control Board	December 19, 2016
B	Patrick Cavanah, Stanislaus County Environmental Review Committee	December 22, 2017
C	Scott Morgan, Governor's Office of Planning and Research State Clearinghouse and Planning Unit	December 27, 2016

Comment Letter	Commenter Name and Affiliation	Date Received
Organizations		
D	Joyce Parker, Del Rio Property Owners Association	December 8, 2016
E	Daniel W. Smith, Law Offices of Daniel W. Smith, representing North Modesto Groundwater Alliance	December 21, 2016
F	Greg Young, Tully & Young, representing North Modesto Groundwater Alliance	December 21, 2016
Businesses and Individuals		
G	Richard Michelotti	December 20, 2016
H	Gary Darpinian, K. Darpinian and Sons	December 20, 2016
I	Cheri Barnes	December 20, 2016
J	Jim and Joani Matthews	December 20, 2016

3.3 Comments and Responses

This section contains a copy of each comment letter or email received during the DEIR review period. Following each submittal are the City's responses to each comment that addresses an environmental issue.

Comment Letter A – Stephanie Tadlock, Central Valley Regional Water Quality Control Board

Water Boards

Central Valley Regional Water Quality Control Board

14 December 2016

Tamorah Bryant
City of Modesto
P.O. Box 642
Modesto, CA 95353

CERTIFIED MAIL
91 7199 9991 7035 6417 5477

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, DEL RIO TANK AND WELLS PROJECT, SCH# 2016072055, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 7 November 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Del Rio Tank and Wells Project, located in Stanislaus County

A-1

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

A-2

I. Regulatory Setting

Basin Plan
The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36 and the California Toxics Rule, 40 CFR Section 131.38.

A-3

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

A-4

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. A-4 cont.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/. A-5

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf A-6

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives. A-7

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality. A-8

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan A-9

(SWPPP).

A-9 cont.

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

A-10

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

A-11

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

A-12

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

A-13

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

A-14

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

A-15

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

A-16

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. A-16 cont.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250. A-17

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. A-18

Waste Discharge Requirements – Discharges to Waters of the State
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. A-19

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml A-20

Dewatering Permit
If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge. A-21

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf A-22

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at: A-23

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0149_res.pdf

A-23 cont.

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

A-24

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml or contact water board staff at (916) 464-4611 or via email at irrlands@waterboards.ca.gov.

A-25

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at irrlands@waterboards.ca.gov.

A-26

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

A-27

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

A-28

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

A-29

NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

A-30

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

A-31

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov

A-32

Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Response to Comment A-1

The City acknowledges and appreciates the Central Valley Regional Water Quality Control's (RWQCB's) review and comments on the DEIR, and its input regarding the various regulatory permitting requirements that may apply to the Proposed Project. The permitting requirements stated in the Central Valley RWQCB's letter are described in Chapter 9, *Groundwater*, of the DEIR and in Section IX, Hydrology, of Appendix B, *Environmental Checklist*. The Proposed Project would comply with the regulatory requirements described in the letter as applicable.

Response to Comment A-2

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. The comment generally describes regulatory requirements. The Proposed Project will comply with all applicable regulatory requirements. Therefore, no further response to this comment is provided.

Response to Comment A-3 – A-32

See the response to Comment A-2.

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Comment Letter B – Patrick Cavanah, Stanislaus County Environmental Review Committee

CHIEF EXECUTIVE OFFICE

Stan Risen
Chief Executive Officer

Patricia Hill Thomas
Chief Operations Officer/
Assistant Executive Officer

Keith D. Boggs
Assistant Executive Officer

Judy Hayen
Assistant Executive Officer

1010 10th Street, Suite 6800, Modesto, CA 95354
Post Office Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax: 209.544.6226

STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE

December 22, 2016

Tamorah Bryant, Senior Civil Engineer
City of Modesto
Utilities Department
P.O. Box 642
Modesto, CA 95353

SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF MODESTO – UTILITIES DEPARTMENT – NOTICE OF AVAILABILITY OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DEL RIO TANK AND WELLS PROJECT (SCH #2015072055)

Ms. Bryant,

Thank you for the opportunity to review the Draft Environmental Impact Report for the above-referenced project. B-1

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has identified areas that need to be clarified or expanded upon as part of the final environmental impact report. First, the environmental assessment should identify projected water volumes from the proposed wells and whether this water supply will be available to serve both Area I and Area II of the Del Rio Community Plan in terms of water supply, quality, and pressure. Additionally, please confirm whether the anticipated growth includes Area II of the Del Rio Community Plan, and if the wells are sized to serve Area II, the cumulative effects of growth need to be analyzed. B-2

The identified alternative to connect to the existing City water system, approximately two miles south on McHenry Avenue of the project site should be better studied. The analysis for this alternative should include a cost-benefit analysis, schedule of delivery, reliability analysis and a comparison on environmental impacts. In addition, the report should consider and evaluate the potential of incorporating a private or public well site at the Del Rio Lago development located in Area I along the eastside of Carver Road. B-3

The ERC appreciates the opportunity to comment on this project. B-4

Sincerely,

Patrick Cavanah
Management Consultant
Environmental Review Committee

cc: ERC Members

Response to Comment B-1

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment B-2

Several commenters raised questions about the water volumes and improvements of the Del Rio Tank and Wells Project (Proposed Project) and its relationship to Area I and Area II of the *Del Rio Community Plan* (Stanislaus County 1992). This response addresses that issue. In addition, this response addresses related issues raised in other comment letters, including the objectives of the Proposed Project, the water yield of the Proposed Project, the areas served by the Proposed Project, and the water system improvements anticipated for future Del Rio buildout that are not included as part of the Proposed Project.

The Proposed Project is based on the findings of the City of Modesto's 2010 Water System Engineer's Report, specifically Appendix H, *City of Modesto's 2010 Water System Engineer's Report Evaluation of the Existing Buildout Water System for the Del Rio Outlying Service Area* (2010 WSER). The 2010 WSER evaluates and identifies improvements needed for (1) the existing Del Rio water system to address existing deficiencies and (2) future buildout of the Del Rio water system needed to address future development within the Del Rio Community Plan area. The Proposed Project analyzed in the DEIR only includes the system improvements needed to address existing deficiencies. It does not include the improvements necessary to meet future buildout needs. Section 8.1, Existing System Recommendations, of the 2010 WSER lists recommended improvements for the existing water system, the boundaries of which are shown in Figure 1 of the 2010 WSER. Recommended improvements include replacement of Well 271, new delivery pipeline, a new production well, and a new storage tank. These components are included in the Proposed Project. The recommended improvements necessary for the buildout system, identified in Section 8.2 of the 2010 WSER, are not included in the Proposed Project.

As discussed in the 2010 WSER and the DEIR, the existing three wells are not sufficient to meet existing peak-hour and maximum-day demands plus fire flow conditions. The replacement of Well 271 and a new well are required to meet existing system demands. As discussed in Chapter 2, *Project Description,* of the DEIR, the wells for the Proposed Project are sized to meet the high-demand conditions. They are expected to operate during off-peak demand periods to fill the proposed adjacent storage tank, which stores water to meet peak-hour and fire flow demands. It is reasonable to assume that the anticipated yield for both the replacement well and the new proposed well would be substantially lower than the maximum theoretical yield because, as explained in Chapter 2 and Chapter 9, *Groundwater,* of the DEIR, the theoretical maximum annual yield is more than double the annual average yield over the past 5 years for the entire Del Rio service area. The Proposed Project does not address future growth in the Del Rio Community Plan area and would not double the water capacity for the Del Rio area at this time, or in the near future, as alleged by some commenters. The Proposed Project would correct existing deficiencies in the Del Rio water system, ensure sufficient pressure to provide firefighting flow capacity, and improve operational flexibility and reliability.

The 2010 WSER includes recommended improvements required to meet future buildout needs. The water system buildout area is shown in Figure 7 and is consistent with Area 1 as

shown in the Del Rio Community Plan. Buildout system recommendations are identified in Section 8.2 of the 2010 WSER and are not included in the Proposed Project. The Proposed Project improvements are not sufficient to meet buildout system requirements. The Proposed Project includes booster pumps capable of providing 1.0 million gallons per day (mgd) of pumping capacity. To meet buildout needs, the pump station would need to be expanded to provide an additional 1.0 mgd (total of 2.0 mgd) of pumping capacity. The new well and backup generator are needed to meet existing system requirements. To meet buildout system requirements, further improvements to these systems are needed.

In summary, the Proposed Project includes recommended improvements for the existing water system identified in the 2010 WSER. It does not include the recommended improvements necessary for the buildout water system identified in the 2010 WSER. Improvements for the buildout water system are not included in the Proposed Project and would be subject to separate environmental review under CEQA.

Response to Comment B-3

This comment and several other commenters raised questions over the adequacy of the alternatives analysis for the Proposed Project. This response addresses various comments relating to alternatives. The following discussion addresses the potential project sites that have been previously explored and the reasonable range of alternatives analyzed for the Proposed Project.

The City has been pursuing a solution to the water issues in the Del Rio community since 2005. As explained in Section 2.4.1 on page 2-9 of the DEIR, the 2010 WSER Program EIR included evaluation of a proposed tank and pump station on a large parcel of land north of McHenry Avenue and Stewart Road. As the project developed, no land was available for sale in that area. The City then considered alternative locations but was unable to complete the purchase of land in those alternative locations. In general, the City does not evaluate sites that would require eminent domain proceedings and, as such, has limited its consideration to willing sellers. The Site A Well Only Alternative was initially considered, as described in Chapter 12 of the DEIR, but was dismissed from consideration in the EIR because the City determined that, with only one well, it would be unable to accommodate system pressure demands and supply reliability needs for firefighting and operational reliability (page 12-10). Existing Well 271 is located on a parcel that is not large enough to install a replacement well. The Del Rio water system has limited water supply, so Well 271 needs to remain operational until its replacement is constructed and permitted. The City has considered relocating the well to a nearby parcel, but no land was available for sale in that area. Well 289 is on a small, irregularly shaped parcel, which would limit the diameter of the proposed tank. Alternative 1 would also expose more residential sensitive receptors to noise-related impacts than the Proposed Project.

The DEIR also evaluated the impacts of Alternative 2, "Connect to the City's Supply System," and determined that it would not reduce water supply impacts on the City's system, but rather would displace them elsewhere within the service area. The DEIR also explained that Alternative 2 would be substantially more expensive than the Proposed Project (page 12-11). The DEIR further explained that Alternative 2 would have greater environmental impacts on biological, cultural, and hydrologic resources and expose more residential sensitive receptors near the pipeline alignment to construction-related noise impacts than the Proposed Project.

The types of analysis requested by some commenters—such as cost-benefit analysis, schedule of delivery, and reliability analysis—are not required for analysis of alternatives under CEQA. The environmental impacts of Alternatives 1 and 2 are compared to those of the Proposed Project in Table 12-1 of the DEIR in full compliance with CEQA.

Several alternative locations, including one at the Del Rio Golf Course and Country Club (see page 12-10) near the Del Rio Lago development, were also considered and dismissed from further evaluation because they were infeasible or failed to meet some or all of the project objectives:

- The City initially considered sites north of McHenry Avenue and Steward Road. As the project developed, no land was available for sale in that area. The City then considered several alternative locations, including a site at 6520 Carver Road, but was unable to complete the purchase of land at any of those locations.
- No land was available for sale in the Del Rio Lago development. Further, the well site associated with the development (lot "D" created by Subdivision Map 43M85 and as shown on the Stanislaus County Assessor's Parcel Map) is large enough for a well site but is not large enough for a well, tank, and pump station.
- Relying on only the well at Site A was infeasible because, with only one well, the City could not accommodate system pressure demands and supply reliability needs for firefighting and operational reliability.
- A water exchange between the City and the Del Rio Golf and Country Club would involve using the country club's groundwater wells to supply Del Rio with water in exchange for recycled water from the City's wastewater treatment plant. This alternative was found to be infeasible because of cost and because the quantity of groundwater replaced would not be sufficient to achieve the Proposed Project's reliability objective and goals.
- The 2010 Program EIR included evaluation of a proposed tank and pump station on a large parcel of land north of McHenry Avenue and Stewart Road. As the project developed, no land was available for sale in that area. The City then considered alternative locations, including River Nine Drive and 6520 Carver Road, but was unable to find willing sellers or complete the purchase of land in those alternative locations. On March 13, 2012, by Resolution 2012-101, the City Council approved the purchase of two parcels at 718 Ladd Road.

CEQA does not require the adoption of the environmentally superior alternative. Modesto's City Council is the ultimate decision maker as to what project or alternative to approve. The City Council will make the decision and required findings on adoption of a project and rejection of any alternatives.

Response to Comment B-4

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

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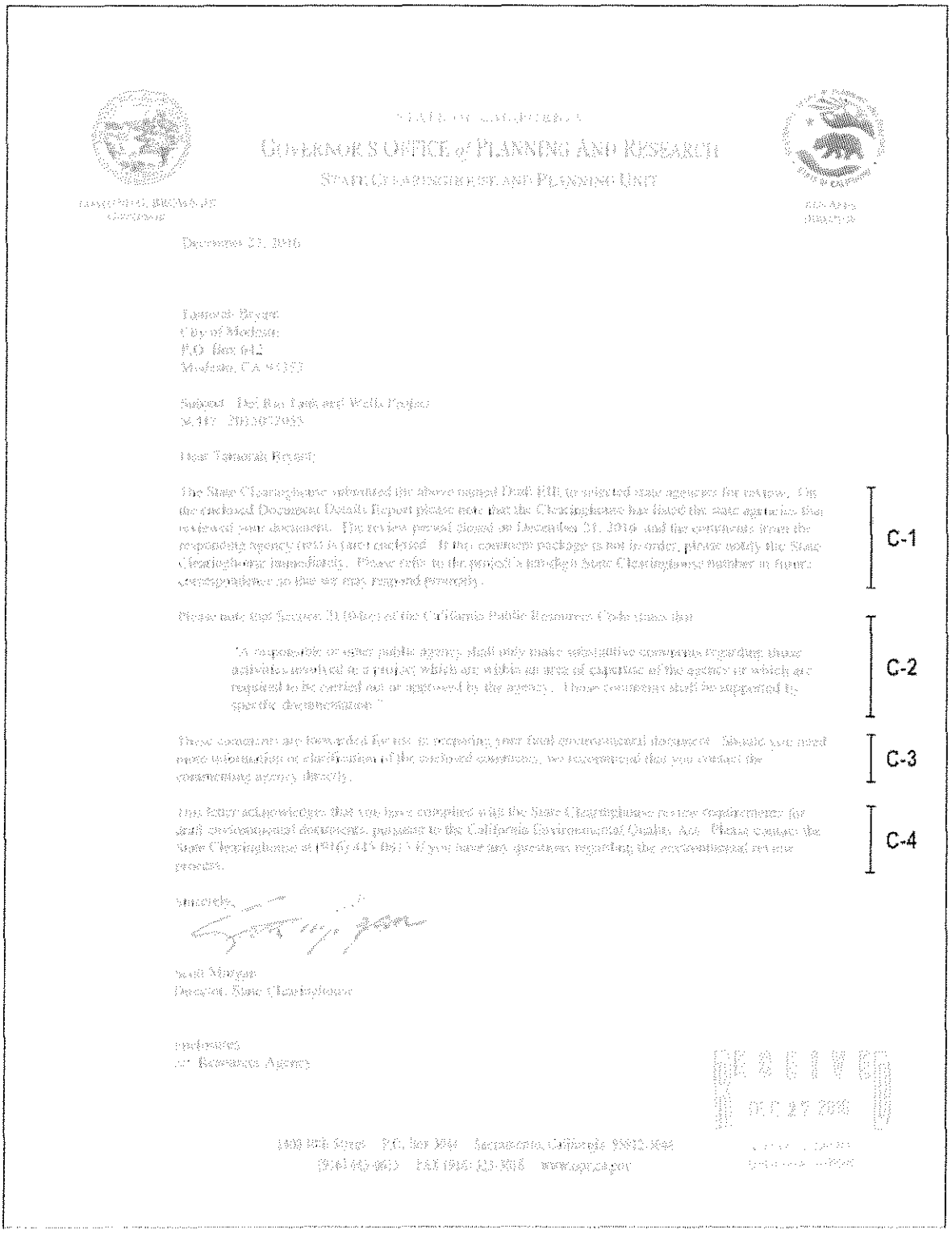
Comment Letter C – Scott Morgan, Governor's Office of Planning and Research, State Clearinghouse



STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

December 27, 2016

Tamerak Bryant
City of Modesto
P.O. Box 642
Modesto, CA 95353

Subject: Del Rio Tank and Wells Project
SCH#: 2016122053

Dear Tamerak Bryant:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 23, 2016, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

C-1

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

C-2

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

C-3

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

C-4

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

RECEIVED
DEC 27 2016

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2016072066
Project Title Del Rio Tank and Wells Project
Lead Agency Modesto, City of

Type EIR Draft EIR
Description The City of Modesto is the lead agency for preparation and review of an environmental impact report for the Del Rio Tank and Wells project (Proposed Project). The Proposed Project involves construction of a water storage tank, booster pump station, and two domestic water wells, which will provide additional storage volume, water supply and pressure for the existing water system serving the Del Rio area. The City's 2015 Water System Engineer's Report Program Environmental Impact Report (Water System PEIR) evaluated the Proposed Project at a program level of detail.

Lead Agency Contact
Name Deborah Bryant
Agency City of Modesto
Phone (209) 577-5284 Fax
email
Address P.O. Box 642
City Modesto State CA Zip 95353

Project Location
County Stanislaus
City Modesto
Region
Lat / Long 37° 43' 35.6" N / 121° 0' 15.1" W
Cross Streets Sale A Ladd Road at Rd. 28 and River, Sec B: Stewart Road at McHenry Avenue
Parcel No. 004-027-013; 004-100-003
Township 2S Range 9E Section 27 Base MDB&M

Proximity to:
Highways Hwy 108, 219
Airports
Railways
Waterways Dominguez Creek
Schools Grantline ES
Land Use Plan Area, County Sphere of Influence

Project Issues Air Quality; Noise; Water Supply; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Archaeologic-Historic; Biological Resources

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 10; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; State Lands Commission

Date Received 11/07/2016 Start of Review 11/07/2016 End of Review 12/21/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.

C-5

Water Boards

Central Valley Regional Water Quality Control Board

14 December 2016

Tamerah Bryant
City of Modesto
P.O. Box 642
Modesto, CA 95353

CERTIFIED MAIL
91 7190 9991 7035 8417 9477

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, DEL RIO TANK AND WELLS PROJECT, SCH# 2015072056, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 7 November 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Del Rio Tank and Wells Project, located in Stanislaus County. C-6

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues. C-7

I. Regulatory Setting

Basin Plan
The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38. C-8

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, C-9

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

C-9 cont.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

C-10

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr.pdf

C-11

In part it states:

> *Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*
>
> *This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

C-12

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

C-13

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

C-14

(SWPPP)

C-14 cont.

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

C-15

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

C-16

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

C-17

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

C-18

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

C-19

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

C-20

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

C-21

[1] Municipal Permits – The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements

C-21 cont.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250

C-22

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit) or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

C-23

Waste Discharge Requirements – Discharges to Waters of the State

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

C-24

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
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C-25

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

C-26

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

C-27

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

C-28

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf C-28 cont.

Regulatory Compliance for Commercially Irrigated Agriculture C-29

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml or contact water board staff at (916) 464-4611 or via email at irrlands@waterboards.ca.gov C-30

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre), the cost to prepare annual monitoring reports, and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at irrlands@waterboards.ca.gov C-31

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from* Cleanup Sites, *Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits. C-32

For more information regarding the Low Threat General Order and the application process visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

C-33

For more information regarding the Limited Threat General Order and the application process visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

C-34

NPDES Permit

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

C-35

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

C-36

If you have questions regarding these comments, please contact me at (916) 464-4764 or Stephanie.Tadlock@waterboards.ca.gov.

C-37

Stephanie Tadlock
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Response to Comment C-1

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment C-2

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment C-3

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment C-4

The City appreciates the State Clearinghouse acknowledgement of completion of the public review period for the DEIR.

Response to Comment C-5

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment C-6 – C-37

[Note that the Central Valley RWQCB letter transmitted by the State Clearinghouse was also received separately and is also addressed above as Comment Letter A of this FEIR.]

The City acknowledges and appreciates the Central Valley RWQCB's review and comments on the DEIR, and its input regarding the various regulatory permitting requirements that may apply to the Proposed Project. The permitting requirements stated in the Central Valley RWQCB's letter are described in Chapter 9, *Groundwater*, of the DEIR and in Section IX, Hydrology, of Appendix B, *Environmental Checklist*. The Proposed Project would comply with the regulatory requirements described in the letter as applicable.

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Comment Letter D – Joyce Parker, Del Rio Property Owners Association

Del Rio Property Owners Association
P.O. Box 116
Salida, CA 95368

December 2, 2016

Tamara Bryant
City of Modesto
1010 Tenth Street
Modesto, CA 95353

re: Draft Environmental Report Del Rio Tank and Wells Project, November 2016

Dear Ms. Bryant:

On behalf of the Del Rio Property Owners Association, we submit the following comments and concerns with the Del Rio Tank and Wells project as described in the November 2016 Draft EIR. D-1

1. The 2005 Settlement Agreement between the City of Modesto and the Del Rio Home Owners Association (also known as the Del Rio Property Owners Association) explicitly specified improvements to the water system necessary for **EXISTING** Del Rio residents would be constructed within 8 years, with no increase in rates. D-2
Since 2005, the specified system improvements have been ignored and delayed, resulting in complications due to the California drought, widely regarded to have begun in 2011-12. D-3

In 2005, there were approximately 424 Del Rio water customers (my estimation). Since 2005, an additional 34 homes have been built. There are currently another 18 homes approved for construction. All 476 homes will receive water from the 3 existing Del Rio system wells, which have a total capacity of 2,000 gallons per minute (per 2005 West Yost Technical Memorandum). This capacity is not adequate for the existing water customers. Residents frequently complain of a lack of water pressure for common activities such as showering or lawn watering. Sufficient water pressure for fire safety is an important concern as well. D-4

The City's proposed addition of new 2 wells, each with a 1,000 gallon per minute capacity, is considerably more than is reasonable for the existing Del Rio community. This additional capacity only makes sense when considering development of the 590 acres of "prime" farmland surrounding the existing Del Rio community. (Attachments 1 & 2: 2013-04-15 City General Plan Amendment Workshop, page 29, shows Ag land at Sayglass/McHenry/River (205 acres) and Ladd-St Johns/Country Club (366 acres) as "prime farmland") The current Del Rio community covers approximately 330 acres. D-5

Since the Del Rio community has only increased about 10% since 2005, it seems unrealistic to assume a growth of almost 100% in the next decades, especially in light of California housing policies discouraging sprawl and encouraging higher density housing situated close to schools, shopping, medical facilities, transportation hubs and employment opportunities. D-6

Even should there be pressure for the Del Rio community to grow significantly, environmental factors of any proposed growth would need to be taken into consideration and CEQA studies done. Therefore, it is our opinion that doubling the water capacity for the Del Rio area, at this time or in the near future, is both unnecessary, unrealistic and counter to California housing policies. D-6 cont.

The cumulative impact of both the new wells, and the new development they would serve, would significantly impact all facets of life for the Del Rio and surrounding community. D-7

2. In the Draft EIR the City has defined an alternative, "Alternative 1", that meets all of the project objectives and does not require additional transmission pipelines. Per the Draft EIR, "Under this alternative, in lieu of purchasing new property for the proposed wells and tank, the City would design the proposed new facilities to fit within their existing well properties." D-8

From the November 2016 Draft EIR, page ES-21, "Among the other alternatives considered, Alternative 1: Construct at Existing City Well Locations is considered the ***environmentally superior alternative.*** This alternative would achieve all the project objectives to a similar degree as the Proposed Project. As described above, more sensitive receptors (residents) are located near the existing City well sites; therefore, this alternative would result in increased impacts on aesthetics, operation-related noise, and air quality because of the greater number of sensitive receptors near the well sites. However, less GHG emissions and construction-related noise impacts would occur because no pipelines would be constructed under this alternative. In summary, Alternative 1 would result in the most reductions in environmental impacts among the alternatives considered." D-9

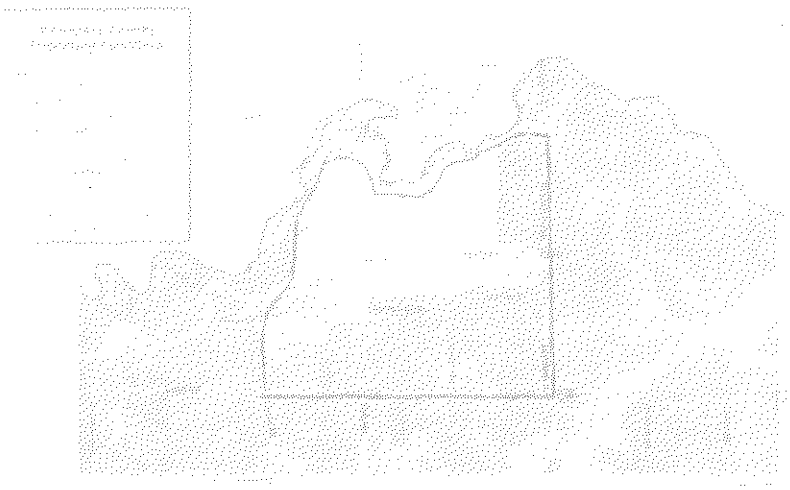
This alternative should be started immediately to relieve existing Del Rio customers water pressure problems and provide adequate fire protection. D-10

Sincerely,

Joyce Parker
Del Rio President
Del Rio Property Owners Association Board

Attachment 1

Overlay of City of Modesto General Plan Amendment Public Workshop, page 29, and street map, showing "Important Farm Land" in Del Rio Community Plan sphere

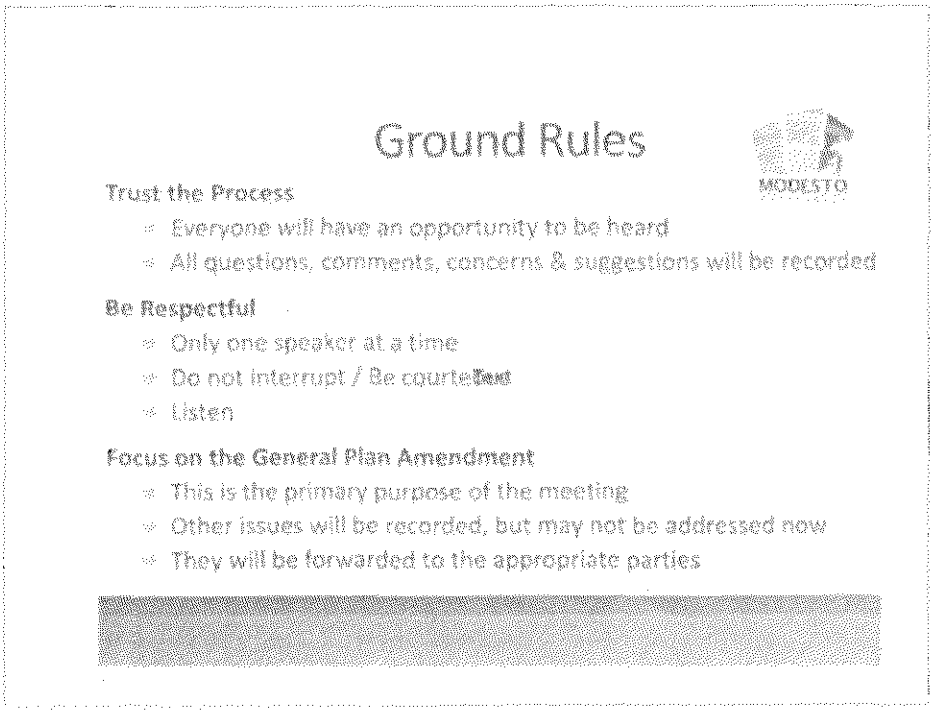


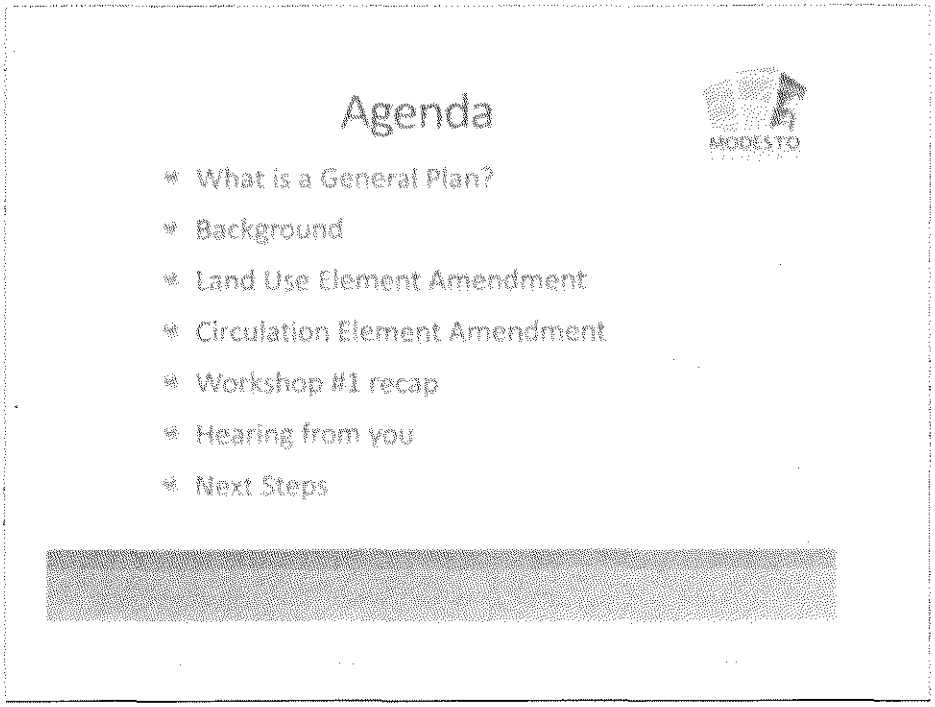
Attachment 2

CITY OF MODESTO
COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT

MODESTO
CALIFORNIA

General Plan Amendment
Public Workshop
April 15, 2013


Ground Rules
MODESTO
Trust the Process
Everyone will have an opportunity to be heard
All questions, comments, concerns & suggestions will be recorded
Be Respectful
Only one speaker at a time
Do not interrupt / Be courteous
Listen
Focus on the General Plan Amendment
This is the primary purpose of the meeting
Other issues will be recorded, but may not be addressed now
They will be forwarded to the appropriate parties

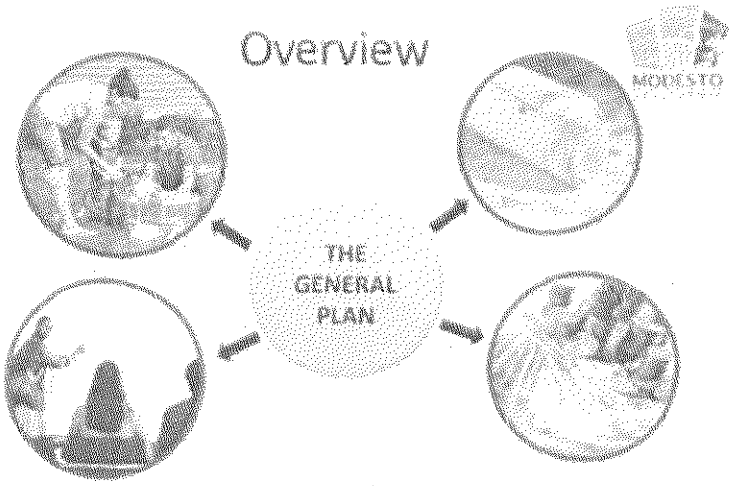

Agenda
MODESTO
What is a General Plan?
Background
Land Use Element Amendment
Circulation Element Amendment
Workshop #1 recap
Hearing from you
Next Steps

Overview

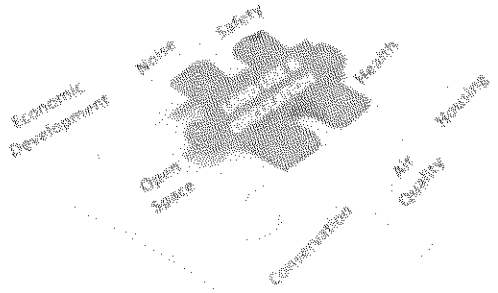
What is a General Plan?

- Guidebook for development and growth

Overview



General Plan Elements



Background

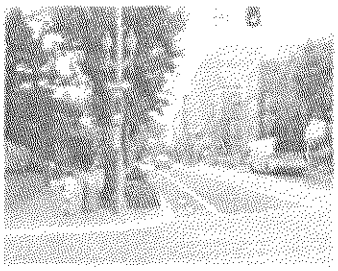
- General Plan Comprehensive Update in 1995
- Incremental amendments since 1995
- City Council/Planning Commission workshop in 2008 to kick-off; recession and cutbacks halted effort
- Attempted land use amendment after 2009 Urban Growth Review; terminated due to budget reductions

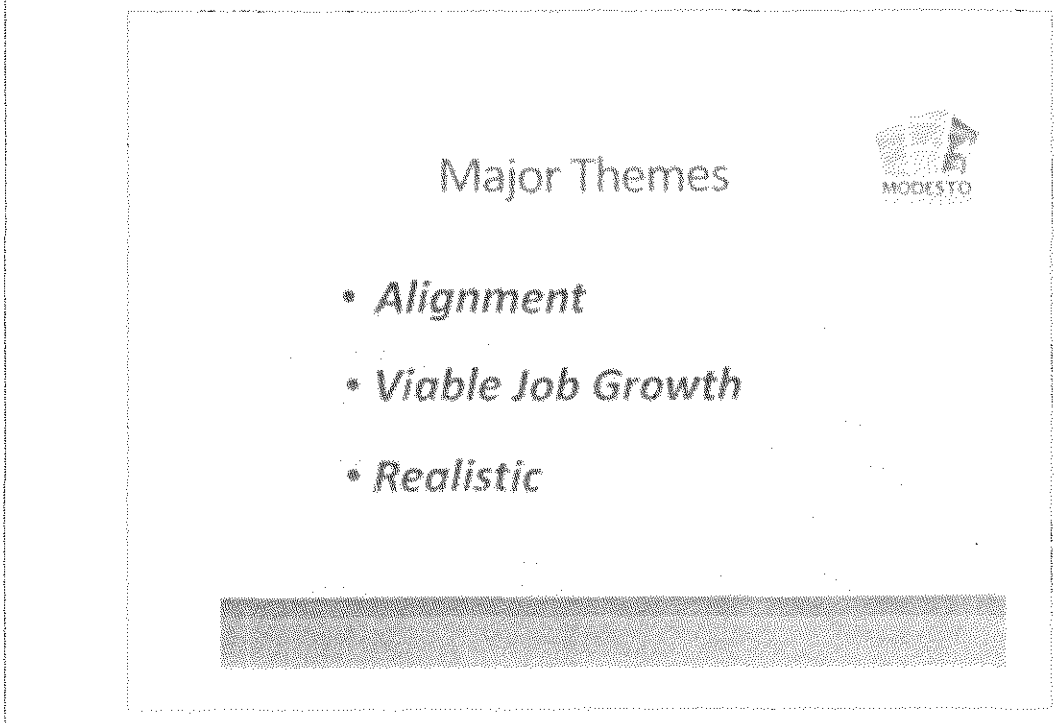
Why Update the General Plan?

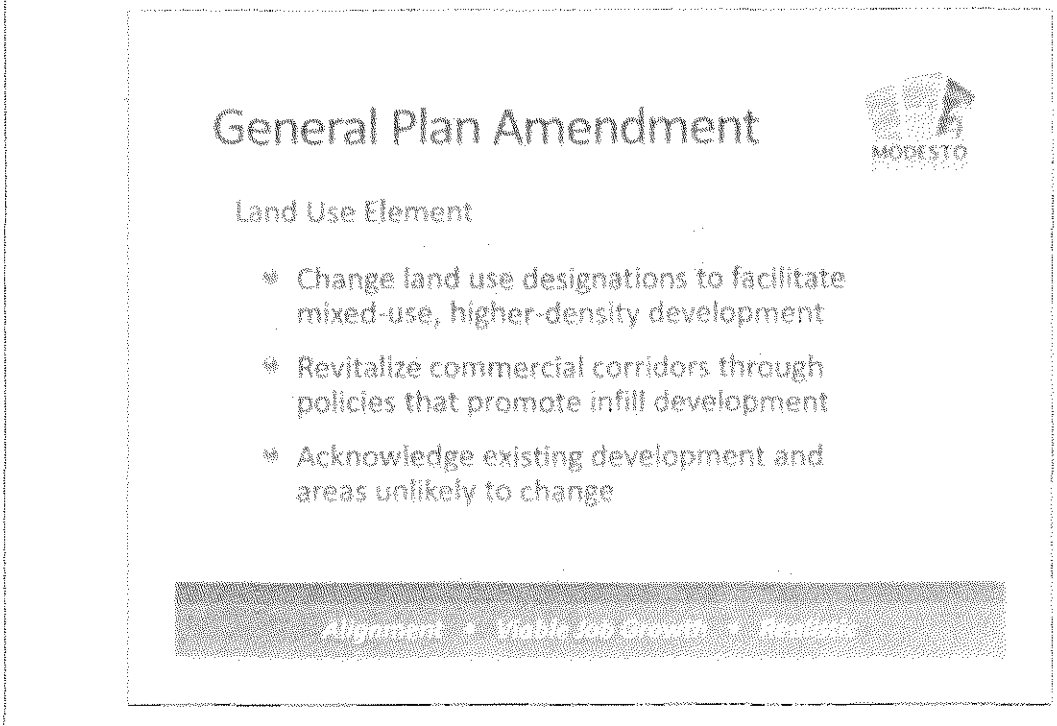
- Reflect community's goals
- Adjust land uses and future growth patterns
- Establish viable business and job-generating areas
- Align General plan with infrastructure planning programs (CFF, CIP, RTP)

Why Update the General Plan?

- Implement State law: improve air quality (AB32); reduce VMT (SB375); complete streets (AB1358)
- Prioritize infrastructure projects
- Facilitate economic development
- A more livable community




Major Themes
MODESTO
• Alignment
• Viable Job Growth
• Realistic

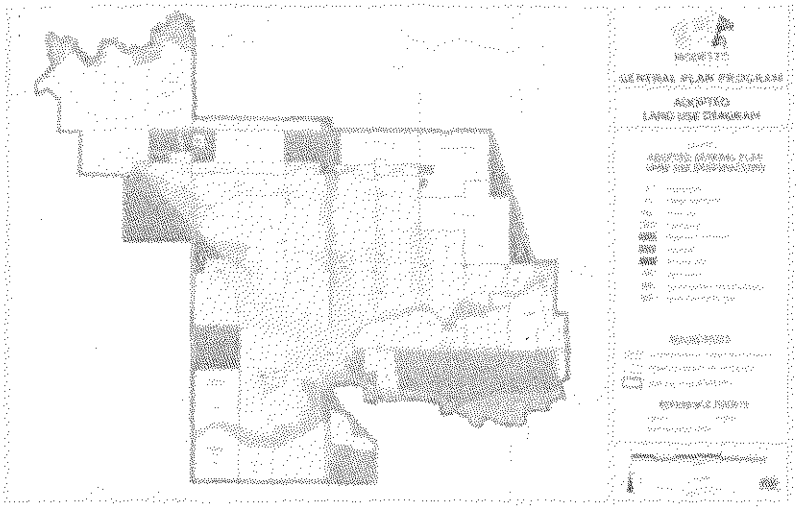

General Plan Amendment
MODESTO
Land Use Element
Change land use designations to facilitate mixed-use, higher-density development
Revitalize commercial corridors through policies that promote infill development
Acknowledge existing development and areas unlikely to change
Alignment • Viable Job Growth • Realistic

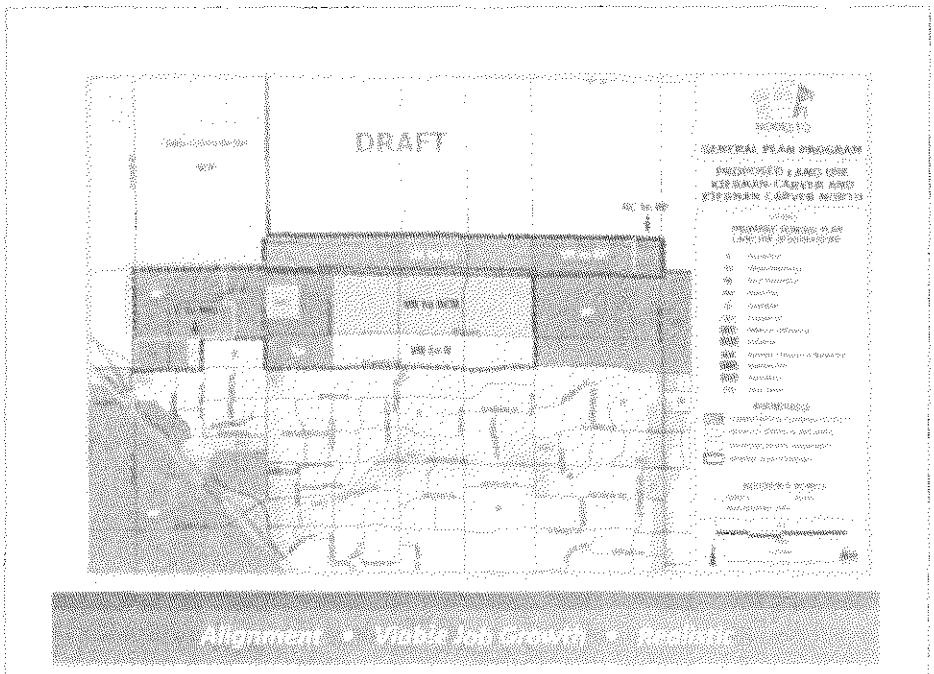
General Plan Amendment

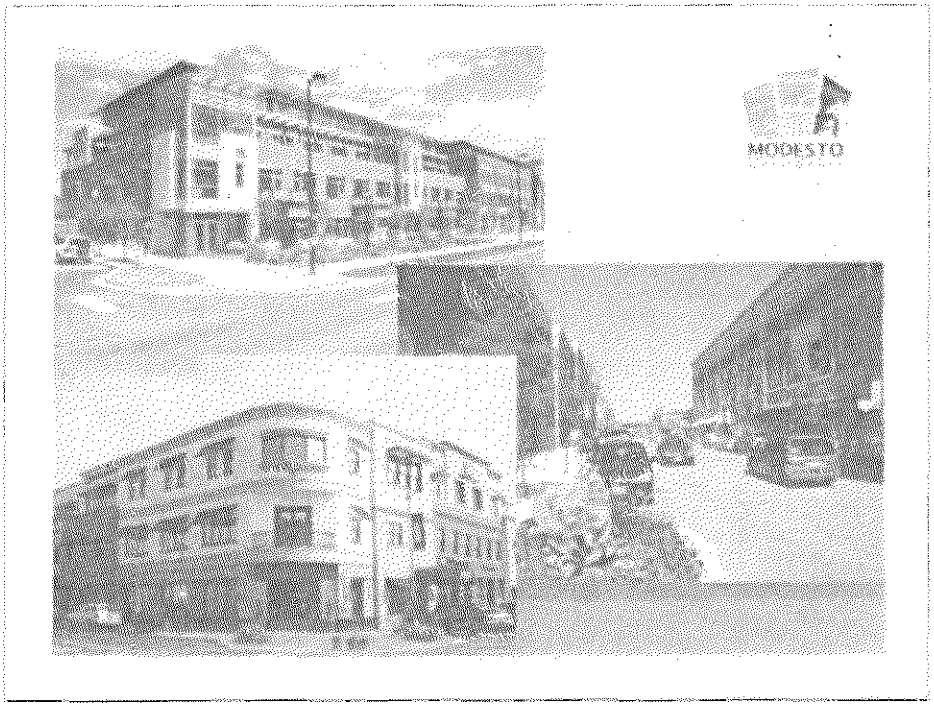
Land Use Element

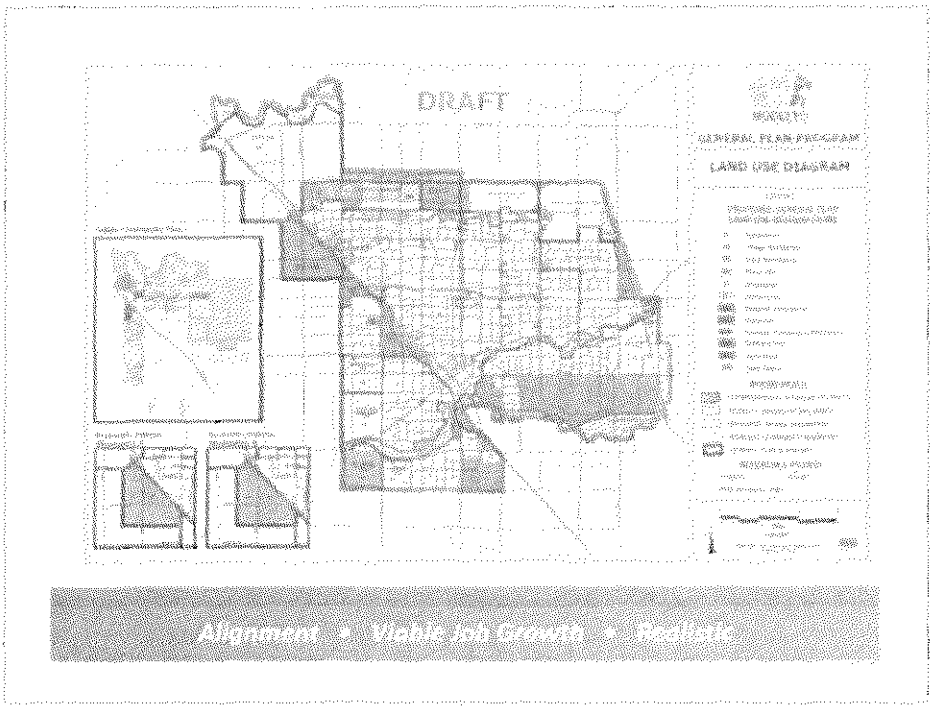
- Update land use designations within the Redevelopment Planning District
- Expand business park and economic development opportunities
- Introduce new "Agriculture" designation
- Increase commercial services on east side

Alignment ▸ Viable Job Growth ▸ Livability




DRAFT
GENERAL PLAN DIAGRAM
Alignment • Visual Job Growth • Realistic


MODESTO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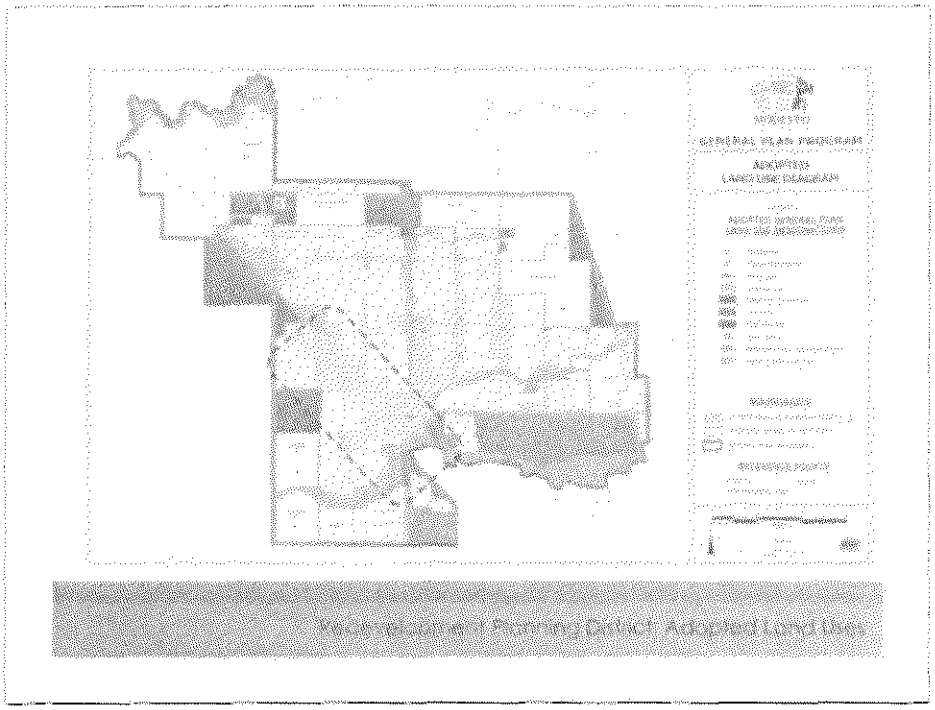
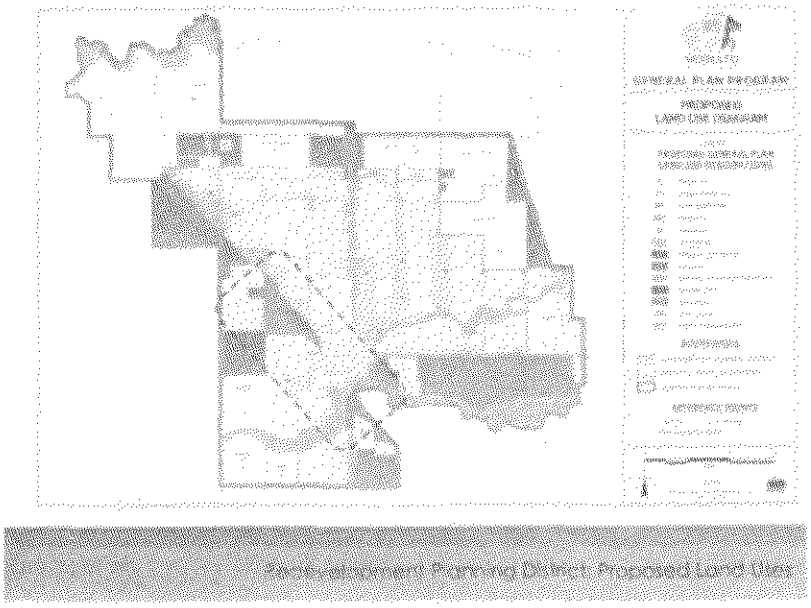
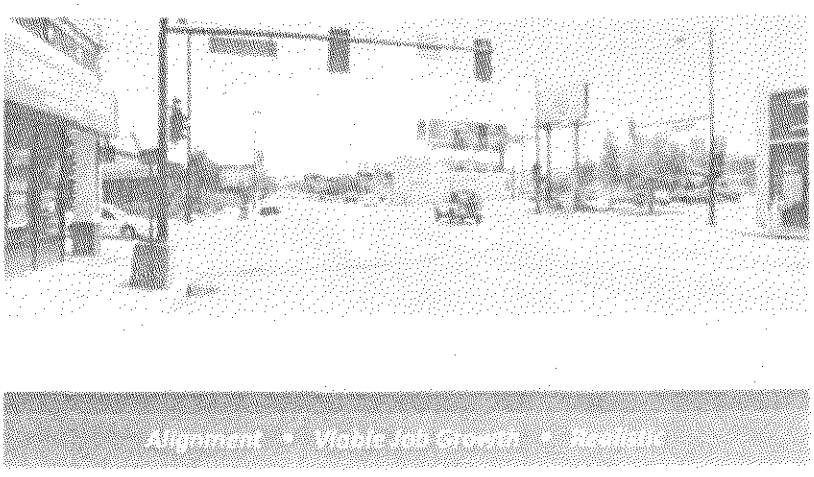
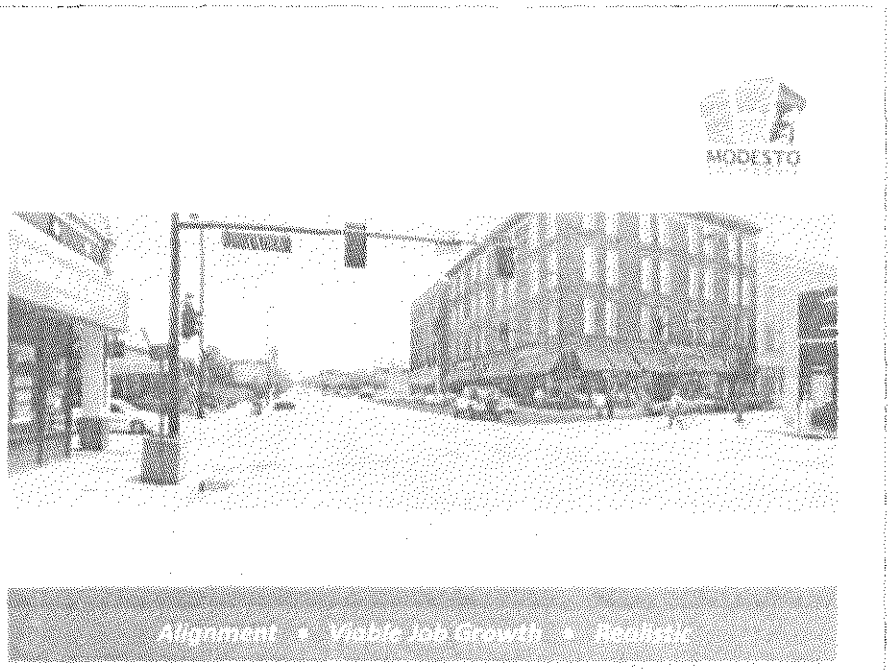


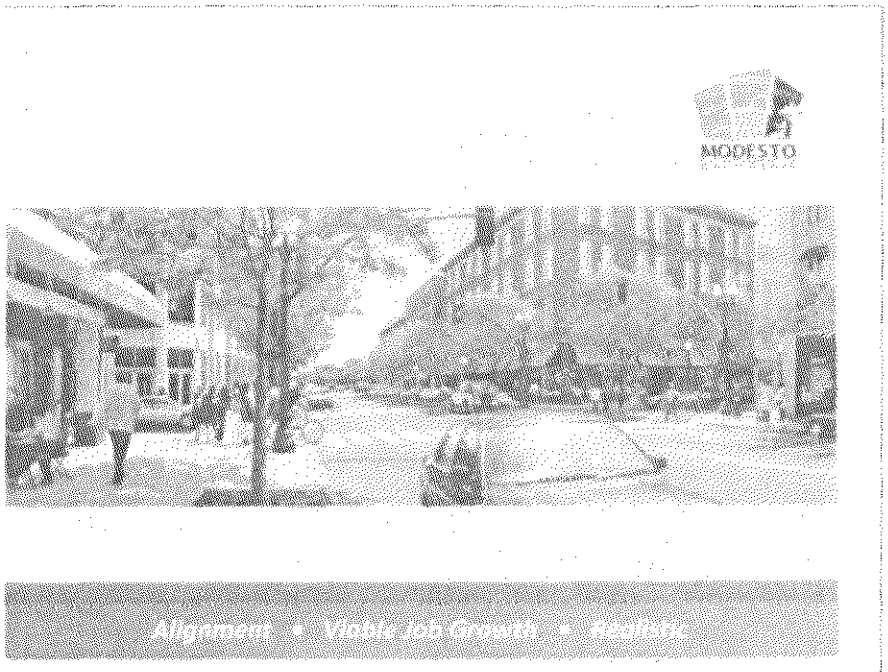


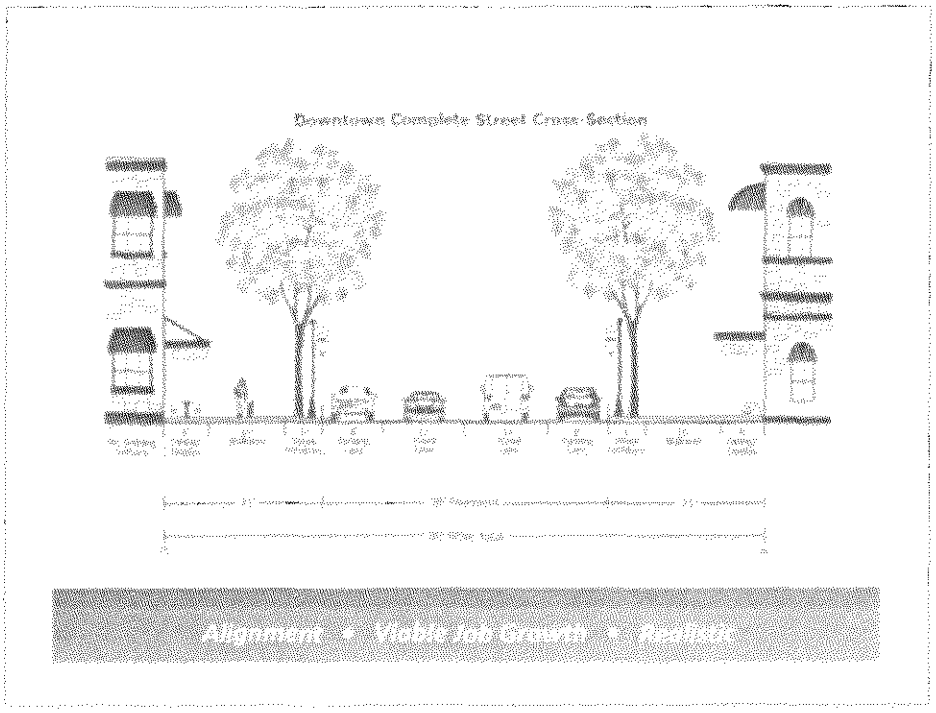
Redevelopment Planning District Proposed Land Uses

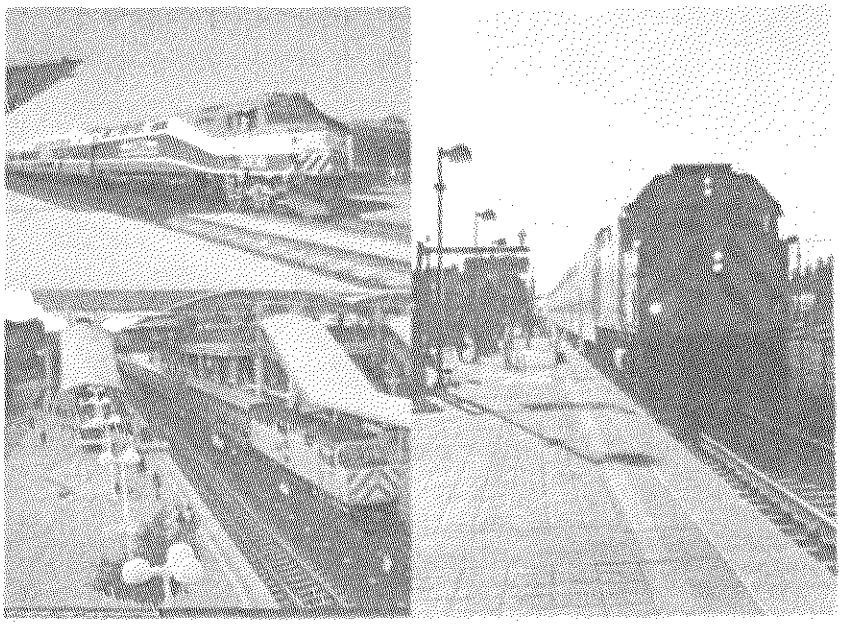


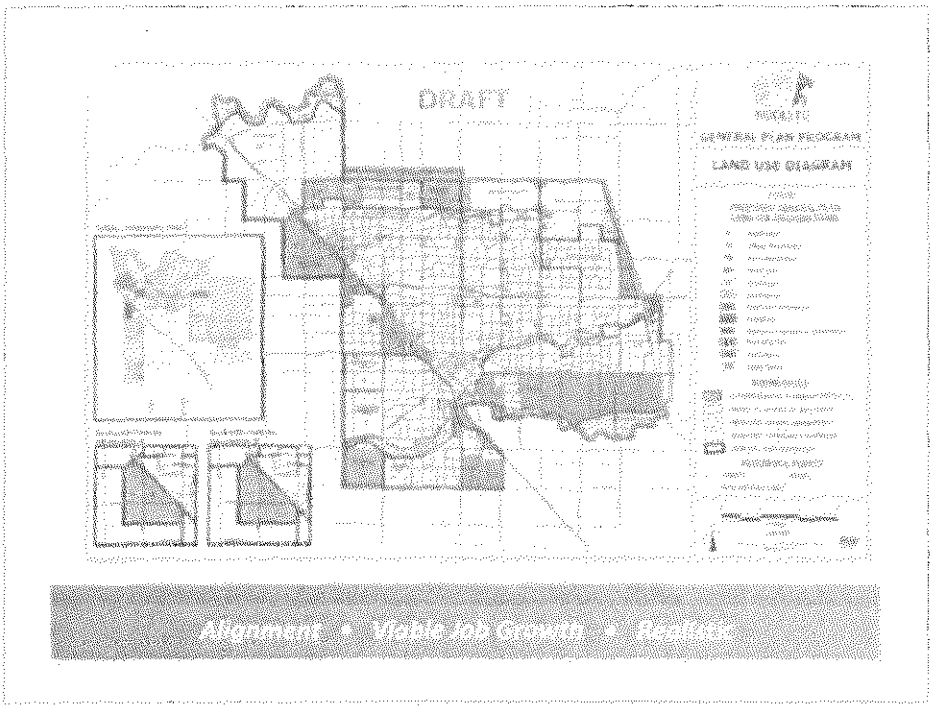
Alignment • Viable Infill Growth • Realistic


MODESTO
Alignment • Viable Job Growth • Realistic


MODESTO
Alignment • Viable Job Growth • Realistic


Downtown Complete Street Cross-Section
Alignment
Visible Jail Camera
Railway

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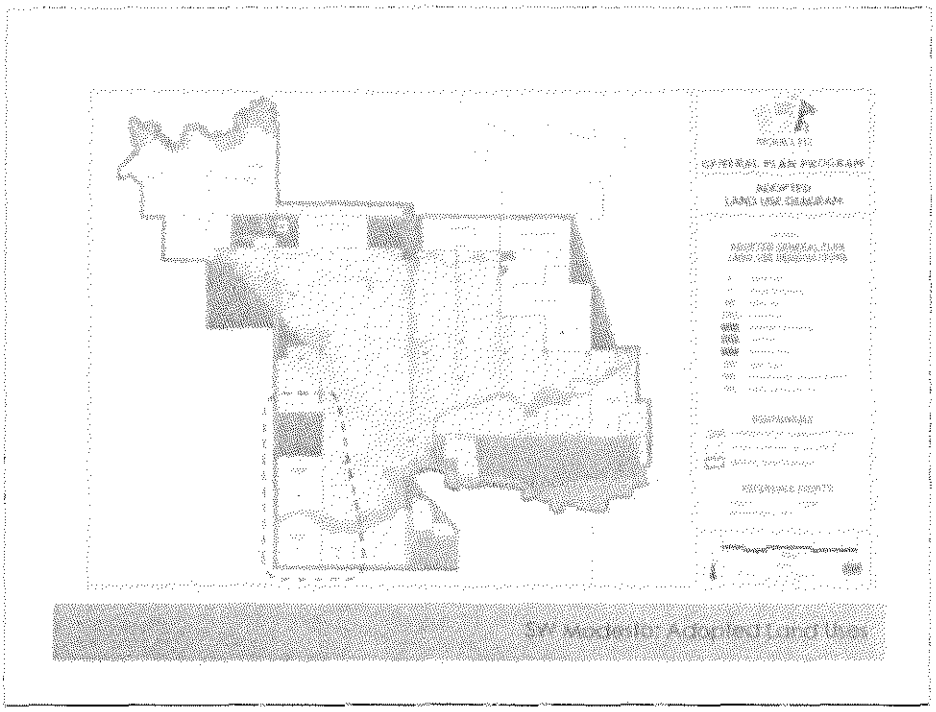
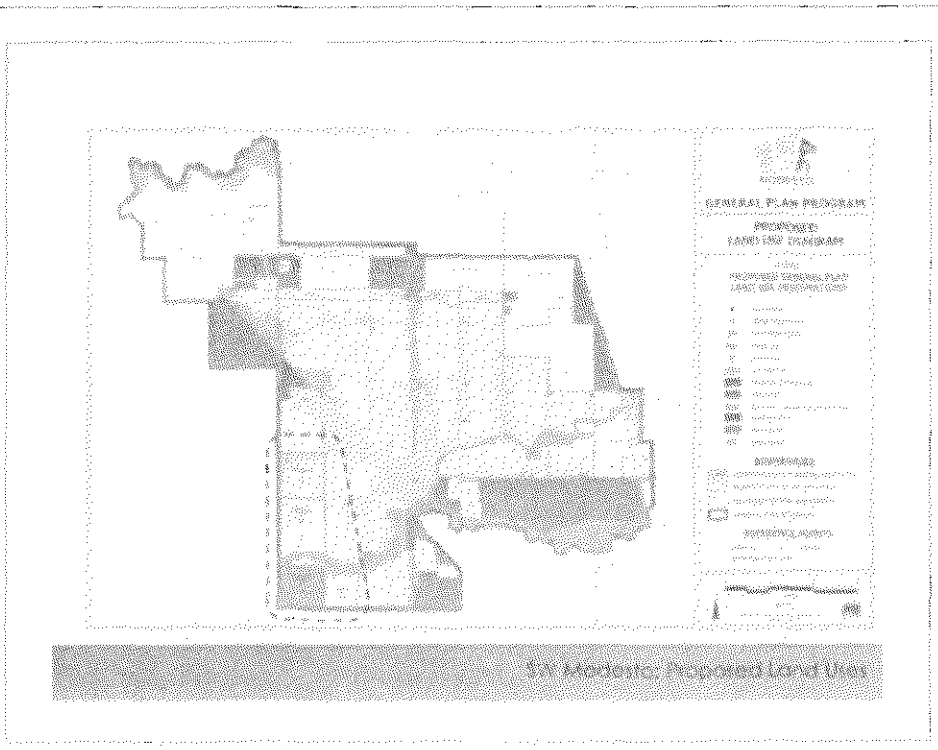
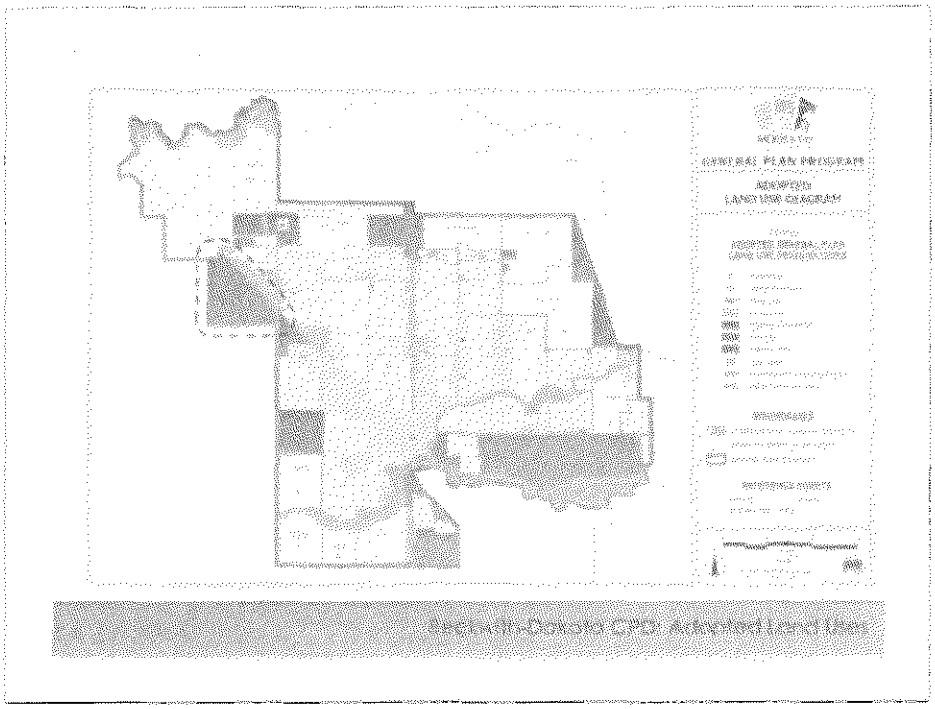
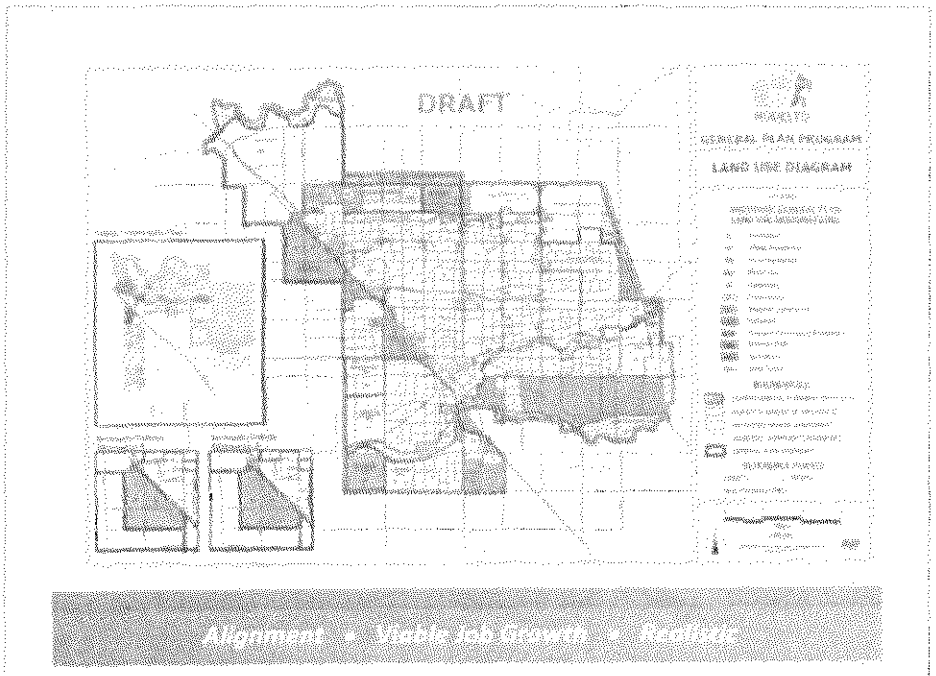
Alignment • Viable Job Growth • Realistic


SVI Modesto Adopted Land Use



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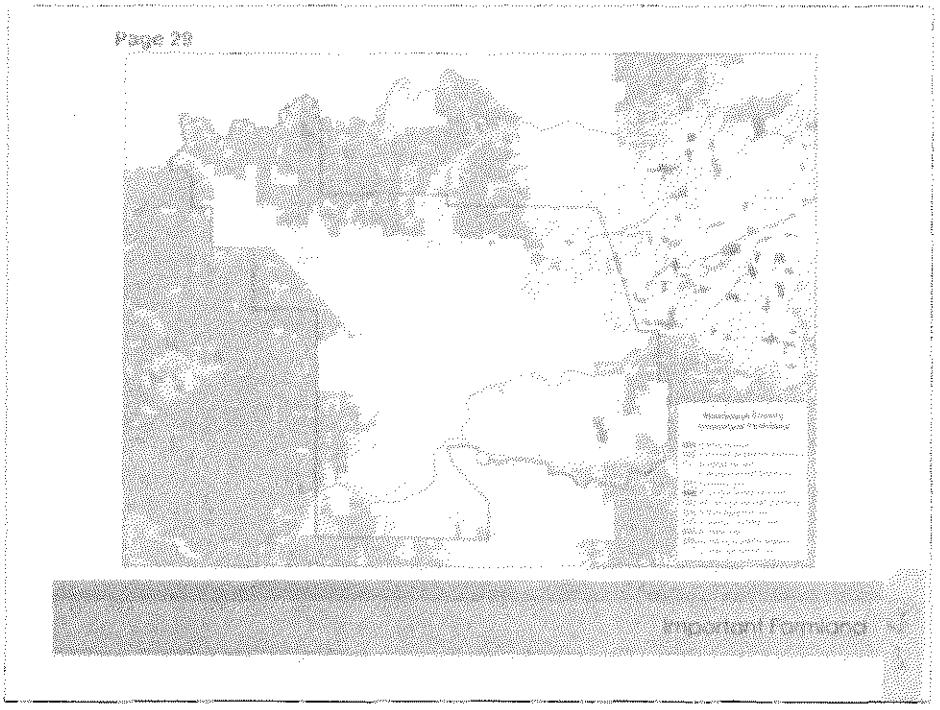
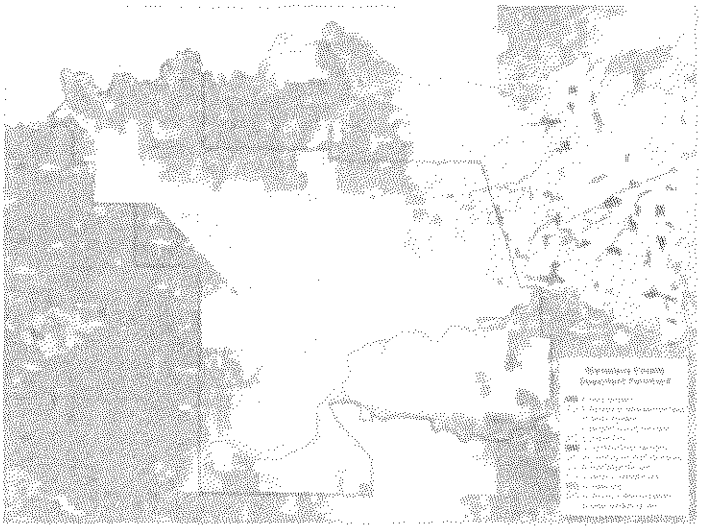
LAND USE DIAGRAM


Page 29



Areas of Very High Water Recharge

General Plan Amendment

MODESTO

Circulation Element

- One of the seven mandated GP Elements
- Comprehensive plan for circulation of people, goods & services
- Public access to existing & future land uses
- Link with surrounding jurisdictions
- Direct relationship with Land Use Element

Alignment • Viable for Growth • Realistic

General Plan Amendment

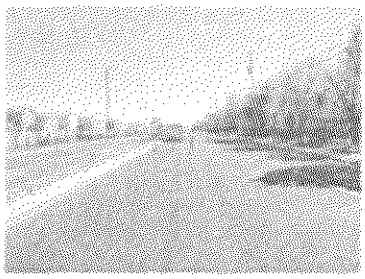
MODESTO

Circulation Element

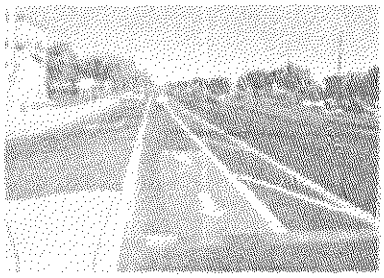
- Realistic, consistent with Land Use designations
- "Complete streets" to accommodate all modes
- Alignment with Capital Improvement Program, Regional Transportation Plan & funding

Alignment > Viable Job Growth > Realistic

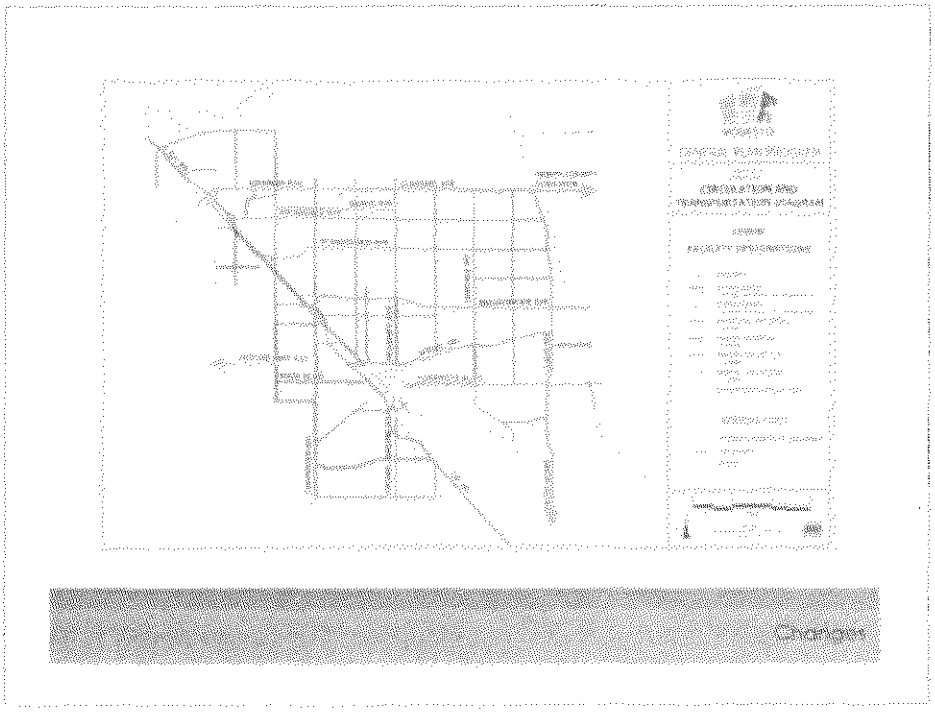
Expressway



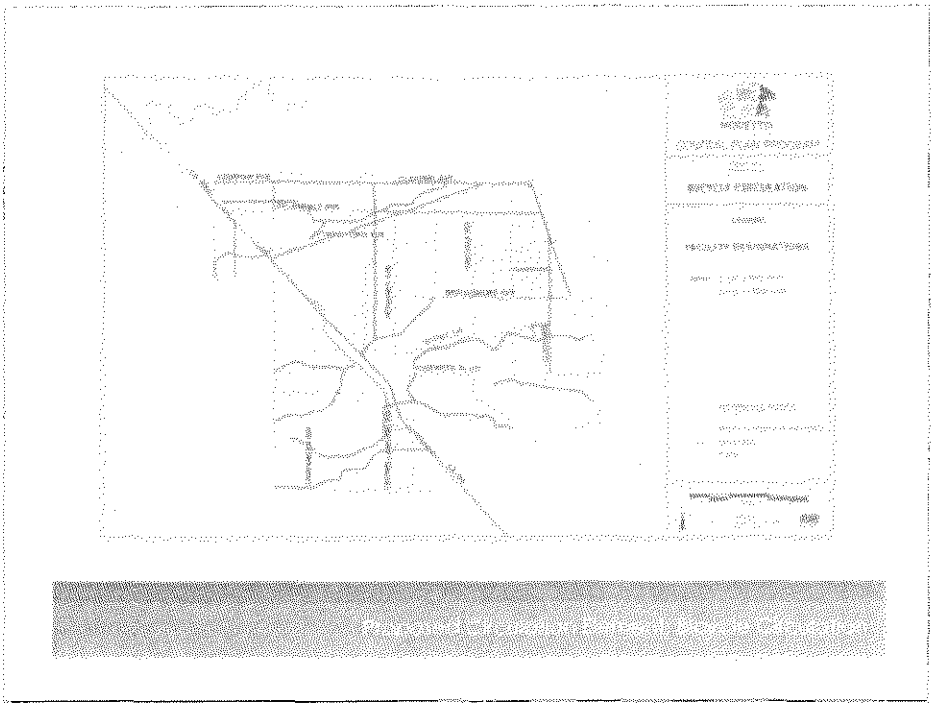
Arterial street



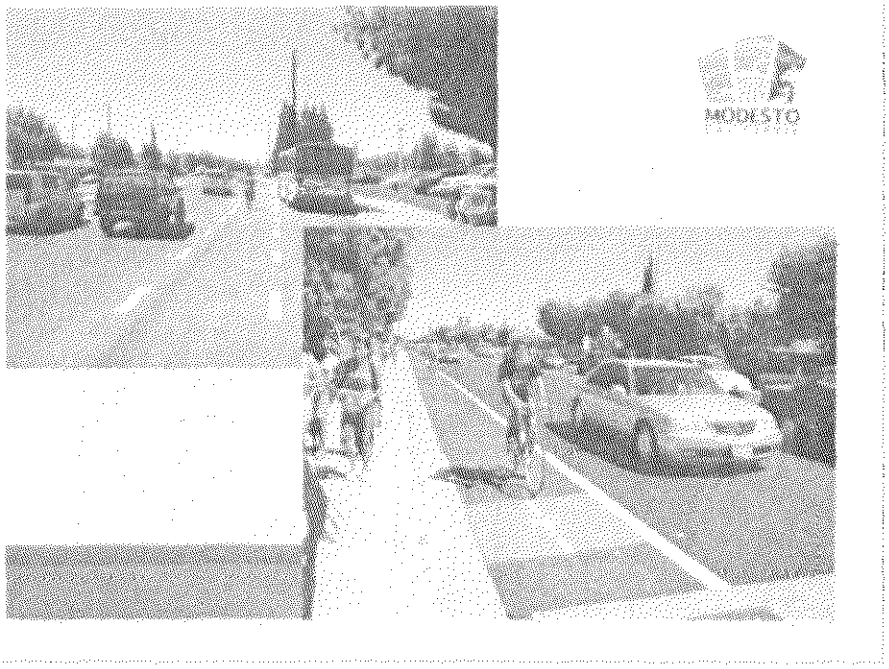
Collector street



Overlays



Planned Urban Limit Boundaries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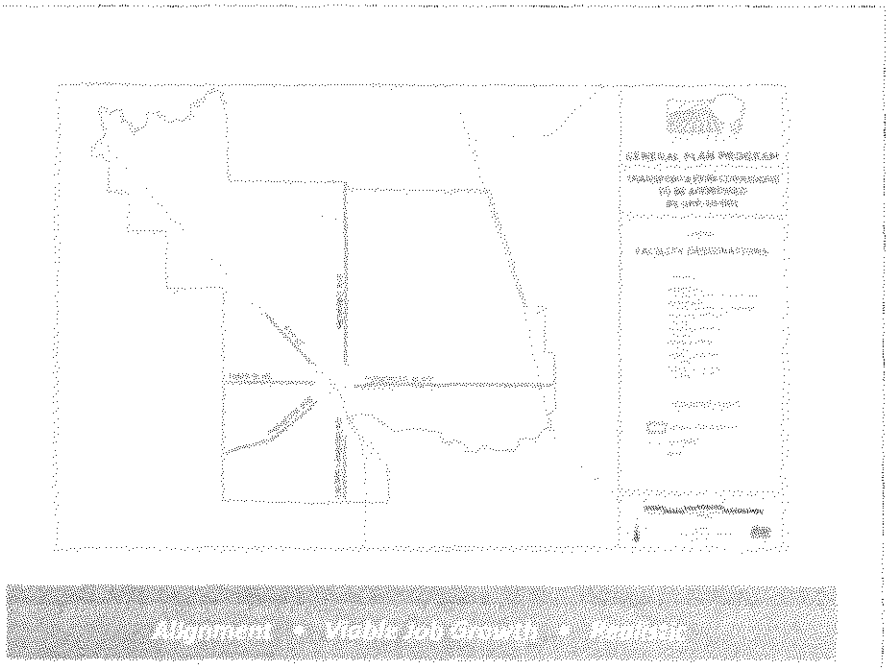
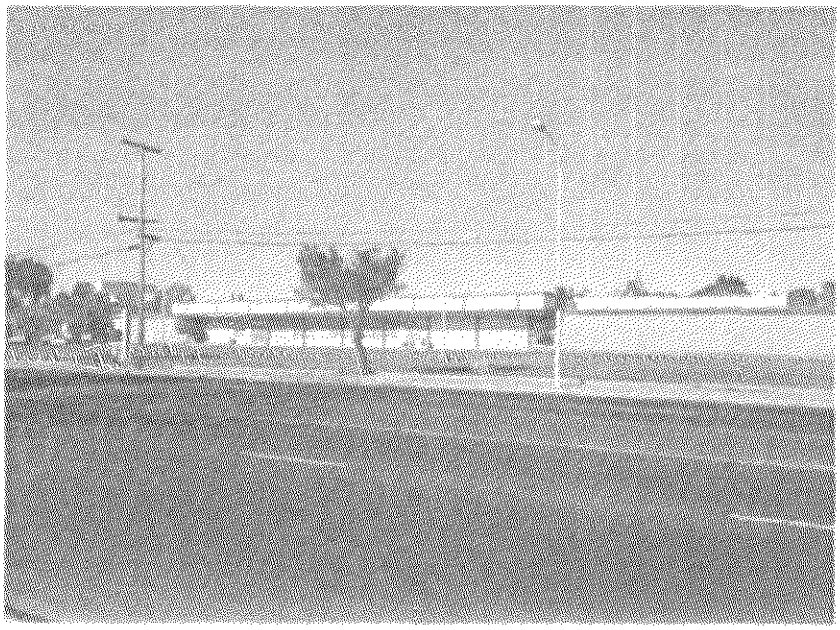
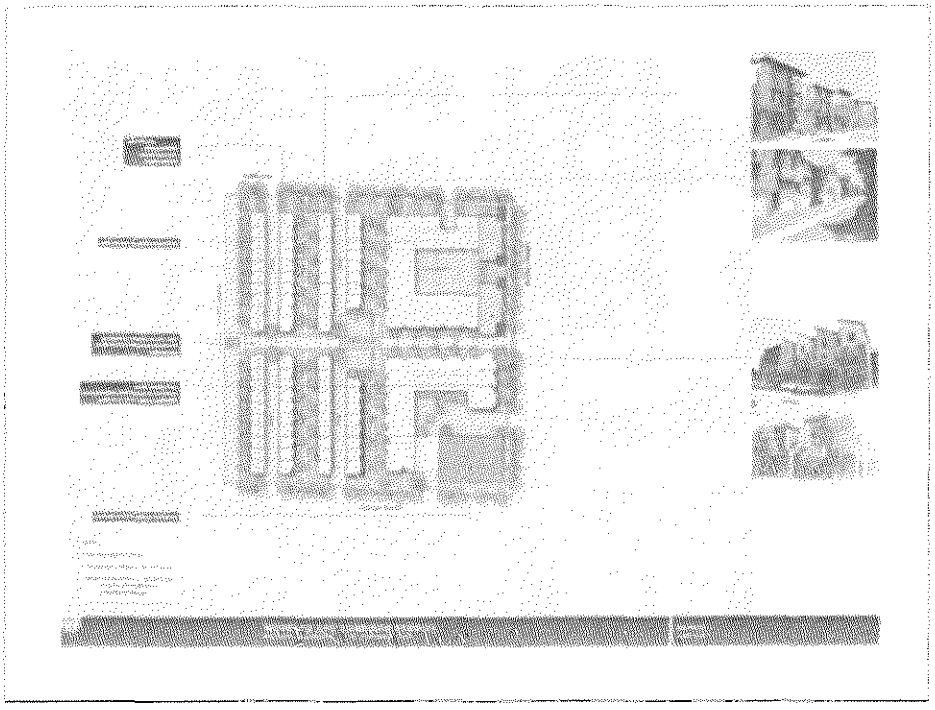
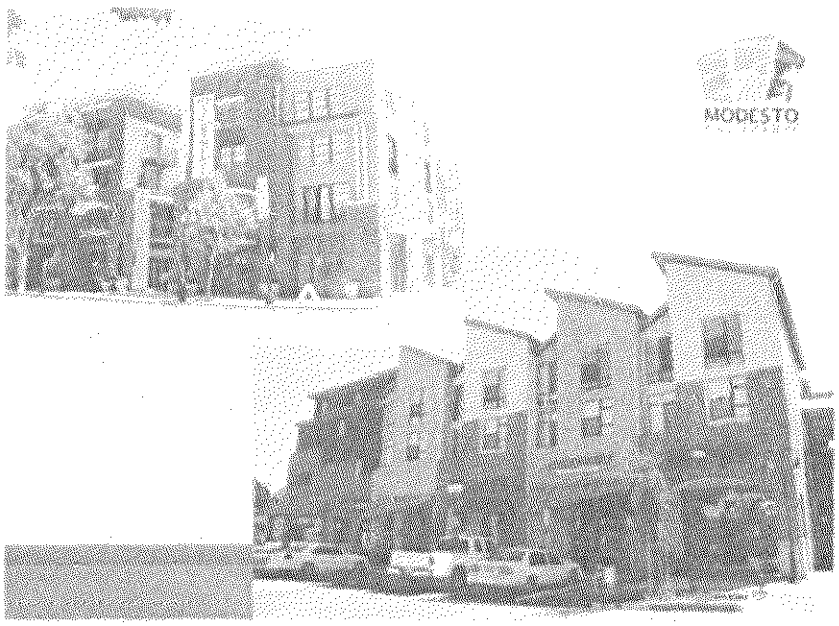








3/18/13 Workshop #1 Recap

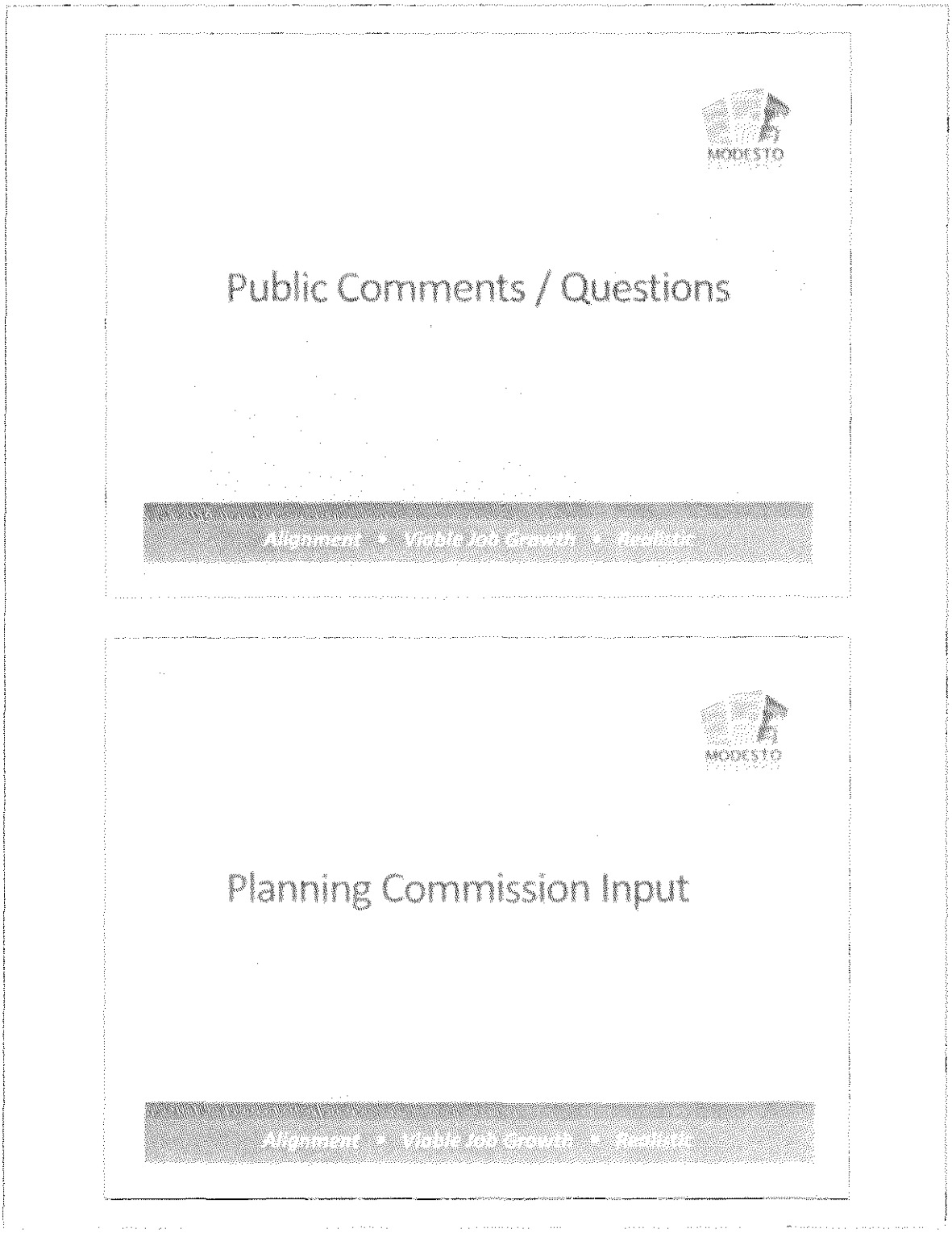
General Comments

Land Use Comments

Transportation Comments

Other / Misc. Comments

Alignment • Viable Job Growth • Feasibility


Public Comments / Questions
Alignment • Viable Job Growth • Realistic
Planning Commission Input
Alignment • Viable Job Growth • Realistic

Next Steps

- Public Workshop #3 – Monday June 3 (King-Kennedy Center, Mellis Park)
- General plan Master EIR update late 2013 and 2014
- Public Review Draft General Plan Amendment & Master EIR late 2014
- Adoption early 2015

Alignment • Viable Job Growth • Realistic

Questions?

For project documents and resources, go to:
http://www.modestogov.com/ced/projects/gp-amendment.asp

Alignment • Viable Job Growth • Realistic

Response to Comment D-1

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment D-2

The DEIR for the Proposed Project has studied and is now addressing the existing deficiencies. The commenter's question about the timing of or delay in addressing these deficiencies is not a CEQA issue; therefore, no further response to this comment is provided.

Response to Comment D-3

See the response to Comment D-2.

Response to Comment D-4

See the response to Comment D-2.

Response to Comment D-5

See the response to Comment B-2 for a discussion of the areas served by the Proposed Project, the water yield of the Proposed Project, and the water system improvements anticipated for future Del Rio buildout that are not included as part of the Proposed Project.

Response to Comment D-6

See the response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas served by the Proposed Project, and the exclusion of the water system improvements anticipated for future buildout from the Proposed Project. As stated in response to Comment D-2, the purpose and need for the Proposed Project is to address the existing deficiency in water capacity.

Response to Comment D-7

See the response to Comment B-2 for a discussion of the water volumes and improvements included in the Proposed Project, the water yield of the Proposed Project, the areas served by the Proposed Project, and the water system improvements anticipated for future Del Rio buildout that are not included as part of the Proposed Project.

Response to Comment D-8

See the response to Comment B-3 for a discussion of the analysis of alternatives for the Proposed Project.

Response to Comment D-9

See the response to Comment B-3 for a discussion of the analysis of alternatives for the Proposed Project.

Response to Comment D-10

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

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Comment Letter E – Daniel W. Smith, Law Offices of Daniel W. Smith, representing North Modesto Groundwater Alliance

LAW OFFICES OF
DANIEL W. SMITH
3648 American River Drive, Suite 150 • Sacramento, CA 95864
Tel (916) 488-4002 • Fax (916) 481-6441

December 21, 2016

Via Email and Postal Express
dryan@modestogov.com

City of Modesto
Utilities Department
1010 Tenth Street, Suite 4600
Modesto, CA 95353
Attention: Tamorah Bryant

RE: Comments to Draft EIR for the Del Rio Tank and Wells Project

Dear Ms. Bryant:

I represent the North Modesto Groundwater Alliance ("the Alliance"). The Alliance is an unincorporated association formed in 2012. It is comprised of residents and property owners living or farming near the proposed locations of the Del Rio Tank and Wells Project ("Project"). The collective goal of all Alliance members is to ensure that the environmental effects and impacts to the North Modesto area from the Project are analyzed, reviewed, reported and mitigated in full compliance with the California Environmental Quality Act ("CEQA"). Pursuant to CEQA Guidelines Sections 15087 and 15088, I submit the following comments to the Del Rio Tank and Wells Project Draft Environmental Impact Report (hereafter referred to as "DEIR") on behalf of the Alliance. E-1

A. Project Purpose and Location.

Comment No. 1: **The project analyzed in the DEIR is an entirely different project from the project analyzed and recommended in the City's 2010 Water System Engineer's Report.** E-2

In Section 1.1.1 of the DEIR, the City states the following: E-3

> "In proposing to conduct the various activities identified in Chapter 2 of this DEIR, the City of Modesto is proposing to carry out and approve a discretionary project subject to CEQA that was previously identified in the City's WSER Program EIR (CEQA Guidelines Section 15168). Accordingly, this DEIR is tiered from the WSER Program EIR, in accordance with CEQA Guidelines Sections 15168 and 15152."

These statements are very misleading to anyone reviewing the DEIR. Both statements imply that the project analyzed in the DEIR is the same project that was analyzed in the 2010 Program EIR. E-4

when in fact the two projects are profoundly different. The project identified in the Program EIR was based upon a memo prepared by West Yost Associates and included in the 2010 WSIP *Program EIR as Appendix H* (hereafter referred to as "WYA Report"). The WYA Report recommended a new well in the northwest portion of the Del Rio service area, another well to replace Well 231 at the same location as the existing well, and a new tank and booster pump in the eastern service area. These recommendations were based upon hydraulic studies that identified the existing Del Rio system weaknesses in water delivery and firefighting system flow and pressure and the necessary improvements to overcome them. The WYA recommendations included specific, modeled locations, flows and pressures. This is the "previously identified" project identified in the City's WSIP Program EIR that the City of Modesto claims it "is proposing to carry out and approve."

E-4 cont.

The project identified in the DEIR, however, is **not** the project recommended and analyzed in the WYA Report. The project identified and discussed in the DEIR is located entirely outside of the Del Rio community service area, with wells, tank and booster pump locations that were not recommended by, or studied in, the WYA Report. The DEIR does not contain any hydraulic analysis to demonstrate that this new project design and location will resolve the current Del Rio system deficiencies. Without such a hydraulic analysis, the City is unable to demonstrate that the project it is proposing in the DEIR can fulfill the Project's primary objectives identified in the DEIR.

E-5

Furthermore, the DEIR is not "tiered from the WSIP Program EIR" as the City claims it is in Section 1.1.1. To qualify for the use of tiering, Public Resources Code Section 21094 (b) states that later projects must:

(1) Be consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified.

(2) Be consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located, and

(3) Not trigger the need for a subsequent EIR or supplement to an EIR.

E-6

As discussed above, the project proposed in the DEIR is not consistent at all with the project recommended and analyzed in the WSIP Program EIR. The DEIR fails to include sufficient information for the City to conclude that the Project proposed in the DEIR will solve the hydraulic deficiencies in the current Del Rio water supply system identified in the WYA Report. Because of this failure, the Alliance believes that approval of the DEIR by the City Council as a final EIR would constitute an abuse of discretion.

E-7

Comment No. 2: **The project proposed and discussed in the DEIR is located outside of the Del Rio Community Plan Area.**

E-8

In Section 2.3 of the DEIR, the City states that "The Proposed Project is located in

E-9

the census-designated place of Del Rio in Stanislaus County." This statement is a misrepresentation and is also very misleading. The southern boundary of the Del Rio Community Plan Area is Dadd Road. Site A, the location of the majority of the proposed Project improvements (one of the two proposed wells, a pump, an above-ground storage tank, and a booster pump), is south of Dadd Road and outside the Del Rio community.

E-9 cont.

II. Groundwater Impact Analysis.

Comment No. 1: In arriving at its conclusion that the Project wells will have a "less than significant impact" on lowering the groundwater table and adversely affecting nearby wells, the City failed to state in the DEIR whether its conclusion is based upon the volume of water it will pump to serve the existing Del Rio subdivision, or whether its conclusion is based upon the volume of water it will pump to the existing subdivision and to future growth in the Del Rio area.

E-10

In Section 2.3 of the DEIR, the City states the following four objectives for the Project:

1. Correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements identified in the 2010 Water System Engineer's Report;

2. Ensure sufficient system pressure to provide firefighting flow capacity;

3. Improve water system operational flexibility and reliability; and

4. Allow for additional water supply and storage volume to accommodate anticipated future growth in the Del Rio area.

E-11

The City concludes in the DEIR that operation of the Project wells will have a "less than significant impact" on lowering the groundwater table and adversely affecting nearby wells. However, in Chapter 9 the City fails to reveal or even discuss whether the simulation run times and operational pumping rates for the Project wells, and therefore its conclusion about impact of such wells on surrounding wells, are based only on serving the existing Del Rio subdivision, or whether it studied the impacts on surrounding wells during simultaneous operation of the Project wells for the existing Del Rio neighborhood and the anticipated future growth of the Del Rio area.

E-12

In other words, did the City compute the volume of water that it will need to pump to simultaneously serve all four of its stated objectives for the Project and then model the pumping of that volume of water over the 3,650 days of simulation run time to determine what level of impact such pumping will have on surrounding wells? It is entirely unclear in Chapter 9 if the volume of water that the City estimates that the Project will pump is to be used solely to meet the first three objectives listed above, or whether the volume of water that will be pumped will meet the fourth objective as well.

E-13

Comment No. 2: The DEIR concludes that the cumulative impact to groundwater overdraft would be "significant and unavoidable," but it improperly attempts to avoid responsibility under CEQA for mitigation of this impact by passing it to the Groundwater Sustainability Agency. E-14

The DEIR concludes that cumulative impact to groundwater overdraft would be *"significant and unavoidable."* (DEIR, p. 9-28). The DEIR pushes the responsibility for mitigation of this impact to the future efforts of a Groundwater Sustainability Agency (GSA) formed in response to the Sustainable Groundwater Management Act (SGMA). Under SGMA, a GSA must develop a management plan – including specific actions – to essentially limit continued reductions in groundwater elevation to those reflected in 2015, or otherwise improve groundwater levels and overall groundwater sustainability. This plan – a Groundwater Sustainability Plan ("GSP") – must be prepared by 2022, with sustainability objectives achieved by 2042 (see California Code of Regulations, Title 23 – Waters, Division 2 – Department of Water Resources, Chapter 1.5 – Groundwater Management, Subchapter 2 – Groundwater Sustainability Plans and Alternatives). The DEIR should not allow mitigation actions for the overdraft impact of future demands from the *Del Rio Community Plan* to be deferred to a to-be-defined entity that will develop an unknown set of actions that are not required to fully address overdraft until 2042. E-15

C. Alternatives to the Project

Comment No. 1: Of the alternatives to the Project that were considered, the City concluded that Alternative 1 is the environmentally superior alternative. The customers that will be served by the Project – the members of the Del Rio Property Owner's Association – agree that Alternative 1 is environmentally and economically superior to the Project proposed in the DEIR and should be constructed. E-16

In the Superior Court's judgment in *North Modesto Groundwater Alliance v. City of Modesto, et al.*, the Court ordered the City and City Council "to comply with CEQA Guidelines before reapproving the Project." E-17

CEQA Guidelines Section 15021 establishes a duty for the City to minimize environmental damage and balance competing public objectives when considering the approval of a project subject to CEQA:

> (a) "CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
>
> (b) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
>
> (3) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.
>
> (c) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors. E-18

(c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.

(d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.

E-18 cont.

In addition to the "No Project Alternative," the City considered two other alternatives – Alternative 1 and Alternative 2 – in the DEIR. Under Alternative 1, the City recognized in the DEIR that it owns property and operates groundwater wells at three locations in the Del Rio service area. It also recognized that "under this alternative, in lieu of purchasing new property for the proposed wells and tank, the City would design the proposed new facilities to fit within their existing well properties." The City concluded that "this alternative would not require transmission pipelines, because the well sites would already be connected to the existing water distribution system. This alternative would meet all of the project objectives." (Emphasis added.)

E-19

In Chapter 12, Section 12.5, the City concluded that Alternative 1 is the environmentally superior alternative:

> "Among the other alternatives considered, Alternative 1: Construct at Existing City Well Locations is considered the environmentally superior alternative. This alternative would achieve all the project objectives to a similar degree as the Proposed Project. As described above, more sensitive receptors (residents) are located near the existing City well sites; therefore, this alternative would result in increased impacts on aesthetics, operation-related noise, and air quality because of the greater number of sensitive receptors near the well sites. However, less GHG emissions and construction-related noise impacts would occur because no pipelines would be constructed under this alternative. In summary, Alternative 1 would result in the most reductions in environmental impacts among the alternatives considered."

E-20

Constructing Alternative 1 avoids the following problems and costs associated with the Project proposed in the DEIR:

1. Alternative 1 is consistent with the recommendations in the WYA Report and the project that was hydraulically analyzed in the WSER Program EIR and should solve the existing Del Rio service deficiencies. This avoids the problems and uncertainties that are inherent in proceeding with the project proposed in the DEIR – which has not been hydraulically analyzed as noted above – and whether that project will solve such service deficiencies. It also avoids the problem of failing to comply with CEQA Guidelines.

E-21

2. Alternative 1 avoids the costs of constructing a 2,500 foot-long, 8-inch diameter transmission main from Site A to the Del Rio subdivision, and a 950 foot-long, 12-inch diameter transmission line from the Site B well to the Del Rio subdivision.

3. Alternative 1 avoids the costs of constructing a 250,000 gallon storage tank, a pump house, and booster pump on Site A.

4. Alternative 1 avoids the cost of landscaping Site A.

E-21 cont.

Constructing Alternative 1 also minimizes environmental damage and balances competing public objectives in compliance with CEQA Guidelines Section 15021. The project proposed in the DEIR, which is located outside of the Del Rio area places all of the environmental burdens of the Project on Alliance members and other residents and owners living near Sites A and B while not providing any of the benefits of the Project to such residents. These citizens will not be served by the Project at all. In contrast, the residents of the existing Del Rio subdivision would unjustly receive all of the benefits of the Project without any of the environmental burdens.

E-22

Alternative 1 balances these concerns and eliminates this inequity by placing the aesthetic and noise burdens on the persons who will be served by the Project instead of on those who will not. A portion of the considerable costs that would be saved by implementing Alternative 1 instead of the proposed Project could be allocated to provide better landscaping and noise reduction for the residents of the existing neighborhood.

E-23

As stated in CEQA Guidelines Section 15021(a)(2), "A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment." The City identified a feasible alternative in Alternative 1 and concluded in the DEIR that it "would achieve all the project objectives" while simultaneously "resulting in the most reductions in environmental impacts among the alternatives considered."

E-24

In their comments regarding the DEIR submitted in a letter to the City dated December 2, 2016, the Del Rio Property Owner's Association stated that Alternative 1 "should be started immediately to relieve existing Del Rio customers water pressure problems and provide adequate fire protection." The Alliance likewise believes that if improvements to the Del Rio water supply system are needed, then Alternative 1, which is substantially the same as the improvements recommended in the WSA Report, should be installed.

E-25

Sincerely,

Daniel W. Smith

Response to Comment E-1

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-2

The following discussion addresses the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

The Proposed Project includes the recommended improvements for existing system deficiencies identified by the 2010 WSER and is consistent with the project identified in the 2010 Program EIR (Stanislaus County 2010). The primary difference between the project described in the Program EIR and the Proposed Project is one of the well locations. While the 2010 WSER (2010 Program EIR, Appendix H) recommended that the new well be located in the northwest portion of the Del Rio service area, the report also states that "the locations of the proposed facilities are for planning purposes only and should be developed further in future pre-design studies" (2010 WSER: page 17).

As discussed in the response to Comment B-2, the 2010 Program EIR included evaluation of a proposed tank and pump station on a large parcel of land north of McHenry Avenue and Stewart Road. As the project developed, no land was available for sale in that area. The City then considered alternative locations, including River Nine Drive and 6520 Carver Road, but was unable to find willing sellers or complete the purchase of land in those alternative locations. On March 13, 2012, by Resolution 2012-101, the City Council approved the purchase of two parcels at 718 Ladd Road.

After considering the feasibility of suitable sites within the northwest portion of the Del Rio service area, including whether the City could reasonably acquire control of suitable sites and the economic implications of doing so, the City selected Site A for the Proposed Project, in part because it was more cost effective, given the fact that the City already owns this property and it is immediately adjacent to the community that the Proposed Project is intended to serve.

A hydraulic assessment of the Del Rio water system was conducted as part of the 2010 WSER, discussed in Appendix H of the 2010 WSER. The hydraulic assessment indicated that the existing supply wells cannot maintain the minimum system pressure needed during maximum existing demand conditions. The 2010 WSER provided recommended improvements to the existing Del Rio water system to correct these existing system deficiencies. The WSER focused on the type and size of improvements needed. The location of the improvements was identified as proposed and subject to change.

The Proposed Project would construct the same storage tank and well improvements listed in the 2010 WSER, Section 1.3 and Table 7, *Recommended CIP Program for Existing Del Rio Water System*, and in the 2010 WSER Program EIR in Table ES-4, *Proposed Outlying Service Area Capital Improvement Projects*, to correct existing deficiencies in the Del Rio water system and meet design pressure and volume storage requirements. Accordingly, the Proposed Project is consistent with the project information identified in the 2010 WSER Program EIR and appropriately tiers from the 2010 WSER Program EIR. The new proposed location for one well would meet the objectives analyzed and recommended in the 2010 WSER and

Program EIR. Furthermore, the DEIR meets CEQA's disclosure requirements by fully describing project-specific and site-specific impacts of the project. As such, no new hydraulic analysis was necessary to support the DEIR.

Response to Comment E-3

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-4

See the response to Comment E-2 for discussion regarding the Proposed Project's consistency with the 2010 WSER and Program EIR. The commenter has provided no evidence to support the assertion that the prior hydraulic analysis is deficient.

Response to Comment E-5

See the response to Comment E-2 for discussion regarding the Proposed Project's consistency with the 2010 WSER and Program EIR and its hydraulic assessment.

Response to Comment E-6

The following discussion addresses comments regarding the use of the 2010 WSER Program EIR (Stanislaus County 2010) for the Proposed Project under CEQA's Program EIR and tiering provisions.

As discussed in Section 1.1.1 of the DEIR,

> "In proposing to conduct the various activities identified in Chapter 2 of this DEIR, the City of Modesto is proposing to carry out and approve a discretionary project subject to CEQA that was previously identified in the City's WSER Program EIR (CEQA Guidelines Section 15168). Accordingly, this DEIR is tiered from the WSER Program EIR, in accordance with CEQA Guidelines Sections 15168 and 15152."
>
> "This EIR was prepared to disclose further details and changes to the Proposed Project, as well as the potentially significant effects of the proposed project on the environment which were not examined in the prior Program EIR. This EIR is tiered from the WSER Program EIR and incorporates the Program EIR by reference, and all applicable mitigation measures from the Program EIR (as described in Chapter 3, *Introduction to the Environmental Analysis*) are incorporated into this EIR. The City will use the analyses presented in the Program EIR, this DEIR, public comments on the DEIR, and the whole of the administrative record, to evaluate the Proposed Project's environmental impacts and to further modify, approve, or deny approval of the Proposed Project."

Agencies are encouraged to tier the environmental analyses that they prepare for separate but related projects to eliminate repetitive discussions of the same issues and focus the later EIR on the actual issues ripe for decision at each level of environmental review (CEQA Guidelines Section 15152).

The response to Comment E-2 discusses how the proposed Del Rio Tank and Wells Project includes the recommended improvements identified by the 2010 Program EIR and Appendix H (2010 WSER), and is consistent with the project identified and analyzed in those documents.

If the Proposed Project being evaluated were identical to the project identified in the first-tier EIR, no additional review would be necessary. As indicated in the response to Comment E-2 above, the Proposed Project is indeed consistent with the project identified in the 2010 WSER Program EIR and its hydraulic assessment. The Proposed Project also is consistent with applicable local land use plans and zoning. The change in the potential location of one of the new wells as discussed in the Program EIR does not trigger the need for a subsequent EIR or supplement to an EIR pursuant to Public Resources Code (PRC) Section 21166. Thus, it is appropriate for the City to tier the analysis of the Proposed Project from the previous analysis in the 2010 WSER Program EIR, in accordance with PRC Section 21094(b) and to analyze project-specific impacts not already analyzed at the Program level.

Response to Comment E-7

See the response to Comment E-2 for discussion regarding the Proposed Project's consistency with the 2010 WSER and Program EIR. The commenter has provided no evidence to support the assertion that the prior hydraulic analysis is deficient.

Response to Comment E-8

See the response to Comment B-3 for a discussion of potential sites previously explored and the location of the project site in relation to the Del Rio Community Plan area. Note that the use of the term "census-designated place" is factually correct and is not misleading; it is a legitimate description of an area that is not officially incorporated and does not have an independent local government.

Response to Comment E-9

See the response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas served by the Proposed Project, and the fact that the Proposed Project does not include water system improvements anticipated for future buildout.

Response to Comment E-10

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-11

Refer to the Response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas serviced by the Proposed Project and the fact that the Proposed Project does not include the water system improvements anticipated for future buildout.

Response to Comment E-12

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-13

Refer to the Response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas serviced by the Proposed Project and the fact that the Proposed Project does not include the water system improvements anticipated for future buildout.

Response to Comment E-14

Refer to the Response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas serviced by the Proposed Project and the fact that the Proposed Project does not include the water system improvements anticipated for future buildout.

Response to Comment E-15

The following is a discussion of impacts of the Proposed Project on groundwater, including cumulative impacts.

Chapter 9 of the DEIR evaluates impacts of the Proposed Project on groundwater, including cumulative impacts. The City of Modesto, along with five other water agencies and local jurisdictions, formed the Stanislaus and Tuolumne Rivers Groundwater Basin Association (STRGBA), which developed the Integrated Regional Groundwater Management Plan for the Modesto Subbasin (IRGMP).

In 2009, the California State Legislature also enacted the California Statewide Groundwater Elevation Monitoring (CASGEM) Program; the Modesto Subbasin is classified as a high-priority basin, although it is not specifically noted as being in overdraft (see DEIR page 9-3). In 2016, the legislature also enacted a series of laws known as the Sustainable Groundwater Management Act (SGMA), to begin organizing and regulating the management of groundwater basins throughout the state.

All of these laws and regulations require coordination among the various agencies and jurisdictions that use and manage groundwater throughout California. The City, in its capacity as a water service provider and a user of groundwater, participates in these joint management efforts. Because the City is not the only decision maker involved in managing groundwater in the project area, the City cannot unilaterally resolve issues related to groundwater overdraft. For this reason, the cumulative impact (by definition, the impact of the Proposed Project in combination with other past, present, and reasonably foreseeable future projects) on groundwater overdraft cannot be mitigated by the City alone. Because the City does not control what actions would be taken to mitigate the identified significant cumulative impact, the impact would remain significant and unavoidable until such time as actions of the various responsible entities are known.

CEQA requires that an EIR evaluate the intended operations of a project, rather than speculate on an operational approach that is not currently planned. As explained in the response to Comment B-2, the City has identified the theoretical maximum annual yield of the proposed wells; however, the evaluation in the EIR is based on the anticipated maximum annual yield based on the manner in which the Proposed Project would be operated to address existing deficiencies. As explained on page 2-10 of the DEIR, the theoretical maximum yield would exceed the annual production for the entire Del Rio service area for the previous 5 years by more than double; basing the EIR analysis on this calculation would

result in a gross overstatement of the potential environmental impacts of the Proposed Project. This level of pumping would not occur under the Proposed Project.

As discussed in Chapter 9, Section 9.4.4, "Cumulative Impacts of the DEIR," the City is already implementing all available measures to ensure that its groundwater extraction does not exacerbate this situation and is an active participant in regional groundwater management with a goal of ensuring sustainable management of the subbasin. However, the EIR conservatively concludes that the Proposed Project would have a significant and unavoidable cumulative impact due to its cumulatively considerable contribution to the existing significant cumulative impact on groundwater in the region.

Response to Comment E-16

See the response to Comment B-3 for a discussion of alternatives for the Proposed Project.

Response to Comment E-17

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-18

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-19

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-20

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-21

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-22

See the response to Comment B-3 for a discussion of alternatives for the Proposed Project.

Response to Comment E-23

See the response to Comment B-3 for a discussion of alternatives for the Proposed Project.

Response to Comment E-24

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment E-25

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Comment Letter F – Greg Young, Tully & Young, representing North Modesto Groundwater Alliance

Tully & Young
Comprehensive Water Planning

Tully & Young, Inc.
1600 American River Drive, Suite 200
Sacramento, CA 95864

December 20, 2016

Via Email and Federal Express
dbryan@modestogov.com

City of Modesto
Utilities Department
1010 Tenth Street, Suite 4006
Modesto, CA 95353
Attention: Tamerah Bryan

RE: Comments to Draft EIR for the Del Rio Tank and Wells Project

Dear Ms. Bryan:

Tully & Young was retained by the North Modesto Groundwater Alliance ("Alliance") to review the November 2016 *Del Rio Tank and Wells Project Draft EIR* prepared by the City of Modesto Utilities Department (hereafter the "Project EIR"). On behalf of the Alliance, Tully & Young submits the following comments regarding the Project EIR pursuant to CEQA Guidelines Sections 15087 and 15088.

F-1

Based upon our initial review, we have concluded the following:

- Project Purpose: The proposed wells and tank described and analyzed in the Project EIR are not consistent with the recommendations of the City's 2010 Water System Engineer's Report, and therefore may not meet the City's stated objectives. The entire analysis may be inadequate, as the proposed project appears to not meet the primary project purpose.
- Groundwater Impact Analysis: The Project EIR concludes that cumulative impact to groundwater overdraft would be "*significant and unavoidable.*" The Project EIR pushes the responsibility for mitigation of this impact to the future efforts of a groundwater Sustainability Agency (GSA) formed in response to the Sustainable Groundwater Management Act (SGMA). The EIR should not allow mitigation actions for the overdraft impact of future demands from the Del Rio Community Plan to be deferred to a to-be-defined entity that will develop an unknown set of actions that are not required to fully address overdraft until 2042.

F-2

F-3

Each of these conclusions is discussed further below.

1. Project Purpose

Probably the most concerning conclusion from my review was that the project analyzed in the EIR did not match the project attributes recommended in the City's 2010 Water System Engineer's Report. In my opinion, this is a glaring mistake and would reasonably lead to a conclusion that the entire Project EIR analysis is misleading and should not be used by the City.

F-4

To understand how I have reached this conclusion, it is important to understand various statements from the Project EIR, as well as other relevant documents.

F-5

Here are critical statements in the Project EIR:

1. *"This Proposed Project was previously described in the City's Water System Improvement Program (WSIP) Program EIR (State Clearinghouse No. 2008092093) in City of Modesto 2010a."* (Project EIR, p. 1-1) The Project EIR is referencing the 2010 Program EIR discussed later. This is important as it implies to the reader that EIR analyzed the same project that was analyzed in the City's December 2009 Draft Program EIR for the 2010 Water System Engineer's Report. However, as represented with other consecutive information, the project analyzed in the Project EIR is a much different project than the project that was environmentally reviewed in 2010. F-6

2. *"In preparing to construct the various activities identified in Chapter 2 of this DEIR, the City of Modesto is proposing to carry out and approve a discretionary project subject to CEQA that was previously identified in the City's WSIP Program EIR (CEQA Guidelines Section 15168). Accordingly, this DEIR is tiered from the WSIP Program EIR in accordance with CEQA Guidelines Sections 15168 and 15152."* (Project EIR, p. 1-2) This statement appears to define the purpose of this project-specific EIR to be analyzing the "previously identified" project. However, as shown through later statements, this is not the case. Rather, a different project was assessed in the Project EIR. F-7

3. *"This EIR was prepared to disclose further details and changes to the Proposed Project as well as the potentially significant effects of the proposed project or the environmental effects not examined in the prior Program EIR."* (Project EIR, p. 1-3) Though this statement appears to open the opportunity for "changes," there is never any discussion in the Project Description or elsewhere of any proposed change from what was assessed in the 2010 programmatic EIR. Yet, the Project EIR identifies new locations for the Project wells, pumps and storage tank that are outside the Del Rio neighborhood. This is a major change, and the Project EIR failed to discuss the change and whether it will adequately meet the Project goals for the Del Rio neighborhood that were designed, analyzed and recommended for the neighborhood (as discussed later). F-8

4. *"The first stated objective of the Proposed Project is 'to correct existing deficiencies in the Del Rio water system to meet design pressure and volume storage requirements identified in the 2010 Water System Engineer's Report'."* (Project EIR, p. 3-4) As discussed below, the 2010 report being referenced defined a very distinct project that is considerably different from the project analyzed by the Project EIR. F-9

5. *"The Proposed Project would involve construction of three groundwater wells at the northeast corner of the intersection of Dodd Road and St. John Road on APNs 093-057-018 and 019-011-019, and D. Site B at the northwest corner of McHenry Avenue and Stewart Road on the southwest-most portion of APN 004-102-015. Figure 2-1 shows the locations of the proposed Project sites."* (Project EIR, p. 2-1, 2-2). Figure 2-1 is copied below directly from the Project EIR's included figures. This will later be compared to figures in the 2010 program EIR and the 2010 engineer's reports.

F-10

Figure 2-1: Project Location

6. *"Three transmission pipelines would be installed at Site A and Site B to connect the wells to the City's existing distribution system. An approximately 2,500-linear-foot, 16-inch-diameter transmission main would be constructed at Site A from the well at Dodd Road, north under St. John Road to the intersection of St. John Road and Frances Dale Drive. At Site B, a 12-inch-diameter transmission main would be constructed from the well at McHenry Road south for 195 feet under McHenry Road, then west for 760 feet along Stewart Road, terminating at the intersection of Stewart Road and Grove Point Way."* (Project EIR, p. 2-2). This representation of where the new wells intersect the existing Del Rio distribution system is important when

F-11

considering the exact location from the hydraulic analysis in the 2016 Water System Engineer's Report regarding where the well should be located to resolve pressure and flow issues in the existing and anticipated future water distribution system.

F-11 cont.

Here are critical statements from the City's May 2010 Water System Engineer's Report – Option A (hereafter the "2010 Report"):[1]

1. *"The purpose of this Engineer's Report (Report) is to develop a capital improvement program (CIP), which will describe and justify the various improvements needed to provide adequate reliable water service to existing and future customers. ...The CIP addresses system deficiencies and capacity needs based on the hydraulic analyses performed for the configuration and operating criteria, as discussed in Appendices A through E."* (2010 Report, p. 1). This clearly indicates that a very comprehensive CIP was developed detailing pipe locations, tank capacities, and other important distribution system improvements to improve system hydraulic performance.

F-12

2. *"The proposed improvements benefit existing and buildout customers by providing water service that meets regulatory performance criteria discussed in the Existing System Evaluation (SE – Appendix D), the Buildout System Evaluation (BE-Appendix E), and Outlying Service Area (OSA – Appendices F through J). These criteria include required storage volumes, reliable pumping capacities, and minimum system pressures under different demand conditions."* (2010 Report, p. 2). Appendix E details the specific Del Rio hydraulic analysis discussed in the 2010 Report, indicating existing system deficiencies and where system improvements should be located to address pressure and flow concerns. The City is indicating that these appendices meet their performance criteria for operating a municipal water delivery system.

F-13

Here are critical statements from the 2010 Report's Appendix E, a memo prepared by West Yost Associates that documents the hydraulic analysis and resulting recommendations for the Del Rio service area (hereafter the "WYA Report"):

1. *"With the addition of a new well, the existing 10-inch diameter pipeline along County Club Drive is no longer adequately sized to convey supply to the eastern side of the service area. For this reason, the proposed booster high and pump station discussed above was recommended to be located on the eastern portion of the service area, near Well 28A. ...In addition, installation of 1,400 linear feet of new pipelines is recommended to increase system circulation and redundancy, and provide sufficient flow under fire flow conditions."* (WYA Report, p. 11). Details such as these are important representations of a specific hydraulic analysis that integrates existing pipe sizes and customer demands, with the City's operating criteria and locations of water tanks and booster pumps.

F-14

2. *"The new well should be located in the western part of the future Del Rio service area. This is the preferred location because the eastern and western portions of the Del Rio service area are presently connected by only a single 10-inch diameter pipeline along County Club Drive. Therefore, each of these service areas would be and would need to be reliable individually self-sufficient in the event of a pipeline break. With the construction of this future CIP well in the western service*

F-15

[1] The 2010 Report includes both "Option A" and "Option B" reports where the difference is considered to be a regional surface water supply for the City's southeastern area. The report is one letter for the outlining area, which includes Del Rio

area sufficient supplies and pressure to meet, with reasonable reliability, the maximum day demand. Sufficient supplies and storage will also be available to the system pursuant to the water code." (WYA Report, p. 13, 14). Again, the hydraulic analysis presented in the 2010 Report results in very specific recommended pipe size and placement and location of wells, tanks and pumps. The project analyzed in the Project EIR is an entirely different project than the project recommended in the 2010 Report and analyzed in the 2010 Report EIR, with new well, pump and storage locations. Changes from the 2010 Report's recommendations of this magnitude MUST be modeled to demonstrate that they would meet the City's design criteria.

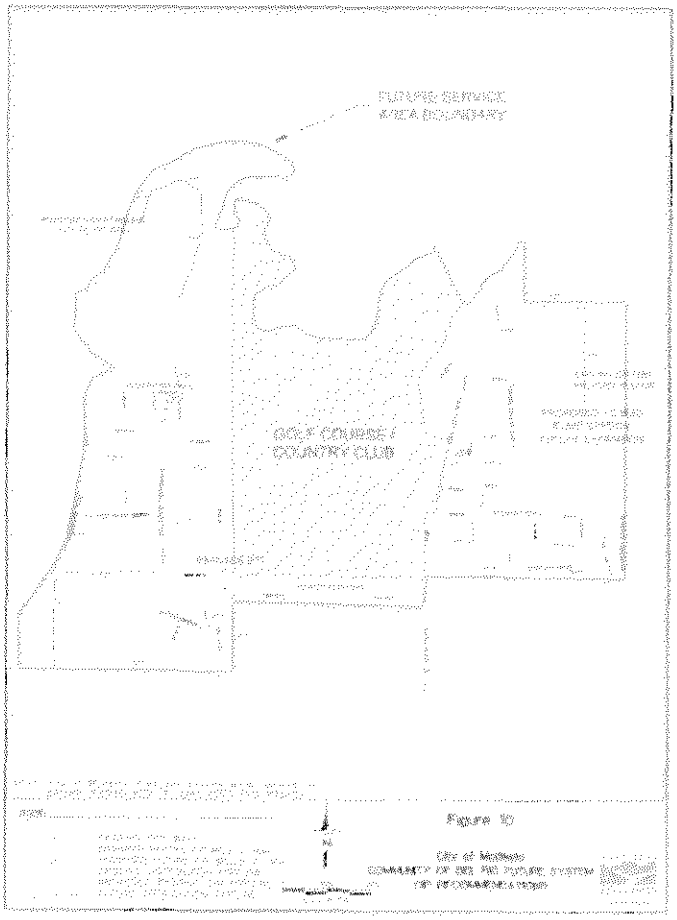
F-15 cont.

- *"Based on the analyses detailed above, WYA recommends that the City complete construction of one new well in the northwest portion of the future service area to help satisfy model and meet by both existing and future customers, and expand the booster pump station at the above ground storage tank to 12 mgd total capacity at 2.0 mgd."* (WYA Report, p. 15). This is an important conclusion regarding well location in relation to existing and anticipated demands, as well as the existing infrastructure and its ability to adequately convey necessary flow and pressure throughout the distribution system. As clearly indicated in this report, a new well is recommended in the northwest portion of the service area. Instead, the Project EIR analyzes a well located well south and east of this location, with no indication that such a location can resolve the pressure and flow problems that exist.

F-16

4. *"Locations of the recommended regional projects are shown on Figure 10 and described in Table 7. The locations of the proposed facilities are for planning purposes only and should be considered further in future project studies."* (WYA Report, p. 17). Figure 10 from the WYA Report is copied below. As clearly indicated, the recommendations to accommodate the existing and future Del Rio demands include a new well in the northwest portion, replacement of Well 27I at the same location as the existing well, and a new tank and booster pump in the eastern service area. As notable later, this figure matches the project figure from the programmatic EIR completed in 2010, from which the Project EIR tiers. Again, the Project EIR indicates its purpose is *"to carry out and approve alternatives, projects and/or mitigation that were previously identified in the City's MSEP Program EIR."* (Project EIR, p. 1-2). It is very apparent that the "previously identified" project was that represented in Figure 10 from the WYA Report.

F-17



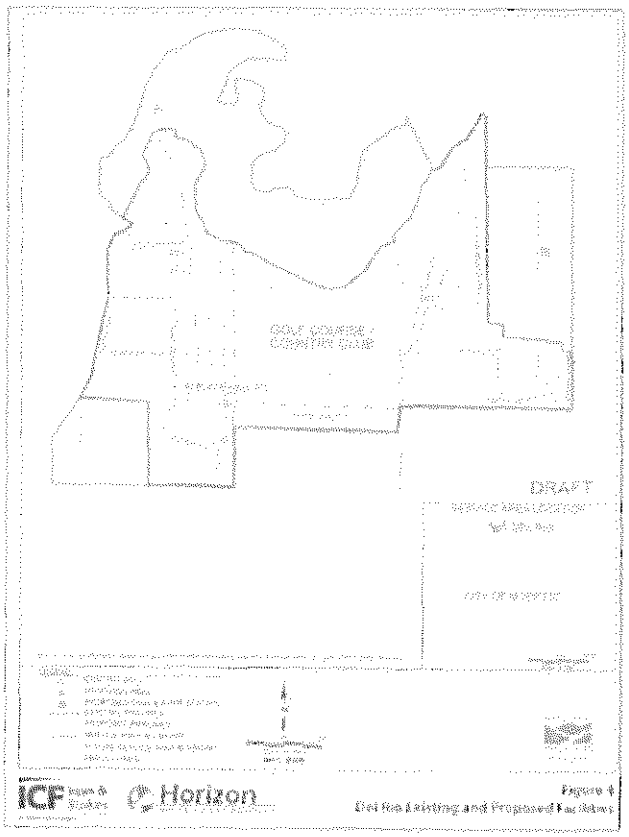
Here are critical statements from the City's December 2009 Draft Program EIR for the 2010 Report (hereafter the "2010 Report DEIR"). This is the document referred to in the Project DIR as the "City's *MMP Program EIR*" (see Project DIR, critical statement #3):

1. *"The Engineer's Report identifies a Capital Improvement Program (CIP) for system-wide improvements needed to deliver safe and reliable water, which will effectively meet water demand requirements under both existing and future developed conditions."* (2010 Report DEIR, p. 2-11).

F-18

2. *"The Del Rio water system currently requires a new storage tank and associated pump station, well replacement wells, backup generation, well pipelines to connect existing supply deficiencies. These proposed facilities are shown in Figure 4."* (2010 Report DEIR, p. 2-11). Figure 4 is copied below directly from the 2010 Report DEIR's included figures. This figure includes the nine wells, a tank and booster pump locations recommended by the WYA Report (as represented in the WYA Report's Figure 10). This does not match, and is a significant departure from, Figure 2-1 of the Project DIR.

F-19



These are critical statements from the City's October 2012 Del Rio Well, Tank and Booster Pump Station Preliminary Design Report (hereafter the "2012 Design Report"):

1. *"A Technical Memorandum, dated March 30, 2010, by West East Associates summarizes the findings of these studies and recommends construction of two new 2,000 gallon per minute (gpm) production wells, installation of a new 0.25 Million Gallon (MG) storage tank, construction of a new 2.0 Million Gallon per Day (MGD) pump station, and construction of approximately 4,700 linear feet of new pipeline to meet existing system demands."* (2012 Design Report, p. 1). The 2012 Design Report clearly recognizes the recommendations in the 2010 Report and WYA Report, and thus would be expected to recognize the associated location of wells, tanks and booster pumps. However, as indicated in the statement below, there is a new location proposed, with no basis provided.

F-20

2. *"The Del Rio Well, Tank and Booster Pump Station project will include well, water storage tank and booster pump station to service the community of Del Rio and to help meet the recommendations of the above-mentioned studies and Technical Memorandum (TM). The site is located on Todd Road, near the intersection with N. John Road approximately one half mile south of the Del Rio community and is planned to be on agricultural land."* (2012 Design Report, p. 1). Apparently, somewhere between the 2010 Report/EIR, which reflects the 2010 Report, which used the WYA Report as the basis for very detailed CIP representations, the location of wells, tanks and booster pumps changed. There is no explanation provided in the 2012 Design Report nor the Project EIR to explain the change. There also is no representative *"future pre-design studies"* (WYA Report, p. VI) as the WYA Report indicated would be necessary if locations of any recommended CIP facilities varied from the recommendations in the WYA Report. Absent hydraulic analysis or equivalent pre-design studies to show a new location solves the pressure and flow problems identified in the WYA Report, the new proposed locations should be assumed to not meet the objectives analyzed and recommended in the 2010 Report.

F-21

When reviewing the cited statements above, it is obvious that the 2010 Report/EIR analyzed the project as represented in the 2010 Report/EIR's Figure 1, which reflects the recommended CIP that was based upon hydraulic studies in the WYA Report. Those hydraulic studies identified the existing system shortcomings and the necessary improvements to overcome them – especially necessary fire flow and system pressure in certain sections of the existing Del Rio distribution system. The WYA Report's recommended facilities are necessary to resolve the current system problems, and include specific modeled locations, flows and pressures.

F-22

The location of the Project EIR's wells, tank and booster pump, which are very different from the WYA Report recommendations, raises very serious questions about the ability for the Project EIR's proposed locations to resolve any existing or future problems in the Del Rio community.

F-23

Absent any additional hydraulic analysis, I can only conclude that the Project EIR analyzes a project that very likely does not meet the objectives it intended to meet – which the Project EIR clearly states as a primary objective (Project EIR, p. 2-1).

F-24

Therefore, absent information to the contrary – which is not readily available in the Project EIR or the 2012 Design Report – I conclude that the entire Project EIR's analysis is misleading and inadequate, and should be disregarded by the City.

F-25

2. Groundwater Impact Analysis

The Project EIR concludes that overdraft impact to groundwater overdraft would be "*significant and unavoidable*." (Project EIR, p. 9-28). The Project EIR pushes the responsibility for mitigation of this impact to the future efforts of a Groundwater Sustainability Agency (GSA) formed in response to the Sustainable Groundwater Management Act (SGMA). Under SGMA, a GSA must develop a management plan – including specific actions – to essentially limit continued reductions in groundwater elevation to those reflected in 2015, or otherwise improve groundwater levels and overall groundwater sustainability. This plan – a Groundwater Sustainability Plan (GSP) – must be prepared by 2022, with sustainability objectives achieved by 2042 (per California Code of Regulations, Title 23 – Waters, Division 2 – Department of Water Resources, Chapter 1.5 – Groundwater Management, Subchapter 2 – Groundwater Sustainability Plans and Alternatives). The EIR should not allow mitigation actions for the overdraft impact of future demands from the Del Rio Community Plan to be deferred to a to-be-specified entity that will develop an unknown set of actions that are not required to fully address overdraft until 2042.

F-26

Sincerely,

Greg Young, P.E.

Response to Comment F-1

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment F-2

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010) and its hydrologic analysis.

Response to Comment F-3

See the response to Comment E-15 for a discussion of Proposed Project impacts on groundwater, including cumulative impacts.

Response to Comment F-4

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-5

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment F-6

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-7

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-8

The commenter incorrectly states that "there is never any discussion in the Project Description or elsewhere of any proposed change from what was assessed in the 2010 programmatic EIR." Appendix B of the DEIR contains the Initial Study, which discusses the Proposed Project and analyzes whether the Proposed Project may cause any significant effect on the environment that was not examined in the 2010 WSER Program EIR, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the Proposed Project is "within the scope" of the Program EIR. Topics fully evaluated in the DEIR for the Proposed Project were chosen because the Initial Study identified the potential for a significant impact beyond that identified and analyzed in the Program EIR. Applicable programmatic mitigation measures identified in the Program EIR and additional project-specific mitigation measures identified in the Proposed Project DEIR are applied to the Proposed Project as necessary to reduce impacts to a level that is less than significant. Also see the response to Comment E-2 for

discussion of the tiering of the Proposed Project from the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-9

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-10

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-11

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-12

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-13

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-14

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-15

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR and 2010 WSER hydrologic analysis (Stanislaus County 2010).

Response to Comment F-16

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010) and its hydrologic analysis.

Response to Comment F-17

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-18

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment F-19

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-20

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-21

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010) and discussion of the hydraulic analysis for the Proposed Project.

Response to Comment F-22

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010).

Response to Comment F-23

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010) and discussion of the hydraulic analysis for the Proposed Project.

In addition, it is important to note that the Program EIR, hydraulic analyses, and all documents referenced or relied upon were made available throughout the entire public comment period.

Response to Comment F-24

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010) and discussion of the hydraulic analysis for the Proposed Project.

Response to Comment F-25

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the response to Comment E-2 for discussion of the consistency of the Proposed Project with the 2010 WSER Program EIR (Stanislaus County 2010) and discussion of the hydraulic analysis for the Proposed Project.

Response to Comment F-26

See the response to Comment E-15 for a discussion of Proposed Project impacts on groundwater, including cumulative impacts.

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Comment Letter G – Richard Michelotti

Public comment on matter not on agenda: Del Rio well project

Monday, December 19, 2016

My name is Dick Michelotti. My family has lived and farmed the property at 4424 and 4434 Ladd Road since 1950. My family and I and all of our neighbors are very disappointed concerning the city's proposed well and pump site scheduled to be built on Ladd Road. The city's claim that it was unable to acquire property in the Del Rio area lacks credibility. We know that the city had a parcel in escrow on Carver Road which was not in the Del Rio area. Nearby residents threatened legal action because they did not want this project located near their homes. The city cancelled its plans and purchased the Ladd Road property without any analysis of alternative sites. The city decided to locate the well and tank project outside of the approved Del Rio Community Plan in an area which does not receive any of the benefits yet all of the burdens. The approved Del Rio Community Plan had established Ladd Road as the southern boundary. This approval of the southern boundary has been in place since the 1980's and was completely overlooked and disregarded by the city. The city uses the term "serious disadvantaged area" to justify the placement of the project which has absolutely no meaning whatsoever in the county's approval of the Del Rio Neighborhood plan. The city's expectation of local property owners to bear all of the burdens of this part of the project without any of the benefits is unconscionable and wrong. Would any of you like to be in our position? I think not. The projects original intent was to settle an agreement with the Del Rio community to create an inadequate water system for fire protection and low water pressure. This could be accomplished by adding only the Stewart Road well site. The city added the tank and second well solely for the purpose of future development in the Del Rio area.

G-1

We are entering the 6th year of a historic drought with no end in sight. There have been hundreds of wells that have failed in the county and aquifers everywhere are declining. The city is also requiring water reduction watering to one day a week to conserve water and protect the aquifer. The agricultural community has drilled hundreds, if not thousands, of wells in the county to cope with reduced surface water flows. Agricultural use is considered beneficial growing food. The city's project is not for beneficial use and more urban sprawl. Is this what is best for the north stanislaus County? Just because the city can do this does not mean that they should.

G-2

What is the path forward? To continue or expand? The Mayor and City Council need to consider what is best for the north county and not what is best for the special development interests.

G-3

The city has also failed to properly study the amount of water the project will pull from the aquifer. In our comments to the "Notice of Preparation" we expect the city to analyze the maximum pumping capacity of the project, nothing less. The drought and the now projected environmental releases the state will be making on our rivers, will greatly reduce the amount of surface water in our area. The city's plan to transfer water from the proposed Ladd Road site, a half mile north to the Del Rio system is quite telling in itself. Now that the railroad is open to selling their rail easement that runs not only north from the Ladd Road site, but south as well there is nothing preventing the city from transporting water from the project or their new tank to the south. The tank is a massive 3 million gallon structure. Although the city has said that there are no plans to transfer water, this could change if the drought continues and becomes more severe.

G-4

reduce water consumption. This is why we asked the ground water study to address the maximum pumping capacity of the entire project.

Although the City has notified some property owners most affected by this project, they are still extremely deficient in their notification. There are literally dozens of property owners within the designated area of this project who have yet to be notified. The Walnut Woods area is an example of this. If it had not been for the efforts of the North Modesto Ground Water Alliance (NMGA) and the Modesto Bee, they would have no idea of this project. This is a violation of their constitutional right of due process in that they could be severely affected by the impact of this project.

I received the City's letter, dated November 4, 2016 that the project will have the potential for significant and unavoidable over draft of the groundwater sub basin. The City continues forward with developing its plan and does not modify it to only fulfill its agreement with the Del Rio Country Club. At a public meeting over 4 years ago the city stated that they would mitigate the impacts of the project if it adversely affected our wells, and or, the quality of our well water. If the city chooses to move forward with the development plan, then existing development that has been in the area for decades should have the same rights to the water being drawn from below their properties.

The city is mining water from one area for the sole purpose of transfer out for the benefit of another area. It is not right that we should shoulder all of the impacts of this project without any chance of receiving any of the benefits. The previous mayor and city council were willing to approve this project without any regard for the people in the north county that will be most affected by this project. We are hoping that our new mayor and city council will take into consideration on what the people's needs in the northern Stanislaus county when they decide on a path going forward.

Please keep me on the notice list for the final EIR document.

Thank you for reading my comments on the draft EIR.

Dick Nicholson

Dick Nicholson

G-4 cont.

G-5

G-6

G-7

G-8

Response to Comment G-1

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project. See the response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas served by the Proposed Project, and the exclusion of the water system improvements anticipated for future buildout from the Proposed Project.

The purpose and objectives of the Proposed Project are identified in Chapter 2 of the DEIR. These objectives include correcting the existing deficiencies in the Del Rio water system and preventing the possibility of future deficiencies that could result with development in the Del Rio community.

Response to Comment G-2

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment G-3

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment G-4

The purpose and objectives of the Proposed Project are described on page 2-1 of the DEIR; any other use of the project facilities would require additional environmental review. The City cannot "transfer water" to other portions of the service area without (1) evaluating the environmental impacts of that new project and (2) preparing additional CEQA documentation, to the extent that it is necessary. The hypothetical actions described by the commenter are not included as part of this Proposed Project.

See the response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas serviced by the Proposed Project, and the exclusion of the water system improvements anticipated for future buildout from the Proposed Project.

See the response to Comment E-15 for a discussion of Proposed Project impacts on groundwater, including cumulative impacts.

Response to Comment G-5

The City notice for the DEIR complied with all applicable legal requirements. For the DEIR, the City sent a Notice of Availability to all property owners within 500 feet of the Proposed Project (both Sites A and B), as well as all interested parties that requested notification. The City also posted a notice in the *Modesto Bee* newspaper on November 7, 2016, and filed a Notice of Availability with the Stanislaus County Clerk-Recorder on November 4, 2017.

Regarding the commenter's concerns about the Walnut Woods area, the City's technical analysis (as described in Chapter 9 of the DEIR and provided in Appendix H of the WSER

Program EIR) indicates that the Proposed Project would not have a substantial effect on the wells and property in this area, which is located a quarter-mile to a half-mile west of Site B.

Response to Comment G-6

Refer to the Response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas served by the Proposed Project, and the exclusion of the water system improvements anticipated for future buildout from the Proposed Project.

Refer to the Response to Comment E-15 for a discussion of Proposed Project impacts on groundwater, including cumulative impacts.

Response to Comment G-7

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment G-8

Comment Letter G is included in this FEIR, as requested by the commenter and as required by CEQA.

Comment Letter H – Gary Darpinian, K. Darpinian and Sons

Jamesah Bryant, Senior Civil Engineer
City of Modesto
Utilities Department
Post Office Box 642
Modesto, CA 95353

Dear Jamesah:

My name is Gary Darpinian. I am President of K. Darpinian and Sons, Inc., a family farming company. The purpose of this letter is to set out my company's objections to the City of Modesto's Del Rio Tank and Wells Project and to serve as our official comment in response to the Draft Environmental Impact Report now out for public review and comment. Please incorporate this letter into the final EIR document. We farm on a 100 acre parcel immediately adjacent to the proposed tank and well site on Lado Road. H-1

Our first objection is the quite obvious and indisputable fact that the City of Modesto proposes to locate the tank and one of the project's wells outside of the Del Rio Plan area as designated by the County of Stanislaus. During the 1980's the county approved the Del Rio Community Plan which established Lead Road as its southern boundary. The DEIR, in a disingenuous attempt to obfuscate this fact, utilizes the term "census designated place" when referring to the Del Rio area, even though that term has no governmental policy meaning except as a reference point for conducting the U.S. Census. The proposed tank and well site is located completely outside the Del Rio Community Plan area. It is improper that the Draft EIR quotes so heavily from that Community Plan document for justification for expanding the water resources of the Del Rio area and to accommodate future build out of the area as outlined in the planning document when, even at full build out, the Tank and Well will still be outside of the developed area. In fact the site in question lies entirely in a zoned agricultural area designated as A-2-40. The mere development of the site will be disruptive to agricultural operations in our area. This is inconsistent with Stanislaus County's explicit zoning goals and regulations. The City of Modesto is attempting to act as a super-governmental agency in order to over-ride decades of local and regional land use planning policies when perfectly reasonable alternatives exist. H-2

The DEIR document glosses over this fact by stating that attempts to acquire property inside the Community Plan area were unsuccessful. This statement lacks credibility since there are literally thousands of undeveloped acres within the Community Plan area. H-3

In fact, the City's staff was well aware years ago of the local agricultural community's objections to the proposal but chose to purchase the parcels in question anyway because they claimed the residents of Del Rio had voiced objections to locating the project inside the Plan area. That is a completely inappropriate and invalid justification for violating the intent and the spirit of the zoning ordinances of Stanislaus County. Furthermore, that decision was made without proper notification of the impacted neighbors and has resulted in a prolonged litigation which has wasted hundreds of thousands of dollars of taxpayer's money as the City has tried to defend an indefensible position. H-4

Furthermore, the DEIR does not address the only simple and obvious way to mitigate the potential harm to surrounding neighbors' wells and environment, which would be to locate the portion of the project in the area that will ultimately be served by its completion. Instead, those who will bear the burdens of this project will enjoy none of the benefit. Hopefully a new Mayor and City Council will direct City Staff to act in a manner more consistent with County policy in an area completely out of the City of Modesto's jurisdiction. The lack of consideration of this obvious alternative must be addressed in a final EIR or the document will be deficient under CEQA guidelines.

H-5

Secondly, the DEIR also ignores the potential to mitigate the project's impact on the aquifer by locating the wells closer to the Stanislaus River. The Del Rio Community Plan area is bordered on the north by the river and locating the wells in close proximity to a natural recharge source would greatly reduce the potential to adversely affect the many domestic wells already serving residents in the Del Rio area as well as the many agricultural wells already in use. This alternative must be studied before any credible final EIR can be approved.

H-6

Third, the DEIR analysis regarding overdraft potential is wholly inadequate. It fails to even mention or account for the significant amount of agricultural well pumping in the Ladd Road, McHenry Avenue and Carver Road areas. For example, the Modesto Irrigation District has a deep well just to the west and south of the proposed tank site which operates almost daily during the irrigation season (usually March through October). This well removes thousands of gallons per minute from the local aquifer at a time that would coincide with peak demand for this project. The "Well Inventory Map" does not accurately locate this well nor does it show several other large agricultural wells within the Del Rio Plan area or those in the surrounding area. Any credible analysis must factor in the impacts of these wells and the many others in the area to accurately understand the harm that will be done to domestic wells and agricultural wells in close proximity to the Project. Without an accurate record as to location and draw of these wells a valid analysis as required by CEQA will be impossible. These already existing deep wells are drawing significant volumes of water from the same strata the City is proposing to draw down with its proposed project.

H-7

The additional impacts of the proposed project are not wholly unavoidable if another site was chosen. Unfortunately, in the DEIR, alternative projects are not given credible consideration. Clearly the City of Modesto is attempting to justify a very poor choice of a land purchase for the tank and well site by producing a very slip-shod EIR. Neighboring residents should not be punished for the poor judgement of City of Modesto officials who do not have a responsibility to represent them or to protect their interests and for whom those residents can not vote. A fresh look at the project is in order.

H-8

Thank you for the opportunity to express our comments and concerns in the DEIR process. After more than two years it is about time.

H-9

Sincerely,

Gary Dameron, President
K. Dameron and Sons, Inc.

Response to Comment H-1

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment H-2

See the response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas served by the Proposed Project, and the exclusion of the water system improvements anticipated for future buildout from the Proposed Project.

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

See the Response to Comment H-4 below for a discussion of County zoning rules and regulations.

Response to Comment H-3

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

Response to Comment H-4

As explained in the DEIR in Impact LU-2, "Conflict with Land Use Plans, Policies, or Regulations," although the City is not subject to County zoning requirements, public facilities are a "Tier Three" use permitted in the A-2 district. The DEIR's land use analysis (Chapter 10, *Land Use and Planning*) indicates that the Proposed Project would be consistent with Stanislaus County land use plans, policies, and regulations, and makes clear that the Proposed Project is not "violating the intent and the spirit of the zoning ordinances of Stanislaus County."

Response to Comment H-5

See the response to Comment G-5 for a discussion of the City's compliance with the requirements for public notification under CEQA.

No residents, either in the Del Rio community or in nearby areas of the county, would "bear the burden of this project" and "enjoy none of the benefit." All project level environmental impacts would be reduced to a less-than-significant level, as explained in the response to Comment B-3. Moving the project facilities from one side of Ladd Road to the other would not increase or reduce any of the identified impacts of the Proposed Project.

See to the Response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

Response to Comment H-6

The hydrogeologic nature of groundwater basins is a very complex subject. Any recharge provided by the Stanislaus River benefits the entire Modesto Subbasin (essentially a large underground river), not a specific well site or piece of property. More importantly, the

groundwater basin does not begin or end at any boundary line established by a particular land use jurisdiction. As explained in Section 9.2, "Regulatory Setting," in Chapter 9 of the DEIR, groundwater in the Modesto Subbasin of the San Joaquin Valley Groundwater Basin is managed by the Stanislaus and Tuolumne Rivers Groundwater Management Agency, a group of six jurisdictions that are affected by and jointly work to manage that water source. Chapter 9 and Appendix F in the DEIR provides information about the Proposed Project's effects on other groundwater wells in the area and supports the conclusion that those effects would be less than significant.

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

Response to Comment H-7

During initial development of the Proposed Project and preparation of the DEIR, the City requested that well owners provide information about pumping levels and locations of their wells. The Well Inventory Maps, provided as Figures 9-4 and 9-5 of the DEIR, were created by the City's hydrogeological consultants based on publicly available information from the California Department of Water Resources' (DWR's) well database, which provides data on locations but not historical pumping rates. As explained on page 9-21 of the DEIR, the City attempted to verify this information, but most landowners were unwilling to cooperate with the City's investigation. CEQA requires the use of the best reasonably available information, and the City made use of such information in creating its maps and analyzing the data provided by DWR.

Response to Comment H-8

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

Response to Comment H-9

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Comment Letter I – Cheri Barnes

Dear Ms Bryant:

The City's proposed addition of the two wells, each with a 1,000 per minute capacity, is much more than is necessary for the existing Del Rio community. Doubling the water capacity for the Del Rio area is quite unnecessary, considering a doubling of the population growth is highly unlikely due to California housing policies discouraging sprawl. Del Rio's surrounding property is "prime farmland", which needs to be considered in regards to outgrowth. I-1

The DEIR has shown impacts on air quality, and gas emissions as well as a possibility for overdraft of the groundwater aquifer. We live on property that relies solely on ground water and the possibility of depleting the groundwater aquifer is quite serious. Vance Kennedy, a well renowned hydrologist has been studying this issues and has written many articles dealing with this issue in the central valley. Many wells have gone dry from over pumping, not considering the time it takes to replenish the groundwater aquifer. I-2

To meet Del Rio's fire pressure needs, I believe the wells should be constructed at the originally-designated locations inside the Del Rio neighborhood per the 2010 West Yost report performed by the City's consultant, which is Alternative 1. Also, the EIR states that "Among the other alternatives considered, Alternative 1, construction at Existing City Well locations is considered the environmentally superior alternative. I-3

Thank you for your consideration.

Cheri Barnes
606 Hartley Dr.
Modesto, Ca.
95356

Response to Comment I-1

See the response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas served by the Proposed Project, and the exclusion of the water system improvements anticipated for future buildout from the Proposed Project.

Response to Comment I-2

See the response to Comment E-15 for a discussion of Proposed Project impacts on groundwater, including cumulative impacts.

Response to Comment I-3

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

Comment Letter J – Jim and Joani Matthews

Jim and Joani Matthews
117 Stewart Rd.
Modesto, Ca. 95356
December 20, 2016

Tamorah Bryant
City of Modesto
1010 Tenth Street
Modesto, Ca.95353

Re: Draft EIR Del Rio Tank and Wells Project

Dear Tamorah,

Please find enclosed some concerns with the Draft EIR on the proposed Del Rio Tank and Wells Project. We are somewhat perplexed that the proposed alternative #1 of the DEIR does not appear to be under serious consideration now. If it ever was. We were told that well site #271 (Country Club-Del Rio Avenue) had been exhausted as a viable well site and would be decommissioned. While there has been a detailed review of existing ground water sources and an analysis of potential ground water impact for the proposed project, commenced and performed by the Sacramento firm URS Corp to the best of their ability; to my knowledge there was no request for analysis at any of the existing well sites and their ability to be upgraded to meet demand requirements- why? Also, specifically Well Site #271. Why would this site be abandoned without due diligence in analysis of its ability to meet demand requirements if upgraded? The DEIR clearly states that ALT #1 (upgrading existing facilities) is the environmentally superior approach. J-1

While the whole project may be side-lined by the ongoing talks between Mayor Brandvold and the DRPOA for transfer of ownership of the Del Rio Water System, some of the following concerns in the draft DEIR need to be addressed. J-2

(1)Monitoring Wells

Who would collect the data from the three nesting monitoring wells proposed at both sites A and B? Would this data be automatically relayed to a central computer? If collected on site, how often? I believe that a report on the data acquired needs to be submitted in written form to the DRPOA within a year of activation either site A or B, and thereafter on an annual basis or any time the data would show a precipitous drop in J-3

ground water levels at either site. Also the various reports submitted by URS confuse to address the "shallow ground water table" as 100' to 265' below ground level, however our existing shallow water table level as sited by URS (May 15, 2015 report page 6) of their 3 monitoring sites on Ladd Road and Stewart Road report a static water level of approximately 45' – (46.35, 45.09, 44.74). The stated boundaries of our "shallow water zone" need to reflect this and need to be stated as elevation of approximately 45' below ground level to approximately 265' below ground level. J-3 cont.

(2) Aesthetics (or lack thereof) Site B

Aesthetics should be an integral part in the planning of any project. Too often, a utilitarian mindset prevails when planning such a project as the well development. This is always a short-sighted approach which leads to substantial lack of pride in the completed project and an incremental loss of pride in the community as a whole. "While there are no particular features on the site ….visual quality of Site (B) is considered moderate." The proposed facility, i.e. "painted concrete blocks ," would surely degrade the visual quality from "moderate" to "pathetic." Aside from pathetic, it would also be an invitation for Taggers. This is not acceptable. Please see attached photographs of the City of Modesto's existing water facility on Carpenter Road taken on Dec.16, 2016 Surely, a city that can spend $78,000 plus to house a traveling troupe of bikers for one night can do better than that. I believe that the concrete blocks used to construct the wall for MID Power Facility on Graphics Ave. are still available. Definitely, there is a need for trees to be planted along the front and two sides (North and South) to make this a less attractive target for graffiti taggers. To mitigate the inevitable the City needs to incorporate natural deterrents. Though I was unable to navigate the City of Modesto's website as to graffiti abatement, the City of Santa Anna Graffiti Mitigation Guidelines (please see attached) states, "landscaping should be considered an important design element in the mitigation of graffiti and graffiti related vandalism." They also go on to say that there are any number of steps that can, and should, be taken to mitigate graffiti issues, such as design elements and architectural treatments. What the city is proposing at Site B (painted masonry blocks) would leave a stain on our neighborhood and a decrease in our home values. The long-term effect of visual quality will only be "less than significant" if steps are taken to make it "less than significant,". J-4

(3) Areas of Known Controversy and Issues to be Resolved

The first item mentioned in this category is the possibility of an adverse impact to the approximately 300 year old Heritage Oak Tree located on the corner of Stewart and J-5

(page 2 of 4)

McHenry. Nowhere though, in the DEIR is there mention of any steps or guidelines to be established assuring this Heritage Oak from damage during the construction and operation of the well facility at Site B. Though I have been personally assured that no harm would come to this magnificent tree, this needs to be addressed in the final DIR. As a side note, years ago I invited the noted arborist and author, John M. Haller, to come out and evaluate this magnificent tree. It turns out that he was not only aware of this tree, but had written an article about this tree many years prior that was published in the Modesto Bee. In his words this tree is "One of the premiere specimens of the Valley Oak." At the time he estimated its age between 250 to 275 years old. This observation came from someone who devoted his life to trees and written numerous published articles and the comprehensive book on tree care titled "Tree Care" by Andel Publishing. This Heritage Oak tree has been the subject of paintings by art students and photographers. It deserves acknowledgment and protection in the final EIR. It is interesting to note that the Stanislaus Environmental Review Committee requested that the City of Modesto address the issue of Environmental Impact. The DEIR conveniently sidesteps any environmental visual impact of the proposed development by rating the existing Site B as "moderate" and ignoring the impact of an industrial eye sore next to this beautiful tree.

J-5 cont.

(4) Noise

While we are little concerned with any temporary noises generated during the construction process at Site B, we are definitely concerned about the potential long-term noise impacts on both the enjoyment of our home and our well being. One area that is especially concerning is the whining of a 200 h.p. conventional vertical shaft pump, almost in our backyard. This issue can, and should be dealt with by the installation of a submersible unit which would "virtually eliminate the sound source" (Item 1 page 11-31 of DEIR.) Why would the city pursue an after-the -fact solution to a known problem that can be dealt with effectively beforehand? There are any number of commercial, efficient and reliable submersible pump units that are more than able to operate within the parameters specified under the DEIR; such as the Grundfos SP Series Mdl. 140S capable of 220-1400 G.P.M. and heads up to 1,200 ft. This would be a far superior approach to noise attenuation than the noise mitigation proposed. We realize that other sources of potential noise intrusion, such as the stand-by generator would be mitigated by the proposed installation of sound-absorptive materials and sound-barrier panels. While this is good, we would ask that in all areas an effort be made to attenuate the

J-6

(page 3 of 4)

noise source rather than mitigate its impact. In addition to the proposed measures for generator sound mitigation we would hope that the following, along with other measures be implemented:

- isolation mounts
- primary and secondary exhaust silencers
- placement of stand-by generator as close to the east wall as feasible
- sand damping of the masonry blocks

J-6 cont.

(5) Growth Inducing Impacts

While this has not been addressed in the DEIR, it obviously falls under the category, "If you build it they will come."

J-7

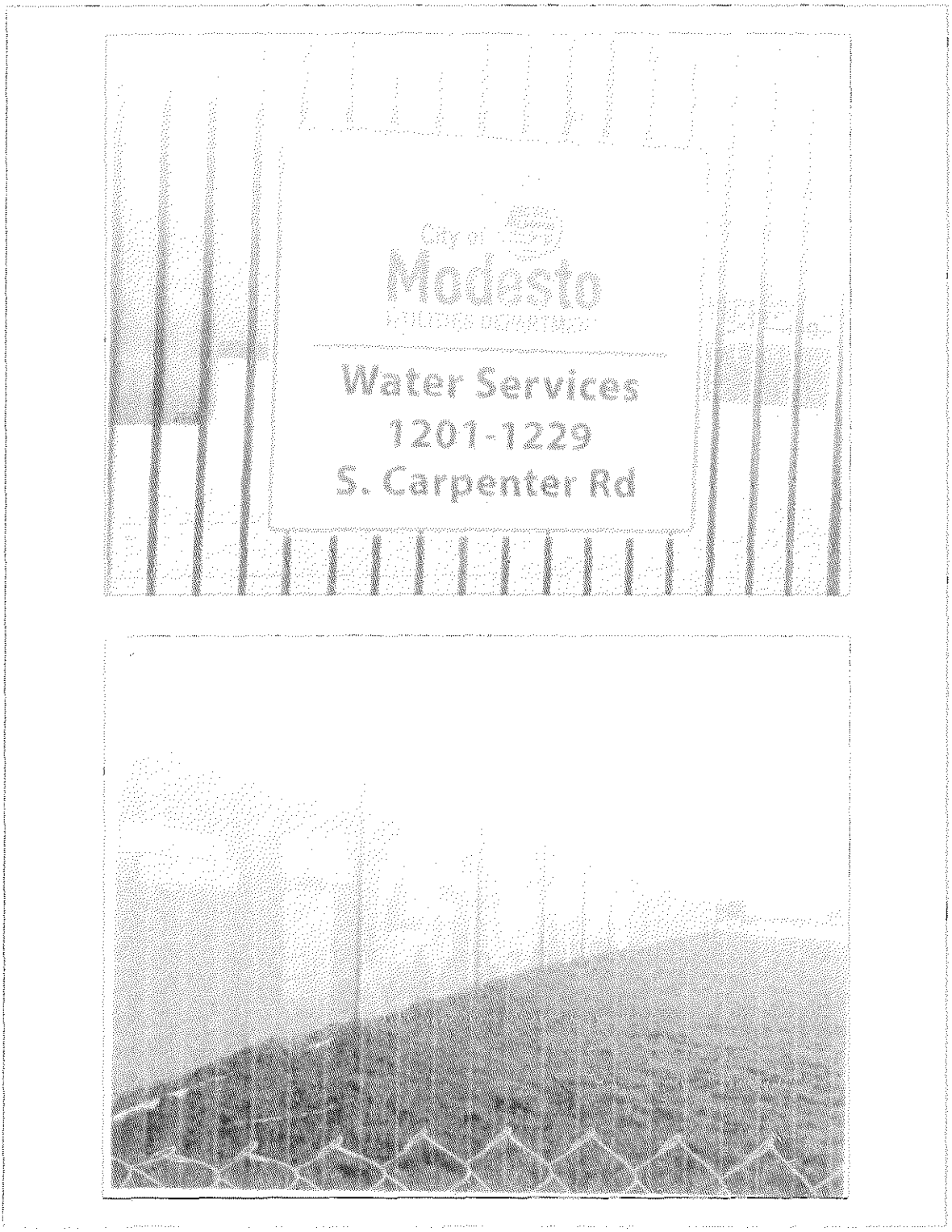
As noted, this entire project might be side-lined by ongoing talks between the DRPOA and Mayor Brandvold concerning the transfer of ownership of our water system. We hope though, that if this project should proceed, that it is done with deliberation and consideration for all parties involved.

J-8

Sincerely,

Jim and Joani Matthews

(page 4 of 4)


City of
Modesto
PUBLIC WORKS DEPARTMENT
Water Services
1201-1229
S. Carpenter Rd

Attachment 1 to the 04.18
Jones/Mayor Matthews
13-30-16

Chapter 17

Graffiti Mitigation Guidelines

17.1 INTRODUCTION

The Graffiti Mitigation Guidelines are intended to assist site designers and developers in implementing the City's goals to prevent graffiti and reduce visual blight. This Chapter provides guidance in the development and rehabilitation of all residential, commercial and industrial sites. Graffiti Mitigation Guidelines should be incorporated into the design phase of a project to ensure a quality and graffiti-free development.

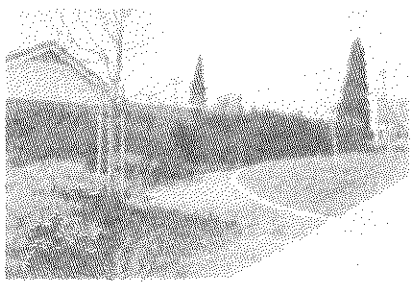


Figure 17-1: Increased landscaping provides coverage along blank walls and surfaces

17.2 GENERAL DESIGN OBJECTIVES

The objectives of these guidelines are to encourage well designed developments that:

- Utilize design features to reduce the opportunity for graffiti and associated vandalism.
- Incorporate graffiti mitigation measures in the design of new and rehabilitated development projects.
- Include graffiti mitigation measures, such as increased landscaping and lighting that complement the aesthetic character of the site.

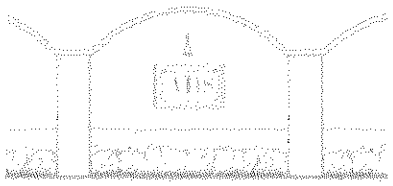


Figure 17-2: The planting of shrubs and use of architectural design discourage graffiti

17.3 GRAFFITI MITIGATION THROUGH ARCHITECTURAL DESIGN

The following building design and site improvements should be considered:

- Building facades should be articulated with architectural elements and details. Vertical and horizontal offsets should be provided to minimize large blank walls.
- Building walls should be improved with architectural treatments such as stacked stone or decorative accents to limit blank walls and open surfaces.

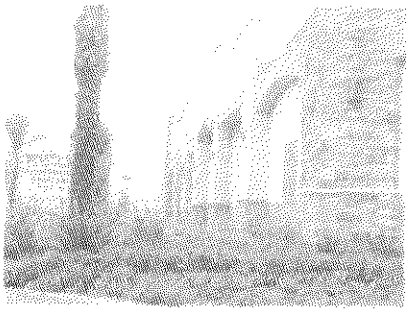


Figure 17-3: Architectural treatments such as stacked stone or natural stone are highly encouraged

- Avoid building designs that allow for easy roof access. Access to the roof should be from an interior location and method.
- All commercial or industrial store fronts should be improved with durable scratch-resistant glass or film to discourage vandalism.
- Long expanses of perimeter fencing or walls should be offset and architecturally designed to prevent monotony.
- The design of refuse, storage and equipment areas should incorporate landscaping to screen blank and open surfaces.
- Careful consideration should be placed on the location of refuse, storage and equipment enclosures in order to restrict accessibility to roof areas.

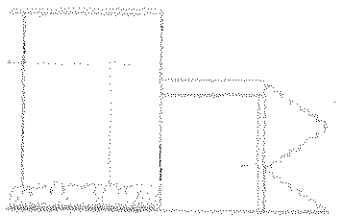


Figure 17-4: Avoid building designs that allow for easy roof access

17.4 LANDSCAPING

Landscaping should be considered an important design element in the mitigation of graffiti and graffiti related vandalism.

The following landscape design concepts should be utilized in all project design in order to minimize graffiti:

- Provide landscaping such as vines at regular intervals to screen blank building walls and perimeter fencing. The landscaping should be designated to provide substantial coverage of walls within a one-year period after installation.
- Recommended landscape vines include: Boston Ivy (Parthenocissus tricuspidata) and Fig Ivy(Ficus pumila)

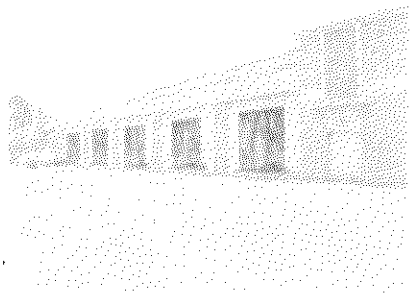


Figure 17.4: Example of landscape vines covering building wall screening.

- Shrubs which exhibit thorns may also be utilized to inhibit access to wall areas.
- The placement of planters and flower pots in building recesses and adjacent to blank walls is highly recommended.

17.5 Security Equipment

The use of security equipment as a graffiti mitigation measure is an important factor in the deterrence of graffiti.

17.5.1 Lighting

- Security lighting should be designed as a part of a comprehensive lighting plan.
- Security lighting should be provided around the perimeter of all buildings and parking areas.
- Security light fixtures and structural supports should be aesthetically compatible with the theme of the development.

Figure 17.5: Security lights should complement the architectural design of the building.

17.5.2 Motion Activated Systems

- The use of motion activated systems as a means to deter graffiti is highly recommended. Systems include water projection mechanisms that sense motion and exhibit water from dedicated sprinkler lines.

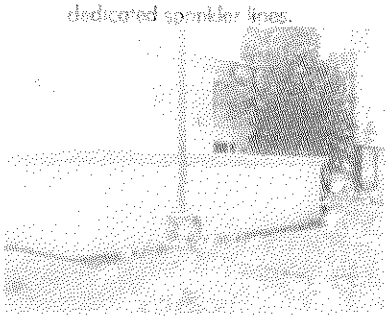


Figure 17.6: Motion activated systems are recommended in isolated areas in order to deter graffiti.

Response to Comment J-1

See the response to Comment B-3 for a discussion of potential sites previously explored and the analysis of alternatives for the Proposed Project.

Response to Comment J-2

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

Response to Comment J-3

The monitoring wells installed as part of the Proposed Project would be maintained and monitored by the City or its designee. Wells would be monitored on a regular basis. After initial quarterly monitoring, the frequency would be reevaluated by the City. This information would be provided to the City Utilities Department and the Stanislaus County Department of Environmental Resources. These agencies would review the information periodically to ensure that no adverse effects of pumping were identified. Information about groundwater wells operated by the City, including groundwater monitoring wells, is publicly available on an annual basis through a report provided to the City Council by the City Utilities Department.

The boundaries of the shallow zone used in the model were determined based on the drill depths of existing wells in the area and the hydrogeological characteristics of the area. While the commenter is correct that the water table was identified at around 45 feet below ground surface during the 2015 study, the City and its hydrogeological consultant determined, based on this information, that a shallow zone from 100 feet is appropriate for representing potential impacts on existing shallow wells that may be screened in the upper geological formations.

Response to Comment J-4

The commenter expresses concern about the aesthetics of the concrete block wall proposed to screen the facilities at Site B from view. The City has met with neighbors of both sites to discuss their concerns regarding aesthetic and noise issues. Landscaping was not proposed for Site B because a substantial amount of vegetation is already present adjacent to the portion of the site visible from the adjacent residence, including an existing tree, which is discussed below.

The City also appreciates the commenter's suggestion to investigate the material used at the Modesto Irrigation District facility on Graphics Drive.

To further reduce the potential for vandalism and tagging, the City has modified the proposed project design to include the following features:

- During design of the facilities at Site B, the City would consider application of a graffiti overlay coat or other similar material to reduce the potential for vandalism of the concrete block wall.

These features have been added to the project description in the DEIR on page 2-13, "Site B – McHenry Avenue Well"; page 2-14, "Site Security"; and page 4-21, the Site B discussion of Impact AES-2, "Long-term Adverse Effects on the Visual Character or Quality of the Site and

its Surroundings during Operation." No change to this analysis or the significance of Impact AES-2 results from this addition.

Response to Comment J-5

Stanislaus County does not have a tree ordinance that would provide specific requirements about protection of Heritage trees. The City has a Street Tree Ordinance that applies only to trees along streets and in City-managed areas; this ordinance does not apply to the large live oak adjacent to Site B. Environmental impacts on plants under CEQA focus on potential damage to the survival or propagation of the plant, not on its aesthetic surroundings.

The live oak near Site B could provide bird nesting habitat, as stated in Chapter 6, *Biological Resources,* "Site B and Proposed Pipeline Alignment – Native and Ornamental Trees and Shrubs" (page 6-8) of the DEIR. As such, the tree would be included in Mitigation Measure BIO-5, "Conduct Preconstruction Surveys for Nesting Birds." With this mitigation, impacts of construction and operation of the Proposed Project on nearby plants and wildlife, including the live oak, would be less than significant.

Staging areas at or near Site B would be designated to store pipe, construction equipment, and other construction-related materials. As stated on page 2-16, staging areas would avoid areas of sensitive biological habitat. Construction staging outside of areas owned by the City would require permission of the property owner. To ensure that the live oak would not be adversely affected during project construction, the discussion of staging areas in Chapter 2, *Project Description,* has been revised to specifically exclude the area of the tree's dripline.

Response to Comment J-6

Chapter 11, *Noise and Vibration,* of the DEIR provides a thorough analysis of both short-term (construction-related) and long-term (operational) noise impacts of the Proposed Project. The commenter is "especially concerned about the whining of a 200 h.p. conventional vertical shaft pump." The City has discussed these concerns with the commenter in the past, and investigated the commenter's recommendation for the use of a submersible pump. Using a submersible pump would require the City to fully remove the pump in the event of a malfunction, leading to an extended period of nonoperation and a greater cost compared to a conventional pump, which could be inspected and repaired in place. For these reasons, the City determined that the use of a submersible pump was economically infeasible.

The City is committed to ensuring that operational noise levels near Site B are reduced to a less-than-significant level and welcomes additional input regarding methods to achieve this goal. Mitigation Measure NOISE-2 has been revised to include the City's willingness to meet with residents to discuss and investigate design solutions to reduce noise production at Site B. No change to the analysis or the significance of Impact NOISE-2 results from this addition.

Response to Comment J-7

See the response to Comment B-2 for a discussion of the basis of the Proposed Project, the areas served by the Proposed Project, and the exclusion of the water system improvements anticipated for future buildout from the Proposed Project.

Response to Comment J-8

The comment does not state a specific concern or question regarding the environmental impact analysis in the DEIR. Therefore, no further response to this comment is provided.

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Chapter 4
REVISIONS TO THE DEIR

This chapter presents revisions to the DEIR in response to the public review and comment process. Changes made in response to comments are discussed in FEIR Chapter 3 and indicated below. Text added to the DEIR is underlined, and deleted text is shown in ~~strikeout~~. DEIR text changes are presented in the order they would appear in the DEIR, and page numbers are provided to assist in identifying the location of the revisions.

Executive Summary

Page ES-27, under Impact NOISE-3:

Impact	Level of Significance	Mitigation Measures
Noise		
Impact NOISE-3: Substantial Permanent Increase in Ambient Noise Levels	Less than Significant with Mitigation	▪ Mitigation Measure NOISE-2: Consider Design Solutions for Noise Reduction and Employ Noise-reducing Methods during Operations at Site B.

Page ES-13, in the paragraph that begins on page ES-12 under the heading "Site B – McHenry Avenue Well":

Site B – McHenry Avenue Well

Site B, located on McHenry Avenue, would encompass approximately 0.4 acre. The facilities at this site would consist of a production well and pump, standby generator, disinfection facilities, monitoring well, transmission pipelines connecting to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and treatment filters. These facilities would be fully enclosed by a 12-foot-tall concrete block wall with a 24-foot-wide vehicular access gate. During design of the facilities, the City would consider application of a graffiti overlay coat or other similar material to reduce the potential for vandalism of the concrete block wall. The site would be accessed from a new driveway off McHenry Avenue; no site access would be provided from Stewart Road. Site improvements would include a concrete pad and paved driveway, well and associated piping, controls, treatment facilities, generator, and appurtenances. Runoff from new impervious surfaces at Site B would be retained on site. Figure 2-3 provides a site plan of the Site B facilities.

Page ES-16, second paragraph, under the heading "Staging Areas":

Staging Areas: Staging areas would be needed to store pipe, construction equipment, and other construction-related materials. Staging areas would likely be established at Sites A and B or along the pipeline routes where space is available within the road right-of-way or in vacant lots. Staging areas would avoid areas of sensitive biological habitat and would specifically avoid affecting the area within the dripline of the live oak adjacent to Site B. The City would reserve the authority to approve the locations of the staging areas as part of the contracts for construction of the facilities.

Chapter 2, *Project Description*

Page 2-13, in the paragraph that begins on page 2-12 under the heading "Site B – McHenry Avenue Well":

Site B – McHenry Avenue Well

Site B, located on McHenry Avenue, would encompass approximately 0.4 acre. The facilities at this site would consist of a production well and pump, standby generator, disinfection facilities, monitoring well, transmission pipelines connecting to the City's existing distribution system down McHenry Avenue, and space for a future treatment unit and treatment filters. These facilities would be fully enclosed by a 12-foot-tall concrete block wall with a 24-foot-wide vehicular access gate. During design of the facilities, the City would consider application of a graffiti overlay coat or other similar material to reduce the potential for vandalism of the concrete block wall. The site would be accessed from a new driveway off McHenry Avenue; no site access would be provided from Stewart Road. Site improvements would include a concrete pad and paved driveway, well and associated piping, controls, treatment facilities, generator, and appurtenances. Runoff from new impervious surfaces at Site B would be retained on site. Figure 2-3 provides a site plan of the Site B facilities.

Page 2-16, last paragraph, under the heading "Staging Areas":

Staging Areas: Staging areas would be needed to store pipe, construction equipment, and other construction-related materials. Staging areas would likely be established at Sites A and B or along the pipeline routes where space is available within the road right-of-way or in vacant lots. Staging areas would avoid areas of sensitive biological habitat and would specifically avoid affecting the area within the dripline of the live oak adjacent to Site B. The City would reserve the authority to approve the locations of the staging areas as part of the contracts for construction of the facilities.

Chapter 4, *Aesthetics*

Page 4-21, second full paragraph, under the heading "Site B":

Site B

Figure 4-6 shows an existing view and a simulated view of the proposed 12-foot-tall concrete wall and 24-foot-wide gate surrounding the well and pump facilities at Site B from McHenry Avenue. The facility wall would be constructed of concrete blocks painted in an earth-tone tan color. During design of the facilities, the City would consider application of a graffiti overlay coat or other similar material to reduce the potential for vandalism of the concrete block wall. The wall would be approximately 75 feet long and 65 feet wide. LED lighting, security cameras, and alarms would be installed outside of the building. A paved driveway connecting to McHenry Avenue would also be visible from McHenry Avenue. No trees would be removed and no landscaping is proposed at the site, aside from hydroseeding or planting of the retention basin slopes.

Chapter 11, Noise and Vibration

Page 11-30, fifth paragraph and Mitigation Measure NOISE-2:

The Program EIR prescribed Mitigation Measure NOISE-3: *Employ Noise-reducing Methods during Operations* to reduce impacts to a less-than-significant level. This mitigation measure has been modified to ensure that operational impacts associated with the Proposed Project would comply with the County's Municipal Code and the City's Code of Ordinances noise standards, reducing unmitigated noise levels from 71 dBA at 23 feet to 48 dBA at 30 feet. Therefore, with implementation of **Mitigation Measure NOISE-2 (Consider Design Solutions for Noise Reduction and Employ Noise-reducing Methods during Operations at Site B),** this impact would be **less than significant.** This measure would not apply to Site A, where project impacts would be less than significant.

Mitigation Measure NOISE-2: Consider Design Solutions for Noise Reduction and Employ Noise-reducing Methods during Operations at Site B.

Before final design of the pump facility at Site B, the City shall meet with nearby residents to consider possible design solutions for noise reduction and shall consider any such options that are deemed feasible. Design solutions to be considered may include one or more of the following:

- Isolation mounts,
- Primary and secondary exhaust silencers,
- Placement of stand-by generator as close to the east wall as feasible, and
- Sand damping of masonry blocks.

The City shall implement these and/or other noise-reducing methods so that noise from well operations at Site B, located at the corner of McHenry Avenue

and Stewart Road, does not exceed County noise-level standards at adjacent residences. Measures to be implemented shall include the following: [...]

Appendix H, Mitigation Monitoring and Reporting Plan

Page H-18, Mitigation Measure NOISE-2:

Mitigation Measure NOISE-2: Consider Design Solutions for Noise Reduction and Employ Noise-reducing Methods during Operations at Site B.

Before final design of the pump facility at Site B, the City shall meet with nearby residents to consider possible design solutions for noise reduction and shall consider any such options that are deemed feasible. Design solutions to be considered may include one or more of the following:

- Isolation mounts,
- Primary and secondary exhaust silencers,
- Placement of stand-by generator as close to the east wall as feasible, and
- Sand damping of masonry blocks.

The City shall implement these and/or other noise-reducing methods so that noise from well operations at Site B, located at the corner of McHenry Avenue and Stewart Road, does not exceed County noise-level standards at adjacent residences. Measures to be implemented shall include the following: [...]

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
NOISE-2	**Consider Design Solutions for Noise Reduction and Employ Noise-reducing Methods during Operations at Site B.** Before final design of the pump facility at Site B, the City shall meet with nearby residents to consider possible design solutions for noise reduction and shall consider any such options that are deemed feasible. Design solutions to be considered may include one or more of the following: ▪ Isolation mounts. ▪ Primary and secondary exhaust silencers. ▪ Placement of stand-by generator as close to the east wall as feasible, and ▪ Sand damping of masonry blocks. The City shall implement these and/or other noise-reducing methods so that noise from well operations at Site B, located at the corner of McHenry Avenue and Stewart Road, does not exceed County noise-level standards at adjacent residences. Measures to be implemented shall include the following: **[...]**	▪ Meet with residents to discuss noise-reducing design solutions. ▪ Investigate suggestions to identify feasible design options. ▪ Include feasible design options in pump facility design. ▪ [...]	▪ Before final design of the pump facility. ▪ [...]	

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Chapter 5
Report Preparation

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Chapter 6
References

Chapter 1, *Introduction*

City of Modesto. 2016. *Del Rio Tank and Wells Project Draft Environmental Impact Report,* Volumes 1 and 2 (SCH # 2015072055; EA/UTL No. 2015-05.) November. Prepared for City of Modesto Utilities Department by Horizon Water and Environment, LLC.

Chapter 2, *Summary of Public Participation*

None cited.

Chapter 3, *Comments on the DEIR and Responses*

City of Modesto. 2010. *2010 Water System Engineer's Report Final Program Environmental Impact Report.* (SCH # 2008092095.) Prepared for City of Modesto Public Works Department. Prepared by ICF International. February. Available at: www.modestogov.com/documentcenter/view/1643. Accessed January 19, 2017.

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_____. 2016. Stanislaus County General Plan 2015. Adopted August 23, 2016. Available online at: www.stancounty.com/bos/agenda/2016/20160823/PH910.pdf. Accessed September 20, 2016.

West Yost Associates. 2010. City of Modesto's 2010 Water System Engineer's Report Evaluation of the Existing Buildout Water System for the Del Rio Outlying Service Area (Del Rio TM). March 30.

Chapter 4, *Revisions to the DEIR*

None cited.

Chapter 5, *Report Preparation*

None cited.

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EXHIBIT "D"

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY TABLE

The following mitigation monitoring and reporting program (MMRP) summary table includes the mitigation measures identified in the City of Modesto's (City's) Del Rio Tank and Wells Project Environmental Impact Report (EIR) and the Final Program Environmental Impact Report (Program EIR) for the Water System Engineer's Report (City of Modesto 2010). Mitigation measures from the Program EIR are designated with "P-." For each mitigation measure, this table identifies monitoring and reporting actions that shall be carried out and the monitoring schedule. This table also includes a column where responsible parties can check off monitoring and reporting actions as they are completed.

As lead agency, the City will be responsible for ensuring that mitigation measures identified in this EIR are fully implemented. However, some mitigation measures would be implemented by the contractor(s) on behalf of the City. Contract documents for the proposed project will identify the obligations of the contractor, including relevant mitigation measures. The City will require that the contractor provide the City with documentation that it has adequately implemented its contractual obligations, including applicable mitigation measures.

Thus, in the descriptions of the mitigation measures provided in the table which follows, while the City may be the only party referenced in implementing a mitigation measure (i.e., where the measure states "the District shall"), this is intended to be inclusive of the contractor's role in implementing certain mitigation measures during construction or as part of design.

ACRONYMS AND ABBREVIATIONS USED IN MMRP

ASTM	American Society for Testing Materials
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Modesto
CRHR	California Register of Historical Resources
dBA	A-weighted decibels
DEIR	draft environmental impact report
EIR	environmental impact report
EPA	Environmental Protection Agency
MLD	Most Likely Descendant
MMRP	mitigation monitoring and reporting program
NAHC	Native American Heritage Commission
PRC	Public Resources Code
TCR	tribal cultural resource
USFWS	U.S. Fish and Wildlife Service

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
Aesthetics				
AES-1	**Locate Staging Areas Away from Public Areas.** Construction staging areas for equipment, personal vehicle parking, and material storage shall be sited as far as possible from residences, major roadways, and public areas. The City contract specifications shall require that staging areas be identified in the documents prepared by construction contractors and subject to approval by the City. The City shall not approve staging areas that are not sited as described above.	▪ Confirm that construction staging area requirements are incorporated into the contract specifications ▪ Designate location of staging areas in contract specifications	▪ During preparation of contract specifications ▪ Before construction begins	
AES-2	**Screen Staging and Construction Areas.** The construction contract shall specify that staging areas be located where opportunities for screening with existing topography and vegetation will be maximized. Security fencing placed around staging and construction areas shall include slats or other screening sufficient to hide the area from the passing public. Screens used for this purpose shall be of an earth tone or other appropriate neutral color.	▪ Confirm that staging area screening requirements are incorporated into the construction specifications ▪ Confirm that screening requirements are implemented properly.	▪ Before construction begins ▪ During construction	
Air Quality				
SJVAPCD AIR-1	**Note: Impact AIR-1 was deemed less than significant due to required implementation of SJVAPCD Regulation VIII Control Measures for Construction Emissions of PM 10.** Implementation of SJVAPCD required dust control measures are required under Regulation VIII. Implementation of these measures, as well as the enhanced control measures, is already required under the Program EIR.	▪ Confirm that disturbed areas are stabilized ▪ Confirm all on-site unpaved roads are effectively stabilized ▪ Confirm materials transported off site are	▪ Before construction begins ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
		covered or effectively wetted and at least 6-inches of freeboard space maintained ▪ Confirm all exterior surfaces of buildings being demolished are wetted during demolition ▪ Confirm trackout is prevented or removed.		
SJVAPCD AIR-2	**Note: Impact AIR-2 was deemed less than significant due to required implementation of SJVAPCD Regulations to control particulates and fugitive dust.** Construction practices should control particulates and fugitive dust to minimize exposure. In addition to the PM10 measures discussed in SJVAPCD AIR-1, implementation of best management practices should include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and or other options.	▪ Confirm that BMPs are in place to control particulates and minimize exposure	▪ Before construction begins ▪ During construction	
SJVAPCD AIR-3	**Note: Impact AIR-3 was deemed less than significant due to required implementation of SJVAPCD Regulations to limit operational emissions of criteria pollutants and precursors.** Construction practices should limit activities that emit criteria pollutants, such as vehicle trips. The SJVAPCD's small project level guidance states that activities generating fewer than 1,506 trips per day are assumed to have a less than	▪ Confirm that planned activities will generate less than 1,506 trips per day	▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	significant impact on air quality.			
Biological Resources				
BIO-1	**Avoid and Protect Burrowing Owls at Site A.** Because some burrows that could be used by Burrowing Owls were noted during field surveys at Site A, and in conformance with federal and state regulations regarding the protection of raptors, the City shall hire a qualified biologist to conduct a preconstruction survey(s) for Burrowing Owls within a 250-foot buffer around the project site, in conformance with accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or current version), and prior to the start of construction. If no Burrowing Owls are located during these surveys, no additional action is warranted. However, if breeding or resident owls are located on or within 250 feet of Site A, the following measures shall be implemented. ▪ No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted following evaluation of eviction plans and receipt of formal written approval from CDFW authorizing the eviction. ▪ A 250-foot buffer, within which no new activity is permissible, shall be maintained between project activities and nesting Burrowing Owls. This protected area will remain in effect until August 31 or, at CDFW's discretion (based upon monitoring evidence), until the young owls are foraging independently.	▪ Retain qualified biologist to conduct survey. ▪ Confirm that preconstruction survey is conducted in accordance with this mitigation measure. ▪ If Burrowing Owls are found within 250 feet of Site A, establish buffer and avoid new activity in the area.	▪ Before construction ▪ Before construction ▪ During construction as necessary	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
BIO-2	**Compensate for Loss of Burrowing Owl Habitat at Site A.** If a preconstruction survey finds that Burrowing Owls occupy Site A, and avoiding construction in occupied areas is not feasible, then the City shall implement habitat compensation on off-site mitigation lands, or shall purchase mitigation bank credits from a mitigation bank approved by CDFW. If mitigation credits are not purchased, habitat management lands comprising existing Burrowing Owl foraging and breeding habitat will be acquired and preserved. An area of 6.5 acres (the amount of land found to be necessary to sustain a pair or an individual owl) will be secured for each pair of owls or for an individual, in the case of an odd number of birds. Relocation of owls shall only be implemented during the non-breeding season. As part of an agreement with CDFW, the City shall provide CDFW with security for the performance of its mitigation duties in the form of funds that will: ▪ allow for the acquisition and preservation of 6.5 acres of habitat management lands for each pair of owls or unpaired resident single owl; ▪ provide initial protection and enhancement activities on the habitat management lands, potentially including such measures as fencing, trash cleanup, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW; ▪ establish an endowment for the long-term management of the habitat management lands; and ▪ reimburse CDFW for reasonable expenses incurred as a	▪ Consult with CDFW and confirm whether purchasing mitigation bank credits or off-site mitigation option shall be pursued. ▪ If mitigation bank credits are not available, establish an agreement with CDFW regarding the appropriate amount of funds that should be set aside for the project's mitigation. ▪ Submit appropriate funds to CDFW consistent with the agreement made with CDFW	▪ Before construction ▪ Before or during construction, as necessary ▪ Before or during construction, as necessary	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	result of the approval and implementation of this agreement.			
BIO-3	**Compensate for Loss of Swainson's Hawk Foraging Habitat.** To mitigate for the loss of potential Swainson's Hawk foraging habitat, the City shall provide off-site habitat management lands, as described in the CDFW protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), or by purchasing credits at a CDFW-approved Swainson's Hawk foraging habitat mitigation bank that covers the Proposed Project area, such as the Dutchman Creek Conservation Bank. The City shall determine the final acreage of off-site management lands or mitigation bank credits to be provided based on the distance between the project area and the nearest active nest site, as stated in the CDFW protocol (CDFG 1994). Mitigation credits would follow the same ratio guidelines as off-site management lands. Prior to the grading of any site with potential foraging habitat, the City shall hire a qualified biologist to conduct protocol-level surveys to determine the location of the nearest active nest. Based on these surveys, the City shall compensate for losses in compliance with the protocol for the mitigation of impacts on Swainson's hawks in the Central Valley (CDFG 1994), as follows: ▪ Projects within 1 mile of an active nest tree shall provide: – 1 acre of habitat management land for each acre of development authorized (1:1 ratio), at least 10% of which shall be met by fee title acquisition or a	▪ Consult with CDFW and confirm whether purchasing mitigation bank credits or off-site mitigation option shall be pursued. ▪ If mitigation credits are available and acceptable to CDFW, purchase the appropriate number of credits from the mitigation bank in accordance with the CDFW protocol. ▪ If off-site management lands are pursued, hire a qualified biologist to conduct protocol-level surveys for Swainson's hawk nests in the project vicinity. ▪ If off-site management lands are pursued, mitigate for those losses consistent with the ratios stated in the mitigation measure and through consultation with CDFW. Protect habitat management lands by acquiring a fee title or	▪ Before construction ▪ Before or during construction, as necessary ▪ Before or during construction, as necessary ▪ Before or during construction, as necessary	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	conservation easement allowing for the active management of the habitat, with the remaining 90% protected by a conservation easement acceptable to CDFW on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk; or – 0.5 acre of habitat management land for each acre of development authorized (0.5:1 ratio), all of which shall be met by fee title acquisition or a conservation easement acceptable to CDFW that allows for the active management of the habitat for prey production on the habitat management lands. * Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acre of habitat management land for each acre of urban development authorized (0.75:1 ratio). All habitat management lands protected under this requirement may be protected through fee title acquisition or conservation easement on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks. ▪ Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acre of habitat management land for each acre of urban development authorized (0.5:1 ratio). All habitat management lands protected under this requirement may be protected through fee title acquisition or conservation easement acceptable to CDFW on agricultural lands or other suitable habitats that provide	establishing a conservation easement.		

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	foraging habitat for Swainson's Hawks.			
	Management Authorization holders/project sponsors shall provide for the long-term management of the habitat management lands by funding a management endowment (the interest on which shall be used for managing the habitat management lands). If mitigation credits are purchased, long term management would be the responsibility of the mitigation bank.			
BIO-4	**Conduct Preconstruction Surveys for Swainson's Hawk Nests.** To ensure that nesting Swainson's Hawks will not be disturbed by construction activities, the City will hire a qualified ornithologist to conduct preconstruction surveys of the Proposed Project sites and adjacent areas within 1 mile of Sites A and B. No fewer than three surveys will be completed in at least each of the two survey periods immediately prior to project initiation, according to this schedule, based on Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000): ▪ Survey Period I occurs from January 1 to March 20; ▪ Period II from March 20 to April 5; ▪ Period III from April 5 to April 20; ▪ Period IV from April 21 to June 10 (surveys are not recommended during this period because identification	▪ Retain a qualified ornithologist to conduct preconstruction surveys. ▪ Complete preconstruction surveys within the time period outlined in the mitigation measure. ▪ In the event that nest is found, halt construction and contact CDFW to confirm how to proceed.	▪ Before construction ▪ Before construction ▪ Before construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	is difficult, as the adults tend to remain within the nest for longer periods of time); and ▪ Period V from June 10 to July 30. If a nest site is found, no construction work shall commence until after the City engages in consultation with CDFW and CDFW-approved measures are implemented. As a performance standard, the measures implemented shall ensure that project initiation will not result in nest disturbance.			
BIO-5	**Conduct Preconstruction Surveys for Nesting Birds.** The City shall require that construction will be avoided during the nesting season (generally between February 1 and August 31), where practical. If construction activities cannot be avoided during the nesting season, a qualified biologist will conduct a preconstruction survey within 500 feet of the construction area to determine whether active nests are present on the site. The survey will be conducted no more than 30 days prior to construction. If the biologist determines that the area surveyed does not contain any active nests, then construction activities can commence without any further mitigation. If active nests are found, CDFW and USFWS will be notified and Mitigation Measure BIO-6 will be implemented.	▪ Retain a qualified biologist to conduct preconstruction surveys. ▪ Complete surveys at least 30 days before construction. ▪ If active nests are found during the surveys, contact CDFW and USFWS	▪ Before construction ▪ Before construction ▪ Before construction	
BIO-6	**Avoid and Minimize Impacts on Nesting Raptors and Other Migratory Birds.** To avoid disturbing any active migratory bird nests, the City shall require that construction activities will be conducted during the non-breeding season for these species (generally	▪ If active nests are found during implementation of Mitigation Measure BIO-5, limit construction activities to the general non-breeding	▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	between September 1 and January 31). If active nests are present on or adjacent to either of the Proposed Project sites, CDFW and USFWS will be notified. If active migratory bird nests are present and construction cannot be avoided during the breeding season, construction will not occur within 500 feet of an active nest until the young have fledged, as determined by a qualified biologist, or until the project applicant receives written authorization from CDFW and USFWS to proceed.	season (September 1 to January 31). ▪ Contact CDFW and USFWS if active nests are present on or near construction work areas. ▪ If active nests are present and cannot be avoided during the breeding season (February 1 to August 31), establish 500-foot buffer around active nest.	▪ During construction	
BIO-7	**Protect Bat Colonies.** The following measures shall be implemented to avoid and minimize impacts on bats: ▪ Prior to removal of structures, the City shall hire a qualified bat biologist familiar with bat biology and ecology to assess structures to be removed for potential, active bat habitat. If the biologist determines that bats are not actively occupying the structures based on professional opinion following appropriate survey protocols, then the structures may be removed. ▪ For structures identified by the qualified biologist to be actively occupied by bats, removal of the structures shall not occur between April 15 and August 31 to avoid the bat maternity season, ▪ Demolition of structures shall be preceded by either humane eviction, phased dismantling, and/or deterrent	▪ Retain a qualified bat biologist to conduct surveys prior to removal of structures at Site A. ▪ Bat biologist shall conduct surveys of structures. ▪ If structures are occupied, ensure that removal of structures occur between September 1 and April 14 (outside of bat maternity season). ▪ Ensure demolition activities take place consistent with Mitigation Measure BIO-7.	▪ Before construction ▪ Prior to removal of structures ▪ During construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	methods to prevent direct mortality.			
Cultural Resources				
CR-1	**Suspend Construction Immediately if Cultural Resources Are Discovered, Evaluate All Identified Cultural Resources for CRHR Eligibility, and Implement Appropriate Mitigation Measures for Eligible Resources.** Not all cultural resources are visible on the ground surface. As a result, before initiation of ground-disturbing activities, the City or its designee shall arrange for construction crews to receive training about the kinds of archaeological materials that could be present at the Proposed Project site and the protocols to be followed should any such materials be uncovered during construction. Training shall be conducted by an archaeologist who meets the U.S. Secretary of the Interior's professional standards. Training shall be required during each phase of construction to educate new construction personnel. If any cultural resources, including structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains, are encountered during Proposed Project construction activities, work shall be suspended immediately at the location of the find and within a radius of at least 50 feet and the City will be contacted. All cultural resources uncovered during construction within the Proposed Project site shall be evaluated for eligibility for inclusion in CRHR. Resource evaluations shall be conducted by individuals who meet the U.S. Secretary of the Interior's	▪ Retain qualified archaeologist or City staff person to conduct worker training. ▪ Halt construction activities in the event any cultural resources are encountered. ▪ If cultural resources are uncovered, retain a qualified individual who meets the U.S. Secretary of the Interior's standards to conduct resource evaluations. ▪ If uncovered resources meet eligibility criteria, implement mitigation measures consistent with Guidelines Section 15126.4(b). ▪ If TCR or any other resources eligible for listing in the CRHR are encountered, implement additional measures in accordance with Mitigation Measure CR-1.	▪ Prior to construction ▪ During construction ▪ During construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	professional standards in archaeology, history, or architectural history, as appropriate. If any of the resources meet the eligibility criteria identified in PRC Section 5024.1 or CEQA Guidelines Section 21083.2(g), mitigation measures will be developed and implemented in accordance with CEQA Guidelines Section 15126.4(b) before construction resumes. For a TCR or any resources eligible for listing in the CRHR that would be significantly adversely affected by the Proposed Project construction, additional mitigation measures shall be implemented. Mitigation measures for archaeological resources may include (but are not limited to) avoidance; incorporation of sites within parks, greenspace, or other open space; capping the site; deeding the site into a permanent conservation easement; or data recovery excavation. Mitigation measures for archaeological resources shall be developed in consultation with responsible agencies and, as appropriate, interested parties such as Native American tribes. Native American consultation is required if an archaeological site is determined to be a TCR. Implementation of the approved mitigation is required before resuming any construction activities with the potential to affect identified eligible resources at the site.			
CR-2	**Suspend Construction Immediately if Paleontological Resources Are Discovered, Evaluate the Significance of the Resources, and Implement Appropriate Mitigation Measures as Necessary.** Paleontological resources are not necessarily visible on the ground surface. As a result, before initiation of ground-disturbing activities, construction crews shall receive training about the kinds of paleontological materials that could be	▪ Retain a qualified paleontologist to conduct worker training. ▪ In the event a paleontological item is discovered, halt construction activities within 50 feet of discovery site and	▪ Prior to construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	present at the Proposed Project site and the protocols to be followed should such materials be uncovered during construction. Training shall be conducted by a professional paleontologist. Training shall be required during each phase of construction to educate new construction personnel. If any items of paleontological interest are discovered during construction, work shall be suspended immediately within 50 feet of the discovery site, or to the extent needed to protect the site, and the City shall be notified. Any discovery of paleontological resources during construction shall be evaluated by the qualified paleontologist. If it is determined that the Proposed Project could damage a unique paleontological resource, mitigation shall be implemented in accordance with PRC Section 21083.2 and CEQA Guidelines Section 15126.4. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City. Work shall not be resumed until authorization is received from the City and any recommendations received from the qualified paleontologist are implemented.	notify the City. ▪ Ensure that qualified paleontologist evaluates the discovery and, in the event the project could damage the resource, implement mitigation in accordance with Mitigation Measure CR-2 and consult with the City as necessary.		
CR-3	**Halt Construction Immediately if Human Remains Are Discovered and Implement Applicable Provisions of the California Health and Safety Code.** If human remains are discovered during construction activities, the requirements of Section 7050.5 of the California Health and Safety Code shall be followed. Potentially damaging excavation shall halt on the Proposed Project site within a minimum radius of 100 feet of the remains and the County Coroner shall be notified. The	▪ Confirm that measure is included in project plans and specifications. ▪ In the event that human remains are encountered, halt work and contact the Stanislaus County Coroner. ▪ Confirm that any discoveries of human remains are	▪ During preparation of plans and specifications ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). In accordance with the provisions of PRC Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods. The City or its designee shall work with the MLD to ensure that the remains are removed to a protected location and treated with dignity and respect.	evaluated and addressed properly.		
CR-4	**Prepare and Implement Treatment Plans for any TCRs Identified in the Proposed Project Study Area.** If TCRs are identified in the Proposed Project study area, the City shall consult and work with tribes with a traditional and cultural affiliation to the resource to develop feasible alternatives that will avoid impacts or develop and implement treatment plans that will substantially lessen the impacts on identified TCRs, in accordance with PRC Sections 21083(b)(2) or 21084.3.	▪ Confirm that measure is included in project plans and specifications. ▪ In the event that TCRs are identified, consult with tribes with a traditional and cultural affiliation to the resource and implement treatment plans if necessary.	▪ During preparation of plans and specifications ▪ During construction	
Geology, Soils, and Seismicity				
P-GEO-1	**Conduct project-specific geotechnical investigation prior to construction.** During project design, project-specific geotechnical	▪ Retain a registered engineer to prepare a geotechnical investigation and report for	▪ During the initial design phase ▪ During	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	investigations and reports will be prepared by registered engineers to detect site conditions that could result in liquefaction, construction on expansive soils, or other potential hazards and to identify appropriate design requirements that would prevent damage to structures. Site-specific geological data and recommendations by a registered engineer will be incorporated into project design, thereby reducing any impacts due to liquefaction.	the project. ▪ Incorporate site-specific data and recommendations from the report into project design to minimize impacts related to liquefaction.	preparation of plans and specifications	
Global Climate Change				
None				
Groundwater				
None				
Hazards and Hazardous Materials				
P-HAZ-1	Prepare a risk assessment prior to construction activity. Prior to the commencement of construction activities, the City or its contractor will prepare a risk assessment and establish procedures to address the identification, excavation, handling, and disposal of hazardous materials in accordance with ASTM Standard 1527-05, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and the EPA "All Appropriate Inquiries" standards and practices (40 CFR 312). An environmental database search of regulatory-listed hazardous materials sites contained in local, regional, state, and federal databases for the program site and within a 0.5-mile radius of the site will be performed by a qualified	▪ Retain a qualified contractor to conduct a Phase I environmental site assessment. ▪ Incorporate recommendations from the Phase I report in the project plans and specifications. ▪ Ensure that the contractor implements risk assessment recommendations and ensure corrective action if necessary.	▪ Prior to construction ▪ During preparation of plans and specifications ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	professional as part of this assessment. If contaminated soil or groundwater is encountered, the City will notify the appropriate local environmental management agencies and local fire departments. The City will ensure that any identified environmental site conditions that may represent a risk to public health and safety will be remediated in accordance with federal, state, and local environmental laws and regulations. All recommendations in the risk assessment will be implemented by the City and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to adverse conditions on the program site as a result of discovering existing sources of contamination.	▪ Notify appropriate local environmental agencies fire departments in the event that contaminated soil or groundwater is encountered and remediate in accordance with federal, state and local laws and regulations.		
P-HAZ-2	**Control contamination resulting from previously unidentified hazardous waste materials.** Prior to the onset of construction, all construction workers will be trained in the identification of potentially contaminated soil and water, including the characteristics of potential contamination, such as discolored soil, oils or sheens on water, and unusual odors. In the event that hazardous materials are encountered during construction, all construction activities in the area of the discovery will stop, and the City or its contractors will conduct hazardous materials investigations to identify the nature and extent of contamination and evaluate potential impacts on program construction. If necessary, the City or its contractors will implement remediation measures consistent with all applicable local, state, and federal codes and regulations. Construction will not resume until remediation is complete. If waste disposal is necessary, the City will ensure that all	▪ Confirm that measure is included in project plans and specifications. ▪ Conduct worker training. ▪ Halt construction in the event that hazardous materials are encountered. ▪ As necessary, implement remediation measures and transport hazardous materials to an appropriately-licensed and permitted facility.	▪ During preparation of plans and specifications ▪ Prior to construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	hazardous materials removed during construction are handled and disposed of by a licensed waste-disposal contractor and are transported by a licensed hauler to an appropriately-licensed and permitted disposal or recycling facility, in accordance with local, state, and federal requirements.			
Land Use and Planning				
None				
Noise and Vibration				
NOISE-1	**Employ Noise-reducing Construction Practices.** The following measures shall be implemented by the City or its contractor to reduce adverse effects from construction noise: ▪ At least two weeks prior to the start of construction, provide written notification to the potentially affected property owners and residents within 500 feet of the project site, identifying the type, duration, and frequency of construction activities to residences directly exposed to the project noise. Notification of heavy construction activities shall include anticipated dates and hours during which construction activities are anticipated to occur. Notification materials shall also identify a mechanism for residents to register complaints with the City through contact information, including a daytime telephone number, for the project representative to be contacted in the event that construction noise levels are deemed excessive, overly intrusive or construction occurs outside the permitted hours. Recommendations to assist noise-	▪ Confirm that measure is included in project plans and specifications. ▪ Notify property owners and residents within 500 feet of project site about construction activities and schedule. ▪ Designate a noise disturbance coordinator and ensure that this person's contact information is posted around the project site. ▪ Comply with noise minimization measures outlined in Mitigation Measure NOISE-1.	▪ During preparation of plans and specifications ▪ At least 2 weeks prior to construction ▪ During construction ▪ During construction ▪ During construction	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall be included in the notification. ▪ Designate a disturbance coordinator and conspicuously post this person's number around the project sites, in adjacent public spaces, and in construction notifications. The disturbance coordinator shall be responsible for responding to any complaints about construction activities. The disturbance coordinator shall receive all public complaints about construction disturbances and be responsible for determining the cause of the complaint and implementation of feasible measures to be taken to alleviate the problem. ▪ Locate stationary or fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas, and construction vehicle routes as far as feasible from noise-sensitive receptors. ▪ Prohibit the start-up of machines or equipment before 7 a.m. and after 7 p.m. Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday. ▪ Prohibit use of materials and equipment deliveries before 7 a.m. and after 7 p.m., Monday through Saturday and before 9 a.m. and after 5 p.m. on Sunday. ▪ Restrict the use of bells, whistles, alarms, and horns to safety-warning purposes. ▪ Equip all construction equipment with noise-reduction devices such as mufflers to minimize construction noise and operate all internal combustion engines with	▪ Ensure corrective action as necessary.		

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	exhaust and intake silencers. ▪ Use noise-reducing enclosures around stationary noise generating equipment. ▪ To the extent feasible, the simultaneous operation of multiple construction equipment shall be limited. ▪ Install temporary barrier between noise sources and noise sensitive receptors, or the use of intervening structures (i.e.; on-site construction trailer, stockpiles).			
NOISE-2	**Consider Design Solutions for Noise Reduction and Employ Noise-reducing Methods during Operations at Site B.** Before final design of the pump facility at Site B, the City shall meet with nearby residents to consider possible design solutions for noise reduction and shall consider any such options that are deemed feasible. Design solutions to be considered may include one or more of the following: ▪ Isolation mounts, ▪ Primary and secondary exhaust silencers, ▪ Placement of stand-by generator as close to the east wall as feasible, and ▪ Sand damping of masonry blocks. The City shall implement these and/or other noise-reducing methods so that noise from well operations at Site B, located at the corner of McHenry Avenue and Stewart Road, does not exceed County noise-level standards at adjacent residences. Measures to be implemented shall include the	▪ Meet with residents to discuss noise-reducing design solutions. ▪ Investigate suggestions to identify feasible design options. ▪ Include feasible design options in pump facility design. ▪ Incorporate noise-reducing measures into the project's generator and pump enclosure design requirements. ▪ Retain a qualified acoustical consultant to assist with preparing the project's generator and pump enclosure and sound wall	▪ Before final design of the pump facility. ▪ Before final design of the pump facility. ▪ Before final design of the pump facility. ▪ Before final design of the pump facility. ▪ During the initial design phase ▪ During the initial design phase. ▪ During the design phase.	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	following: **Generator** 1. Project specifications shall include generator sound level limits of 73 dBA at 23 feet, similar to those at the City's Well 62 facility. 2. Noise control specifications for the generator set shall include a sound-attenuated enclosure for the pump and a sound wall within the facility wall. Specifications for the pump enclosure and sound wall are prescribed in item 5 below. 3. Routine testing of the generator shall be performed during daytime hours, between 10 a.m. and 5 p.m., when background sound levels are highest, to minimize potential noise impacts. 4. Obtain the services of a qualified acoustical consultant to conduct project-related operational noise measurements at sensitive receptor locations adjacent to the Proposed Project site to ensure that noise-reducing measures comply with applicable codes. If noise measurements do not comply with applicable codes, additional noise reduction measures should be designed and incorporated. With these measures, no additional sound reduction would be required to reduce sound levels due to the generator set. **Pump Enclosure and Sound Wall**	specifications. ▪ Ensure that well pumps and generator are designed consistent with Mitigation Measure NOISE-2. ▪ Confirm that noise-reducing methods are included in project plans and specifications.	▪ During preparation of plans and specifications	

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	5. The pump enclosure shall be designed to the following specifications to ensure operational sound levels are reduced below County standards: (a) Install a modular sound wall with an optional removable roof adjacent to the pump. The sound-absorptive modular barrier system shall be installed along the west edge of the pump base to a height of at least 10 feet above grade. The barrier system will wrap around the north and south sides of the pump to create a three-walled system with integrated sound absorption. In general, acoustical barriers perform best when close to the noise source. Acceptable products include the following or an approved equivalent: Kinetics Noiseblock Barrier Panel System, Noise Barriers LLC QuietLine Barrier Walls, Sound Fighter Systems LSE. (b) Include an insulated sheet metal shroud around the pump motor and shaft. Construct the sheet metal shroud to block the line of sight to the motor ventilation openings. Construction materials shall include exterior-grade sheet metal used for heating, ventilation, and air conditioning (HVAC) ducts and acoustical duct liner. (c) If the above measures cannot be employed for the pump, one of the following measures will be implemented to meet the County's nighttime noise threshold of 45 dBA:			

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	i. Install a submersible pump that would place the motor under water and virtually eliminate the sound source. ii. Increase the height of the equipment yard sound wall above 12 feet. Based on the noise analysis, increasing the equipment yard wall height to 13 feet would result in an additional 2 dBA of attenuation and a predicted sound level of 45 dBA. A 14-foot-tall wall could reduce sound levels by an additional 1 dBA. iii. Construct a barrier adjacent to the motor with a removable roof barrier directly over the motor. This secondary barrier directly adjacent to the pump motor on the west side would effectively reduce sound levels below the nighttime noise threshold. The detachable roof would still provide access to the motor for servicing and removal. The barrier adjacent to the motor shall be designed to the following specifications to ensure operational sound levels would be reduced below County standards: ▪ The barrier shall be constructed around the equipment within the wall surrounding the facility. ▪ The barrier shall weigh a minimum of 4 pounds per square foot. Painted and sealed			

	Mitigation Measure	Monitoring and Reporting Action	Monitoring Schedule	Completion Date and Initials
	concrete block easily meets this weight requirement. ▪ The barrier shall be continuous along its length and width with no gaps in the construction, including at the ground. The equipment yard pad shall be sloped such that weeping holes are only needed on the north and east sides of the facility. iv. Construct an insulated sheet metal shroud around the motor and shaft. This metal shroud would accommodate air circulation requirements for the motor, but would divert sound energy away from the motor openings and base near the shaft. Sound energy would be attenuated by sound-absorbing material within the metal shroud.			

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-348

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH ESCROW INSTRUCTIONS WITH VICTOR MARTINEZ AND IRIS L. MARTINEZ, TRUSTEES OF THE 2008 MARTINEZ REVOCABLE TRUST UNDER DECLARATION OF TRUST DATED MAY 21, 2008, FOR ACQUISITION OF APPROXIMATELY 2.75 ACRES, LOCATED AT 500 9TH STREET IN MODESTO, CALIFORNIA (APN: 106-044-005), IN THE AMOUNT OF $3,100,000 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto has been in search of a site to meet its future growth needs, and

WHEREAS, staff has identified an approximate 2.75 acre parcel, known as "Cook Marketplace", located at 500 9th Street, in Modesto, California (APN: 106-044-005/Block 52), and

WHEREAS, the property is owned by Victor and Iris L. Martinez, trustees ("Property Owners"), and

WHEREAS, the City considered purchasing this property in 2015 for $2.5 million dollars, but the an agreement on terms was not completed at that time, and

WHEREAS, the City began purchasing negotiations when the property became available for sale again for $3.1 million, and

WHEREAS, the property is centrally located to the Modesto Police Department, Fire Station No. 1, the Regional Transit Center, the City Hall/County Administration building, the Modesto Chamber of Commerce, the Gallo Center for the Arts, Brenden Theaters, and the Doubletree Hotel, as well as the present and future County Courthouse, and

WHEREAS, the property has the potential to play a significant role in the revitalization of the Downtown Core, and

WHEREAS, the property is income producing and can pay back money borrowed from the Fleet Operating Fund Reserves, as well as maintain the property until such time as the City is able to develop the property to meet its future growth needs, and

WHEREAS, a Purchase and Sale Agreement ("Agreement") is needed for the acquisition of the property, and

WHEREAS, the due diligence period is 120 days with the close of escrow to occur within 30 days of the end of the due diligence period, and

WHEREAS, within the first 60 days of the due diligence period, the City shall obtain a qualified appraisal report with an estimated cost of $5,500, and

WHEREAS, if the appraised value is higher than the purchase price, the price shall not change,

WHEREAS, if the appraised value is lower than the purchase price, the City and Property Owners may negotiate a new purchase price, and

WHEREAS, if the City and Property Owners are unable to agree to a revised price, the City may terminate the Agreement, and

WHEREAS, during the due diligence period, the City shall also obtain a Phase 1 Environmental Report with an estimated cost of $5,000, necessary engineering feasibility studies, and review governmental regulations and improvement obligations, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase and Sale Agreement with Victor Martinez and Iris L. Martinez, Trustees of the 2008 Martinez Revocable Trust under Declaration of Trust

dated May 21, 2008, for acquisition of approximately 2.75 acres located at 500 9th Street, in Modesto, California (APN: 106-044-005/Block 52), in the amount of $3,100,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney and all related documents required to close escrow, provided that the Interim City Manager and/or designee will report back to Council the results of due diligence prior to closing escrow and may receive further direction at that time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-349

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT BUDGET AND THE MULTI-YEAR OPERATING BUDGET TO APPROPRIATE A $3,000,000 INTERFUND LOAN TRANSFER FROM THE FLEET OPERATING FUND TO THE NEW COOK MARKET PROJECT AND TRANSFER $100,000 FROM THE COURTHOUSE PROJECT 100859 FOR THE REMAINING AMOUNT OF THE PURCHASE PRICE

WHEREAS, the City had originally considered the location of property at 500 9th Street (APN: 106-044-005) in 2015, and

WHEREAS, the City and the owner of the property were not able to come to an agreement at that time, and

WHEREAS, the owner's broker has approached the City to indicate that the property would again be for sale, and

WHEREAS, the owner has agreed to a 120 day escrow during which time the City can terminate for any reason, and

WHEREAS, the City will undertake due diligence, including but not limited to, building and property inspections, updated environmental and title, obtaining an appraisal, and verification of existing leases with no earnest money deposited, and

WHEREAS, the estimated cost of the appraisal is $5,500 and the cost of the Phase 1 Environmental Report is $5,000 which will be paid from existing funds within the Community and Economic Development Department professional services account 0100-14110-53300, and

WHEREAS, should the City decide to move forward with the approval of the purchase of the property once the due diligence is completed for the price of $3,100,000,

an interfund loan from the Fleet Operating Fund in the amount of $3,000,000 to the Special Fund for Capital Outlay will be made with repayments paid back from rental revenue received from current and future tenants of the property over 20 years will be established, and

WHEREAS, the remaining $100,000 of the purchase price will be paid from excess funds in the Courthouse Project 100859.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2017-2018 Capital Improvement Budget and Multi-Year Operating Budget to appropriate a $3,000,000 interfund loan transfer from the Fleet Operating Fund to the newly created Cook Market Project, as well as transfer $100,000 in additional funds from the Courthouse Project 100859 to the newly created project for the Cook Market Project.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-350

RESOLUTION APPROVING A LOAN OF $3,000,000 FROM THE FLEET OPERATING FUND TO THE SPECIAL FUND FOR CAPITAL OUTLAY FOR THE PROJECT TITLED "COOK MARKET PROJECT" AND ESTABLISHING A REPAYMENT SCHEDULE, AMORTIZED OVER 20 YEARS TO BE PAID BACK FROM FUTURE RENTAL INCOME RECEIVED FROM THE CURRENT AND FUTURE TENANTS OF THE PROPERTY

WHEREAS, the City had originally considered the location of property at 500 9th Street (APN: 106-044-005) in 2015, and

WHEREAS, the City and the owner of the property were not able to come to an agreement at that time, and

WHEREAS, the owner's broker has approached the City to indicate that the property would again be for sale, and

WHEREAS, the owner has agreed to a 120 day escrow during which time the City can terminate for any reason, and

WHEREAS, the City will undertake due diligence, including but not limited to, building and property inspections, updated environmental and title, obtaining an appraisal, and verification of existing leases with no earnest money deposited, and

WHEREAS, the estimated cost of the appraisal is $5,500 and the cost of the Phase 1 Environmental Report is $5,000 which will be paid from existing funds within the Community and Economic Development Department professional services account 0100-14110-53300, and

WHEREAS, should the City decide to move forward with the approval of the purchase of the property once the due diligence is completed for the price of $3,100,000, and

WHEREAS, an interfund loan from the Fleet Operating Fund in the amount of $3,000,000 to the Special Fund for Capital Outlay will be made with repayments paid back from rental revenue received from current and future tenants of the property, and

WHEREAS, the $3,000,000 loan will be amortized over the next 20 years, and

WHEREAS, the $3,000,000 loan will accrue interest at the City's average rate of return on its investment pool, and

WHEREAS, the amount of interest will be calculated based on the principal outstanding during the prior fiscal year, and,

WHEREAS, all annual rental income, less operating expenses, will be used to reimburse the Fleet Operating Fund until the loan is paid in full, and

WHEREAS, at least $150,000 of principal plus interest will be paid back each fiscal year through fiscal year 2037-2038, as outlined in **Exhibit A**, and

WHEREAS, the remaining $100,000 of the purchase price will be paid from additional funds in the Courthouse Project 100859.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the an interfund loan of $3,000,000 from the Fleet Operating Fund to the General Fund for the project titled Cook Market Project.

BE IT FURTHER RESOLVED that the $3,000,000 loan will be amortized over 20 years and rental revenue received in the "Cook Market Project" will be used to reimburse the Fleet Operating Fund until the loan is paid in full.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	Mayor Brandvold
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Amortization Schedule

for

Loan from Fleet Operating Fund to Special Fund for Capital Outlay

Fiscal Year	Average Principal Payment
2018-19	$150,000
2019-20	$150,000
2020-21	$150,000
2021-22	$150,000
2022-23	$150,000
2023-24	$150,000
2024-25	$150,000
2025-26	$150,000
2026-27	$150,000
2027-28	$150,000
2028-29	$150,000
2029-30	$150,000
2030-31	$150,000
2031-32	$150,000
2032-33	$150,000
2033-34	$150,000
2034-35	$150,000
2035-36	$150,000
2036-37	$150,000
2037-38	$150,000

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-351

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TULLY ROAD & 9TH STREET PAVEMENT REHABILITATION PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO GEORGE REED INC., OF MODESTO, CALIFORNIA IN THE AMOUNT OF $579,526, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Tully Road & 9th Street Pavement Rehabilitation Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tully Road & 9th Street Pavement Rehabilitation Project were publicly opened at 11:00 a.m. on July 25, 2017 in compliance with Modesto Municipal Code

8-3.403, and

WHEREAS, the Director of Community and Economic Development has recommended that the bid of $579,525.99 received from George Reed Inc., of Modesto, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to George Reed Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Tully Road & 9th Street Pavement Rehabilitation Project, accepts the bid of George Reed Inc., of Modesto, California in the amount of $579,525.99, and awards George Reed Inc., of Modesto, California the contract for the Tully Road & 9th Street Pavement Rehabilitation Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-352

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE MODESTO JUNIOR COLLEGE BICYCLE PATH PHASE II PROJECT, ACCEPTING THE BID, AND AWARDING A CONTRACT TO MCFADDEN CONSTRUCTION INC., OF STOCKTON, CALIFORNIA IN THE AMOUNT OF $474,622, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, plans and specifications have been prepared for the Modesto Junior College Bicycle Path Phase II Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Modesto Junior College Bicycle Path Phase II Project were publicly opened at 11:00 a.m. on August 29, 2017 in compliance with Modesto Municipal Code 8-3.403 and Modesto Charter section 1307, and

WHEREAS, the Director of Community and Economic Development and the Interim City Manager have recommended that the bid of $474,622 received from McFadden Construction Inc., of Stockton, California, be accepted as the lowest responsible and responsive bid and the contract be awarded to McFadden Construction Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Modesto Junior College Bicycle Path Phase II Project, accepts the bid of McFadden Construction Inc., of Stockton, California in the amount of $474,622 and awards McFadden Construction Inc., of Stockton, California the contract for the Modesto Junior College Bicycle Path Phase II Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-353

RESOLUTION ACCEPTING A FEDERAL AVIATION ADMINISTRATION GRANT OFFER IN AN AMOUNT NOT TO EXCEED $350,000 FOR THE AIRPORT LAYOUT PLAN UPDATE AT THE MODESTO CITY-COUNTY AIRPORT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT RELATED DOCUMENTS

WHEREAS, the Modesto City-County Airport (Airport) is part of the Federal airport system and is eligible for Federal funding, and

WHEREAS, as Airport sponsor, the City is eligible each year for entitlement and discretionary funds that provide for the Federal Aviation Administration (FAA) Airport Capital Improvement Program (ACIP), and

WHEREAS, the local 10% match required for grants will be paid from a City Local Match (Stanislaus County Aircraft Tax Fund), and

WHEREAS, the Airport will complete an Airport Layout Plan Update (ALPU) utilizing funds from the FAA Grant for Airport Improvement Project (AIP) 3-06-0153-041-2017 (AIP 41), which has been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts an FAA grant offer in an amount not to exceed $350,000 for the Airport Layout Plan Update at the Modesto City-County Airport.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute all grant related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-354

RESOLUTION APPROVING THE CREATION OF AN AIRPORT CAPITAL PROJECT, FOR THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT 3-06-0153-041-2017 (AIP 41), AND AMENDING THE FISCAL YEAR 2017-2018 OPERATING AND CAPITAL IMPROVEMENT BUDGET IN AN AMOUNT NOT TO EXCEED $385,000, WHICH INCLUDES $350,000 OF GRANT FUNDING AND $35,000 OF LOCAL MATCH FUNDING VIA TRANSFER FROM THE STANISLAUS COUNTY AIRCRAFT TAX FUND (FUND 4330) TO THE SPECIAL AVIATION FUND (FUND 4320)

WHEREAS, Stantec Consulting Services, Inc. has been selected as the consultant to perform the Airport Layout Plan Update (ALPU) and,

WHEREAS, certain City administration will be entitled to reimbursement for work performed directly in connection with AIP 41.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the creation of a project and a budget amendment for AIP 41 not to exceed $385,000 for the ALPU project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to do the budget adjustment and create an appropriate revenue and expense account for project AIP 41.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-355

RESOLUTION APPROVING A LIST OF PROJECTS TO BE FUNDED WITH SENATE BILL (SB) 1, THE ROAD REPAIR AND ACCOUNTABILITY ACT TAX PROCEEDS IN FISCAL YEAR 2017-2018

WHEREAS, on April 28, 2017 the Governor signed Senate Bill (SB) 1, which is known as the Road Repair and Accountability Act of 2017, and

WHEREAS, the primary focus of that Bill is to address basic road maintenance, rehabilitation and critical safety needs on both the state highways and local streets and road systems, and

WHEREAS, beginning November 1, 2017, the State Controller's Office will deposit various portions of this funding into the newly created Road Maintenance and Rehabilitation Account (RMRA), and

WHEREAS, the City estimates receiving the full apportionment of RMRA funding for FY 2017-2018 in the amount of $1,197,272, and

WHEREAS, the proposed project list must be adopted by Council as part of our budget to be eligible for funding, and

WHEREAS, funding requires cities to submit an approved project list by October 16, 2017 for FY 2017-2018, and

WHEREAS, the RMRA funds do require a Maintenance of Effort (MOE) from the City based on General Fund spending for street, road, and highway purposes, but at this point Staff does not have definitive numbers and or information, and

WHEREAS, Staff is currently working with the State to clarify MOE requirements. Once the numbers have been received from the State, Staff will return to Council for clarification and approval, and

WHEREAS, on August 9, 2017, this item was approved by the Healthy Economy Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a list of Slurry Seal, Crack Seal and Asphalt Repair projects to be funded with Senate Bill (SB) 1, Road Repair and Accountability Act tax proceeds in Fiscal Year 2017-2018.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-356

RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT OF FLOW METERS AND PARTS FROM APG-NEUROS, BLAINVILLE, QUEBEC, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $150,000 AND $750,000 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASING AGREEMENT

WHEREAS, The City uses APG-Neuros high-speed turbo blowers in the tertiary treatment process, and

WHEREAS, the blowers supply air to both the aeration basin and membrane tanks and the aeration is computer-controlled, and

WHEREAS, most of the parts and components used in the APG-Neuros system are proprietary and are manufactured by APG-Neuros, including the variable frequency drives, , , programmable logic controller, and air flow meters operate and operates together with manufacturer designed software, and

WHEREAS, all replacement parts are only available from APG-Neuros, and

WHEREAS, the Wastewater Division maintenance staff is responsible for working on the APG-Neuros blowers and requires the parts to effectively maintain them, and

WHEREAS, staff has negotiated with APG-Neuros to hold their pricing through August 2019 and an increase of 6% for the following three years (September 2019 – August 2022), and

WHEREAS, APG-Neuros has also offered a 10% discount on any order over $15,000 for the referenced parts, and

WHEREASs, staff is currently asking for authorization for estimated costs of up to $150,000 per year, and

WHEREAS, the estimated annual costs for routine maintenance are $25,000; should a core, variable frequency drive or any other non-routine part need to be replaced, the amount of $150,000 will not be exceeded and allow for the work to be completed and avoid an interruption to the tertiary treatment process, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid; however, there are exceptions to the rule set forth in the Modesto Municipal Code, and

WHEREAS, staff recommends the award of agreement to APG-Neuros should be exempt from the formal bidding process in accordance with Modesto Municipal Code 8-3.204(b) since they are the sole provider of these parts, and

WHEREAS, MMC 8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirements where the Purchasing Agency's requirements can be met solely by a single article or process, and

WHEREAS, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and that there are no competitors.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a sole source procurement of Flow Meters and parts from APG-Neuros, Blainville, Quebec, CA, for a two-year agreement with three one-year extension options at the sole discretion of the City, for an estimated annual cost not to exceed

$150,000 and $750,000 over five years, and authorizing the Interim City Manager, or his designee, to execute a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017–357

RESOLUTION APPROVING AND CERTIFYING THE CITY'S SANITARY SEWER MANAGEMENT PLAN UPDATE

WHEREAS, the City sanitary sewer system is regulated by the State Water Resources Control Board (Board) Order No. 2006-003, Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems, and

WHEREAS, the WDR governs the operations and maintenance of wastewater collection systems, and

WHEREAS, to facilitate proper funding and management of sanitary sewer systems, agencies are required to develop, implement, and periodically update a Sanitary Sewer Management Plan (SSMP);

WHEREAS, the SSMP must be approved by the "Enrollees" governing board at a public meeting, and

WHEREAS, the SSMP is a guiding document for the proper management, operation, and maintenance of all parts of the sanitary sewer system, and

WHEREAS, the goal of the WDR and the SSMP is to reduce and prevent Sewer System Overflows (SSO), and to mitigate the effects of any SSOs that do occur, and

WHEREAS, adherence to the SSMP helps staff achieve our goal of reducing SSOs and ensures continued compliance with all State and Federal regulations, and

WHEREAS, the development of the SSMP was approved by Council on July 24, 2007, by Resolution No. 2007-460, and the SSMP was completed, certified, and approved by the Council on April 7, 2009, by Resolution No. 2009-150, and

WHEREAS, the WDR requires staff to perform audits of the SSMP a minimum of every two years and complete updates at least every 5 years or when there are significant changes made to operations, and

WHEREAS, staff has conducted internal SSMP audits in November 2013, October 2014, and October/November 2016 with the most recent audit report and findings are included in Section 10 of the updated SSMP, and

WHEREAS, these audit findings require the SSMP be updated to incorporate these changes; previous updates to the SSMP were approved on February 7, 2012, by Resolution No. 2012-49 and on March 3, 2015, by Resolution No. 2015-72, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and certifies City's Sanitary Sewer Management Plan update.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-358

RESOLUTION GRANTING AN EXCEPTION TO THE VILLAGE ONE SPECIFIC PLAN TO ALLOW CONSTRUCTION BY WESTURF NURSERY AT 1612 CLAUS ROAD, MODESTO, CA 95355 WITHOUT ANNEXING TO THE VILLAGE ONE #2 CFD

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

WHEREAS, on October 16, 1990, the Council, by Resolution No. 90-828A, adopted the Village One Specific Plan, to guide the development of 1,780 acres located in northeast Modesto, and

WHEREAS, the Village One Specific Plan states that no precise plan, final map, final development plan, building permit or other development entitlement for currently unvested property shall be consistent with this Specific Plan until and unless the affected parcel is required to form or annex to the City of Modesto Community Facilities District No. 2004-1 ("Village One #2 CFD"), and

WHEREAS, the Village One Specific Plan does allow the City to defer the requirement to form or annex to the Village One #2 CFD if the project falls into one of two exemption categories:

1) Residential properties of less than ten acres, until there is a land division, addition of any dwelling unit or change of use, or
2) The existing commercial properties in Precise Plan Area No. 2....unless there is a change of use, physical expansion of the existing buildings,

construction of new buildings, or division of property, and

WHEREAS, in September 2011, Westurf Nursery (Applicant) contacted the City to obtain approval to construct a 5,496 square foot retail nursery building expansion at 1612 Claus Road (Parcel), and

WHEREAS, the Applicant's project did not fall into either of the two exemption categories, staff believed that the project warranted an exception to the implementation policy requiring annexation to Village One #2 CFD for the following reasons:

1) The project did not trigger the need for preparation of a Precise Plan.

2) The existing business was operating on the Parcel before the Parcel was annexed into the City limits.

3) Circumstances had changed since the Village One #2 CFD was formed in 2004. Reprioritization of the projects had occurred and the infrastructure that would be available to the Parcel was intended to be part of a separate and distinct financing mechanism to be developed and implemented in the future, and

WHEREAS, on October 25, 2011, the Council adopted Resolution No. 2011-406, approving an exception to the Village One Specific Plan requiring annexation to CFD Village One #2, and

WHEREAS, in February 2012, the Applicant obtained a second building permit for construction of a 3,200 square foot shade structure on the Parcel and indicated its plans to apply for another building permit to construct an additional canopy in the coming months, and

WHEREAS, staff felt that the determination made in October 2011 also applied to the construction of additional shade structures, and

WHEREAS, on December 4, 2012, the Council adopted Resolution No. 2012-485 again approving an additional exception to the Village One Specific Plan's requirement for annexation to CFD Village One #2, and

WHEREAS, on May 2015, the Applicant obtained a third building permit for construction of a restroom and expansion of an existing breakroom on the Parcel, and

WHEREAS, on October 13, 2015 the Council adopted Resolution No. 2015-382 also approving an additional annexation exception to the Village One Specific Plan, and

WHEREAS, on June 7, 2017, the Applicant contacted the City to obtain a building permit for the construction of a new 8,000 square foot retail and maintenance building and additional parking on the Parcel, and

WHEREAS, although the Applicant does not specifically meet the Village One Specific Plan deferral criteria, the spirit and the overall intent of the deferral criteria are met by approving an exception to the Village One Specific Plan for the following reasons:

1) The project does not trigger the need for preparation of a Precise Plan.
2) The existing business was operating on the Parcel before the Parcel was annexed into the City limits.
3) Circumstances have changed since the Village One #2 CFD was formed in 2004. Reprioritization of the projects has occurred and the infrastructure needed to serve the Parcel is intended to be part of a separate and distinct financing mechanism to be developed and implemented in the future.

WHEREAS, this Parcel will not utilize any of the infrastructure funded through the existing CFD, and

WHEREAS, when the Parcel changes land uses or divides the land, it will participate in a separate and distinct financing mechanism to be developed and implemented in the future,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that is hereby grants an exception to the Village One Specific Plan to allow construction by Westurf Nursery at 1612 Claus Road, Modesto, CA 95355 without annexing to the Village One #2 CFD.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-359

RESOLUTION ACCEPTING THE STATE SYSTEMIC SAFETY ANALYSIS REPORT PROGRAM (SSARP) GRANT IN THE AMOUNT OF $225,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY FUNDING AND GRANT DOCUMENTS

WHEREAS, in February, 2016 the State of California released guidelines for the Systemic Safety Analysis Report Program (SSARP), and

WHEREAS, the guidelines were developed in consultation with the California Local Highway Safety Improvement Program (HSIP) Advisory Committee, and

WHEREAS, the SSARP program represents a proactive approach focusing on evaluating roadway networks using a defined set of criteria to identify potential improvements to increase pedestrian and bicycle safety, and

WHEREAS, in March, 2016, staff submitted an application to the State of California, Department of Transportation requesting SSARP funds in the amount of $225,000 with a Local match of $25,000 for Preliminary Engineering (PE), and

WHEREAS, on May 18, 2016, the State of California notified the City of Modesto that the application submitted for the SSARP funds was selected to receive funding, and

WHEREAS, the SSARP received 79 applications of which the City's project was one of 27 applications to receive funding, and

WHEREAS, on July 5, 2017, the City Council by Resolution No. 2017-269 approved the use of $25,000 in Measure L funds to be used as match funds for the City's project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State Systemic Safety Analysis Report Program (SSARP) grant in the amount of $225,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute all necessary funding and grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-360

RESOLUTION AMENDING THE FISCAL YEAR 2017/18 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #100990 IN THE AMOUNT OF $225,000 FOR THE SYSTEMIC SAFETY ANALYSIS REPORT PROGRAM (SSARP) GRANT

WHEREAS, in February, 2016 the State of California released guidelines for the Systemic Safety Analysis Report Program (SSARP), and

WHEREAS, the guidelines were developed in consultation with the California Local Highway Safety Improvement Program (HSIP) Advisory Committee, and

WHEREAS, the SSARP program represents a proactive approach focusing on evaluating roadway networks using a defined set of criteria to identify potential improvements to increase pedestrian and bicycle safety, and

WHEREAS, in March, 2016, staff submitted an application to the State of California, Department of Transportation requesting SSARP funds in the amount of $225,000 with a Local match of $25,000 for Preliminary Engineering (PE), and

WHEREAS, on May 18, 2016, the State of California notified the City of Modesto that the application submitted for the SSARP funds was selected to receive funding, and

WHEREAS, the SSARP received 79 applications of which the City's project was one of 27 applications to receive funding, and

WHEREAS, on July 5, 2017, the City Council by Resolution No. 2017-269 approved the use of $25,000 in Measure L funds to be used as match funds for the City's project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2017/18 Capital Improvement Program (CIP) budget, project #100990 in the amount of $225,000 for the State Systemic Safety Analysis Report Program (SSARP) grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-361

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR HEALTH CARE WAY AND DALE ROAD, LOCATED JUST NORTH AND EAST OF THE KAISER HOSPITAL ON DALE ROAD, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, A.E. (BUZ) CARRADE as Subdivider ("SUBDIVIDER") and Joann Irene Bledsoe, a married woman her sole and separate property, and Carl R. Fischer Jr. and Sandy Fisher, aka Sandra Ficher, as trustees of The Carl R. Fischer, Jr, and Sandy Fincher Revocable Trust udt (Under Declaration of Trust) dated September 25, 2000 ("OWNER") as owner of a tract of land consisting of 2.79 acres, lying in the City of Modesto, County of Stanislaus, commonly known as KIERNAN BUSINESS PARK EAST PHASE 2-HEALTHCARE WAY ("SUBDIVISION"), and

WHEREAS, a tentative map of said SUBDIVISION was approved by the City Planning Commission on September 14, 2015 per Planning Commission Resolution No. 2015-21, and

WHEREAS, the final subdivision map and subdivision agreement for said SUBDIVISION were approved by City Council on May 24, 2016 per City Council Resolution No. 2016-207, and

WHEREAS, the subdivision agreement required certain improvements be made along Dale Road and Health Care Way ("PUBLIC IMPROVEMENTS"), and

WHEREAS, said PUBLIC IMPROVEMENTS, have been completed to the satisfaction of the Utilities Department, and

WHEREAS, the Construction Administration Office of the Utilities Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have paid, and

WHEREAS, the Community Facilities District #2016-1, Kiernan Business Park East #2 will assume maintenance responsibilities of the storm drainage, landscaping and irrigation along Health Care Way and the east side of Dale Road, and

WHEREAS, the City of Modesto will assume maintenance responsibilities of the street and remaining utilities and infrastructure upon acceptance of the PUBLIC IMPROVEMENTS, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Faithful Performance Letter of Credit in the amount of $2,157,313.07, a Payment Letter of Credit in the amount of $1,078,656.54 and a Warranty Bond in the amount of $215,731.31, and

WHEREAS, the Utilities Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed to the satisfaction of the Utilities Department, and

WHEREAS, the Utilities Director has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete, authorize the City Clerk to file a Notice of Completion, and to release the securities upon expiration of the statutory periods.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. The said PUBLIC IMPROVEMENTS are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion with Stanislaus County Recorder's Office.
2. The City Clerk is hereby authorized to release the Faithful Performance Letter of Credit in the amount of $2,157,313.07, upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the Payment Letter of Credit in the amount of $1,078,656.54, 60 days after recordation of the Notice of Completion if no claim is made thereon.
4. The City Clerk is hereby authorized to release the Warranty Bond in the amount of $215,731.31 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal, Mayor Brandvold

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-362

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE AWARD OF THE SANDERS AND FREEDOM NEIGHBORHOOD PARKS RENOVATION PROJECT, ACCEPTING THE BID, AWARDING A CONSTRUCTION CONTRACT TO DOCON, INC. OF MODESTO, CA, IN THE AMOUNT OF $397,101, AND AUTHORZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Sanders and Freedom Neighborhood Parks Renovation Project that will remove and replace the existing rubber play surfacing and selected play equipment; basketball court restriping at Sanders Park and replacement of lighted steel bollards at Freedom Park, and

WHEREAS, the one bid received for the Sanders and Freedom Neighborhood Parks Renovation Project was publicly opened at 11:00 a.m. on May 16, 2017, and later tabulated by the Parks Planning and Development Division for the consideration of the Council, and

WHEREAS, DOCON, Inc. of Modesto, California was the sole and apparent low bidder at 22.2% above the engineer's estimate, and

WHEREAS, City staff and the Interim City Manager recommend that the bid of $397,101 received from DOCON, Inc. be accepted as the lowest responsible and responsive bidder in conformance with Modesto Municipal Code section 8-3.403 and Modesto Charter Section 1307 and that the contract to be awarded will include all the bid alternate items.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Plans and Specifications for the Sanders and Freedom

Neighborhood Parks Renovation Project, accepts the bid and awards the construction contract to DOCON, Inc., of Modesto, CA, in the amount of $397,101.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract for the Sanders and Freedom Neighborhood Parks Renovation Project in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-363

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2017/2018 CAPITAL IMPROVEMENT PROGRAM BUDGET IN AN AMOUNT NOT TO EXCEED $182,623 FOR PROJECT #100892 SANDERS AND FREEDOM NEIGHBORHOOD PARKS RENOVATION PROJECT TO BUDGET EXPENDITURES, AS OUTLINED IN ATTACHMENT A, TO FULLY FUND THE RENOVATION OF SANDERS AND FREEDOM NEIGHBORHOOD PARKS

WHEREAS, the renovation of Sanders and Freedom Neighborhood Parks will benefit Modesto residents and the maintenance of these two parks will add equitable longevity to the recreational opportunities in the community, and

WHEREAS, certain budgetary transactions are necessary in the amount of $182,623, in order to fully fund construction, contingency, construction administration, design support during construction and City staff support for the Sanders and Freedom Neighborhood Parks Project.

WHEREAS, the City Council shall consider amending the 2017/2018 Capital Improvement Program Budget in an amount not to exceed $182,623 as outlined in **Attachment A** , which is incorporated by reference herein and **attached** hereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it is hereby authorizing the Interim City Manager, or her designee, to amend the Fiscal Year 2017/2018 Capital Improvement Program Budget for Project #100892 Sanders and Freedom Neighborhood Parks Renovation Project in an amount not to exceed $182,623.

BE IT FURTHER RESOLVED that the Interim City Manager, or her designee, is hereby authorized to budget expenditures as outlined in **Attachment A** to fully fund the renovation of Sanders and Freedom Neighborhood Parks.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A

Budget Adjustment for Capital Improvement Project 100892 (Sanders & Freedom Park Renovation)

Fund 3290 – Playground Improvements – Parks CIP Projects:

Expenses:	Increase/ (Decrease)
To:	
3290-14999-100892 – Construction Admin	$226
3290-14999-100892 – Construction	$160,801
3290-14999-100892 – Contingency - CIP	$6,183
3290-14999-100892 – Eng/Design/Admin	$15,413

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-364

RESOLUTION ACCEPTING THE 2018 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF $430,000 FROM THE OFFICE OF TRAFFIC SAFETY TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND OTHER SPECIAL TRAFFIC ENFORCEMENT OPERATIONS; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Selective Traffic Enforcement Program (STEP) grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a grant in the sum of $430,000 from OTS, and

WHEREAS, acceptance of said $430,000 grant will increase enforcement for speed, DUI, and other special traffic enforcement operations, while also reducing collisions with speed, DUI, and special operations, and

WHEREAS, OTS will pay overtime for officers, training, and equipment to assist in traffic studies and other traffic related enforcement equipment, and

WHEREAS, the term of this grant will be from October 1, 2017, through September 30, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Selective Traffic Enforcement Program Grant in the amount of approximately $430,000 from the Office of Traffic Safety to increase enforcement for speed, DUI, and other special traffic enforcement operations.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the necessary award documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-365

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 OPERATING AND MULTI-YEAR BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF $430,000 RELATED TO THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT TO INCREASE ENFORCEMENT FOR SPEED, DUI, AND OTHER SPECIAL TRAFFIC ENFORCEMENT OPERATIONS

WHEREAS, the Police Department acquired a grant award in the amount of approximately $430,000 from the Office of Traffic Safety (OTS) to increase enforcement for speed, DUI, and other special traffic enforcement operations, and

WHEREAS, the grant will pay overtime for officers for special enforcement operations, DUI saturation patrols, and other traffic related enforcement supplies, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, the term of this grant will be from October 1, 2017, through September 30, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2017/2018 Operating and Multi-Year Budget is hereby adjusted as indicated on budget adjustment **attached.**

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Project Name: 2018 OTS Selective Traffic Enforcement Program (STEP)
Project Fund: 1342 – Grants – Police

The Multi-Year 2017/2018 Operating Budget will be amended as follows:

	Revenues	Increase/(Decrease)	Description
To:	MY-1342-19998-42141-101048	$430,000	Intergov-State-Office of Traffic Safety
	Expenses		
To:	MY-101048 - Appr. A - 51200	$417,903	Overtime
	MY-101048 - Appr. C - 53025	$ 1,034	Training Expense
	MY-101048 - Appr. C - 52300	$ 11,063	Tools & Field Supplies < $5,000
		$430,000	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-366

RESOLUTION ACCEPTING THE SUPPLEMENTAL PAYMENT OF THE LOCAL TRANSPORTATION FUND (LTF) FOR FISCAL YEAR 2015/16 FROM THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) IN THE AMOUNT OF $697,061 TO OFFSET THE SHORTFALL IN STATE TRANSIT ASSISTANCE FUNDS (STA)

WHEREAS, the greatest portion of the City's funding for the Transit Service Program is made available under the Transportation Development Act (TDA), which includes Local Transportation Fund (LTF) funds and State Transit Assistance (STA) funds, and

WHEREAS, the City has prepared its TDA claim for Fiscal Year 2015-16 pursuant to these sections of the California Public Utilities Code (PUC), and

WHEREAS, the City did not receive the estimated STA funds in 2015-2016, and

WHEREAS, the Stanislaus Council of Governments (StanCOG) approved the payment of $697,061 in LTF to cover the difference of estimated and actual STA funds received, and

WHEREAS, Council action is required in order for the City to accept these funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the payment of LTF funds for Fiscal Year 2015/16 from StanCOG in the amount of $697,061.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Council members:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Council members:	None
ABSENT:	Council members:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-367

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING, INC., MODESTO, CA, FOR DESIGN SERVICES FOR THE MODESTO AMTRAK NORTH PARKING LOT PROJECT, IN AN AMOUNT NOT TO EXCEED $57,600 FOR THE IDENTIFIED SCOPE OF SERVICES, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, The San Joaquin Joint Power's Association (SJJPA) contracts and provides funds for the operation and capital improvements of the San Joaquin Rail Service, which is the passenger rail service operated by Amtrak providing rail service in the San Joaquin Valley and eastern parts of the Bay Area, and

WHEREAS, The San Joaquin Rail Service includes passenger train service within the City of Modesto, through the Modesto Station and relies on land-side infrastructure within the City, including the Amtrak station building, parking and the surrounding road infrastructure to provide service, and

WHEREAS, The SJJPA has proposed to improve existing rail service by optimizing scheduling and implementing various improvements including additional parking to accommodate early morning travel from Fresno to Sacramento and Fresno to the Bay Area as part of a new service, which is anticipated to commence in Fiscal Year 2017/2018 to Sacramento and in Fiscal Year 2018/2019 to the Bay Area, and

WHEREAS, The City and the SJJPA have joined together to secure funding to expand the north portion of the Modesto Amtrak Station in hopes of increasing ridership with the new service. In addition, the City will use local funds to construct a temporary lot on the south side of the Modesto Amtrak Station, and

WHEREAS, City staff is recommending the use of a consultant to increase project delivery efficiencies, and

WHEREAS, on September 13, 2016, by Resolution 2016-356, Council approved a prequalified list of local consultants for Civil Engineering Services for Capital Improvement Program (CIP) projects, and

WHEREAS, in accordance with City Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, Utilities staff issued a Request for Proposal (RFP) to prequalified local firms for Civil Engineering Services for the Modesto Amtrak North Parking Lot Project, and

WHEREAS, on July 28, 2017, two proposals were received and reviewed by a selection committee that consisted of the City's Public Works Department and Utilities Engineering Design Division staff, and

WHEREAS, the selection committee determined that O'Dell Engineering, Inc. (O'Dell) was responsive and qualified to provide engineering design services for the Modesto North Parking Lot, and

WHEREAS, the scope of services to be provided under the agreement includes: 1) Project management and meetings; 2) City coordination; 3) Perform field topographic survey; 4) Provide analysis of the existing storm drain system and provide hydraulic calculations; and 5) Prepare the construction documents (plans and specifications), and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, staff still proceeded through an RFP process pursuant to Administrative Directive 3.1, and

WHEREAS, staff recommends approval of the agreement with O'Dell Engineering for Engineering Design services for the Modesto North Parking Lot Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O'Dell Engineering, Inc., Modesto, CA, for Design Services for the Modesto North Parking Lot Project, in an amount not to exceed $57,600.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-368

RESOLUTION APPROVING AN AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. TO PROVIDE PLANNING SERVICES FOR THE AIRPORT LAYOUT PLAN UPDATE (ALPU) PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED $351,314

WHEREAS, the Modesto City-County Airport (Airport) is a federally obligated facility and is required to meet Federal Aviation Administration (FAA) standards, including maintaining an updated Airport Layout Plan per FAA Regulation Part 77 - Obstructions to Airspace, and

WHEREAS, the FAA requires that the Airport comply with obstruction standards and identify property(s) that contain obstructions to airspace for potential acquisition, enabling control of obstructions to airspace, mainly trees, and

WHEREAS, other components of the Airport Layout Plan Update project (ALPU) include aviation forecasts, land use planning, new digital Geographic Information System data and an aerial survey to meet new FAA standards for an Electronic Airport Layout Plan, and

WHEREAS, the City solicited qualifications from three consultants to perform the ALPU, and

WHEREAS, all proposals were reviewed by a selection committee, and Stantec Consulting Services, Inc. (Stantec) scored the highest in being able to provide planning services for the duration of the ALPU.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves an Agreement with Stantec Consulting Services, Inc., to provide planning services for the ALPU Project, in an amount not to exceed $351,314.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-369

RESOLUTION AUTHORIZING THE CREATION OF AIRPORT CAPITAL IMPROVEMENT PROJECT (ACIP) #100985 FOR THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT 3-06-0153-041-2017 (AIP 41), AND AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT BUDGET TO ESTABLISH A BUDGET IN AN AMOUNT NOT TO EXCEED $351,314 OF WHICH $316,183 IS GRANT FUNDED AND $35,131 IS FUNDED VIA TRANSFER FROM FUND 4330-STANISLAUS COUNTY AIRCRAFT TAX FUND TO CIP 100985

WHEREAS, the City has approved Airport Capital Improvement Plan (ACIP) projects at the Modesto City-County Airport (Airport), and

WHEREAS, the City has accepted a Federal Aviation Administration (FAA) grant offer, AIP 41, to complete ACIP projects at the Airport, and

WHEREAS, Stantec Consulting Services, Inc. (Stantec) has been selected as the consultant to complete the Airport Layout Plan Update (ALPU), and

WHEREAS, certain City administration will be entitled to reimbursement for work performed directly in connection with AIP 41.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the creation of a project and a budget adjustment for AIP 41 not to exceed $351,314 for the ALPU project.

BE IT FURTHER RESOLVED that the Acting City Finance Director, or her designee, is hereby authorized to execute the budget adjustment and create appropriate revenue and expense accounts for project AIP 41.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-370

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION ON BEHALF OF THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION GROUNDWATER SUSTAINABILITY AGENCY TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES, FOR THE 2017 SUSTAINABLE GROUNDWATER PLANNING GRANT PROGRAM, AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND ENTER INTO AGREEMENTS TO RECEIVE GRANT FUNDS, IF AWARARDED, AND AUTHRIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO BE THE SIGNATORY OF GRANT INVOICE FORMS DURING REQUESTS FOR REIMBURSEMENTS

WHEREAS, the Sustainable Groundwater Management Act (SGMA) requires that a Groundwater Sustainability Agency (GSA) be formed for all groundwater basins designated by the Department of Water Resources (DWR) as high-priority basins, such as the Modesto Subbasin (Basin No. 5-22.02); and

WHEREAS, SGMA directs the preparation of a Groundwater Sustainability Plan (GSP) for each high-priority subbasin, such as the Modesto Subbasin; and

WHEREAS, the County of Stanislaus, the Oakdale Irrigation District, the City of Oakdale, the City of Riverbank, the City of Modesto, the City of Waterford, and the Modesto Irrigation District entered into a Memorandum of Understanding (MOU) to form the Stanislaus and Tuolumne Rivers Groundwater Basin Association GSA (STRGBA GSA) as to the portion of the Modesto Subbasin that lies within the STRGBA GSA's parties' combined jurisdiction; and

WHEREAS, the County of Tuolumne (Tuolumne) has formed the Tuolumne Groundwater Sustainability Agency (Tuolumne GSA) as to the portion of the Modesto Subbasin that lies within Tuolumne's jurisdiction; and

WHEREAS, the combined boundaries of the STRGBA GSA and the Tuolumne GSA cover the entire Modesto Subbasin; and

WHEREAS, DWR is administering the 2017 Sustainable Groundwater Planning Grant Program pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) under Water Code Section 79700 et seq., which provides grants for the preparation of a GSP; and

WHEREAS, the STRGBA GSA is eligible to apply for a grant under the 2017 Sustainable Groundwater Planning Grant Program and, if awarded, receive grant funding from DWR for the preparation of a GSP for the Modesto Subbasin; and

WHEREAS, the STRGBA GSA has authorized the City of Modesto to enter into contracts on the STRGBA's behalf; and

WHEREAS, adoption of this resolution does not constitute a "project" under California Environmental Quality Act Guidelines Section 15378(b)(5), including organization and administrative activities of government, because there would be no direct or indirect physical change in the environment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of an application to the California Department of Water Resources for the 2017 Sustainable Groundwater Planning Grant Program pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Water Code Section 79700 et seq.), to receive a grant for the Groundwater Sustainability Plan for the Modesto Subbasin.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute all grant-related documents and enter into an agreement to

receive the grant funds, if awarded; and authorizing the Interim City Manager to be the signatory of grant invoice forms during requests for reimbursements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-371

RESOLUTION APPROVING AN AGREEMENT WITH O'DELL ENGINEERING, INC., MODESTO, CA, FOR ENGINEERING DESIGN SERVICES FOR THE SUTTER TRUNK REHABILITATION PROJECT, IN AN AMOUNT NOT TO EXCEED $392,906 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $39,291 FOR ADDITIONAL SERVICES, IF NEEDED, FOR A MAXIMUM TOTAL AMOUNT OF $432,197, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Sutter Trunk is approximately 13,000 feet long and conveys approximately 3 percent of the City's total average dry weather flow, and

WHEREAS, the existing capacity of the Sutter Trunk is insufficient to convey existing and build-out peak wet weather flow conditions, and

WHEREAS the section crossing under Highway 99 has experienced severe corrosion, and

WHEREAS, the proposed rehabilitation project will replace approximately 7,000 feet of the trunk line, as well as rehabilitate the existing section crossing under Highway 99, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, however, staff still went through a RFP process pursuant to Administrative Directive 3.1., and

WHEREAS, staff recommends approval of the agreement with O'Dell Engineering for engineering design services for the Sutter Trunk Rehabilitation Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with O'Dell Engineering, Inc., Modesto, CA, for

design services for the Sutter Trunk Rehabilitation Project, in an amount not to exceed $392,906 for the identified scope of services, plus $39,291 for additional services, if needed, for an agreement total of $432,197.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-372

RESOLUTION APPROVING A SOLE SOURCE PURCHASE OF A MEMBRANE AND CASSETTE REPLACEMENT EQUIPMENT FOR THE PHASE 1A TERTIARY TREATMENT PLANT FROM ZENON ENVIRONMENTAL CORPORATION, PART OF GENERAL ELECTRIC WATER & PROCESS TECHNOLOGIES OF OAKVILLE, ONTARIO CANADA, AND AUTHORIZING THE PURCHASING MANAGER, OR HER DESIGNEE, TO ISSUE A PURCHASE ORDER FOR A TOTAL COST NOT TO EXCEED $1,144,814

WHEREAS, the Phase 1A Project was completed in 2010, and

WHEREAS, it provides tertiary treatment, which allows year-round discharge capacity to the river by eliminating the seasonal and dilution constraints, and

WHEREAS, an integral part of the Phase 1A process is the membrane bioreactor (MBR) filtration system that helps produce a high quality tertiary effluent (final treated wastewater product) that meets the discharge permit requirements, and

WHEREAS, operations and maintenance staff have traced recent effluent issues to the deterioration of the cartridges in the MBR tanks, and

WHEREAS, the consequence of deficient membranes is an effluent with increased solids or high turbidity, which will cause the effluent to fail the City's National Pollutant Discharge Elimination System permit requirements, and

WHEREAS, high turbidity will cause the effluent to fail the discharge permit requirements, and

WHEREAS, General Electric (GE) is the manufacturer of Zenon's MBR filtration system, and the Phase 1 tanks were designed to configure only GE's cassettes and membranes, and

WHEREAS, on February 26, 2008, by Resolution No. 2008-140, Council authorized the purchase of membrane equipment as a sole source from Zenon Environmental Corporation at a total cost of $4,532,484, and

WHEREAS, GE Water & Process Technologies is the exclusive manufacturer for Zenon membrane equipment, which are used to operate the City's tertiary treatment, and

WHEREAS, over the last few years, Zenon has upgraded the membrane system to save on energy costs, as well as for ease of installation and maintenance. **Attachment A** contains the quotation and list of equipment, and

WHEREAS, **attachment A** contains the quotation and list of equipment, the cost of the equipment and onsite technical advisory support by GE representatives, and

WHEREAS, the manufacturer is providing the city with a 10 year warranty (2 year full replacement, additional 8 years prorated).

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC8-3.204(b), states where as the purchasing agencies' requirements can be met solely by a single article or process: the sole source procurement for a membrane system replacement from Zenon Environmental Corporation, part of General Electric Water & Process Technologies (Zenon) of Oakville, Ontario, Canada, conforms to the Modesto Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole source procurement membrane system replacement for the Phase 1A Tertiary Treatment Plant with Zenon

BE IT FURTHER RESOLVED that the Purchasing Manager, or her designee, is hereby authorized to issue a purchase order for a total cost not to exceed $1,144,814.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

GE
Water & Process Technologies

Membrane Replacement & Upgrade Proposal

To:	City of Modesto, California referred to here as Modesto or Buyer	**Date:**	September 7, 2017
		No. of Pages:	32 including cover
Attention:	Monte Hamilton	**Email:**	mhamilton@modestogov.com
Plant Address:	7007 Jennings Road, Modesto, CA 95358 USA	**Telephone No.:**	209 342 4512
From:	Jason Diamond, Regional Lifecycle Manager	**Email:**	Jason.Diamond@ge.com
		Telephone No.: **Cell No.:** **Fax No.:**	905 465 3030 x3273 905 399 7055 905 465 3050
Cc:	Dean Boode (The Coombs Hopkins Company)		
Subject:	Membrane Replacement (Full Plant) : 528 x ZW500D 370ft² Modules + 12 x ZW500D 48M LEAPmbr Cassettes	**Proposal No.:**	186238-2
		Original Project No.:	500475
Plant Data: Please provide corrections if inaccurate	Jennings Road (Modesto) Wastewater Treatment Plant, Municipal Tertiary Wastewater Treatment Facility. ZW500D 340ft² WW, 4 Trains, Each Train Consists of 2 x 48/48M Cassettes + 1 x 46/48M Cassette total of 142 Modules/Train. Substantial Completion Date: May 24, 2010.		

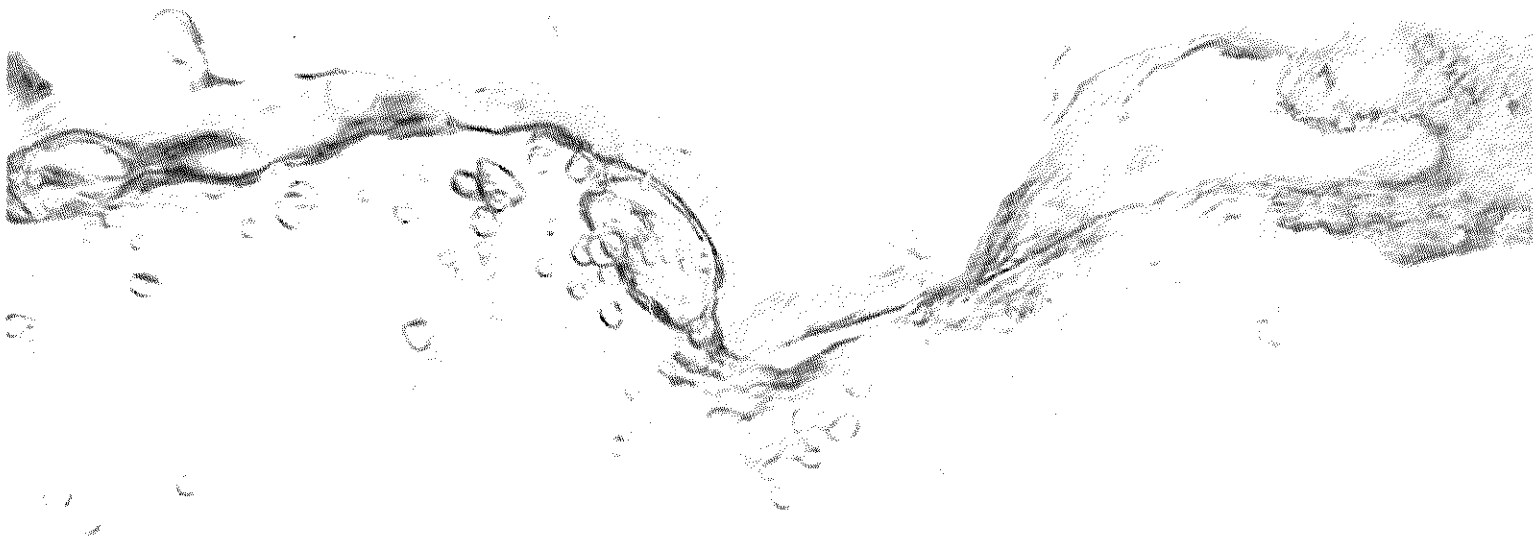

EXHIBIT A

GE

Water & Process Technologies

Digital Leadership

GE is the world's Digital Industrial Company, transforming industry with software-defined machines and solutions that are connected, responsive and predictive. GE is organized around a global exchange of knowledge, the "GE Store," through which each business shares and accesses the same technology, markets, structure and intellect. Each invention further fuels innovation and application across our industrial sectors. With people, services, technology and scale, GE delivers better outcomes for customers by speaking the language of industry. NYSE: GE *www.ge.com*

Proposal Provisos

This proposal has been issued based on the information provided by the customer and on information currently available to GE Water & Process Technologies at the time of proposal issuance. Any changes or discrepancies in site conditions, including but not limited to changes in system influent water characteristics, changes in Environmental Health and Safety (EH&S) conditions, changes in the reissued State/Provincial Disposal System Permit, changes in Buyer financial standing, Buyer requirements, or any other relevant change or discrepancy in the factual basis upon which this proposal was created may lead to changes in the offering, including but not limited to changes in pricing, guarantees, quoted specifications, or terms and conditions.

Confidential and Proprietary Information

© GE All rights reserved. This proposal contains proprietary information and is the property of GE Water & Process Technologies (GEWPT). No assignments, either implied or expressed, of intellectual property rights, data, know how, trade secrets or licenses of use thereof are given. All information is provided exclusively to the addressee and agents of the addressee for the purposes of evaluation and is not to be reproduced or divulged to other parties, nor used for manufacture or other means, without the express written consent of GEWPT. The acceptance of this document will be construed as an acceptance of the foregoing.

Trademarks

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EXHIBIT A

1 Introduction

GE Water & Process Technologies is pleased to present this proposal at the request of City of Modesto, California for wastewater membrane modules to replace and upgrade the full plant at the Jennings Road (Modesto) Wastewater Treatment Plant (WWTP).

GE has provided for membrane replacement, new cassette frames and LEAPmbr aeration upgrade in this proposal.

GE is a proven leader in delivering tangible value to our clients over the life of the plant. Our measure of success is how well we deliver **solutions** that help our clients meet their critical business objectives.

Through long-acquired membrane experience, GE has clearly distinguished itself from other membrane manufacturers. A mature service culture and deep technical expertise are at the ready to serve and support Modesto through this next membrane lifecycle.

2 Scope – GE

2.1 Membrane Modules

Supply 528 x ZeeWeed 500D 370ft² wastewater membrane modules.

2.2 Cassette Frames

Supply 12 x 500D 48M Cassette Frames.

2.3 Hardware

Supply associated hardware as follows:

- ❑ 50 x spare #118 EPDM permeate spigot o-rings;
- ❑ 10 x spare ZW500D element end cap keys;
- ❑ 3 x blank module header sets;
- ❑ 5 x sets of belts and pulleys for resheaving membrane aeration blowers to achieve reduced LEAPmbr aeration flow requirements (installation by Modesto).
- ❑ Eye bolt kit for turning the cassettes upright prior to installation.

2.4 Off-site Support

Controls

Provide system controls programming adjustments as required for the new membranes including adjustment of set points for permeate and air flow.

Documentation

The base level of documentation updates will include a report containing:

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- programmer's table of code changes (change description recorded by tag with one distinct marker bit per change)
- field/hand markups of relevant electrical and P&ID drawings.

The report should be filed in the O&M Manual as interim documentation.

Due to the very high cost of comprehensive updating of plant documentation with each system upgrade, GE recommends planning a complete documentation update every 1-4 years to coincide with a selected system upgrade.

GE will be pleased to develop a Documentation Update price quotation on request which may include some or all of the following scope according to its relevance:

- O&M Manual - Provide a fully updated version of the Operation & Maintenance Manual that indicates the changes made with this membrane replacement upgrade.
- P&IDs - Update the Process (Piping) & Instrumentation Drawings and reissue electronically.
- Electrical Drawings – Update the electrical drawings and reissue electronically.
- Controls Documents – Update Control Narrative (CN), Controls Logic Sequence Chart (CLSC, also known as CSC) and the Operation Sequence Chart (OSC).

Project Management

Provide planning and off-site assistance during the membrane replacement project.

2.5 Warranty

ZeeWeed Membrane Modules are supplied with a 10-year Membrane Replacement Seller's Warranty (2 Years Full + 8 Years Prorated) against manufacturing defects. For details of the warranty coverage on the membrane modules supplied, please see Section 11.

2.6 Delivery

- ❑ **Packaging –** factory installed into the cassette frames, bagged and crated, ready for ocean shipment.
- ❑ **DDP -** Delivery will be by standard ocean/ground on the basis of DDP Jennings Road (Modesto) WWTP, 7007 Jennings Road, Modesto, CA, USA or other named place of destination; Incoterms 2010. DDP = Delivery Duty Paid. Partial shipments will be acceptable unless otherwise specified. Where delivery cannot be accepted at this destination, Modesto shall specify an alternate, equivalent destination without delay.

  Due to varying origins and availability, non-membrane items included in this proposal may be shipped separately from the membranes. Should separate shipments be required, where possible, GE will strive to provide these items on or before the delivery of the membranes.
- ❑ **Origin** - Delivery of ZeeWeed membranes originates from the GE Water & Process Technologies, ZENON Membrane Products (ZEM), Bláthy Ottó u 4, Oroszlány, 2840 Hungary facility.
- ❑ **Title & Risk** - Title and risk of loss or damage to membrane modules, cassette frames and crating shall pass to Modesto upon delivery at the named place of destination.

- **Export Documents** - All ZeeWeed membrane module shipments into the USA require clearance documentation from the EPA. GE will prepare and provide the required EPA documentation to the Carrier.
- **MPF** - Merchandise Processing Fee is a fee assessed for formal custom entries based on 0.35% of the invoice value, with a minimum of USD $25 per formal entry and a maximum of USD $485. On the basis of DDP terms, this fee will be paid by GE within the quoted price.
- **Taxes and Duty** - Any new duty imposed after the date of this proposal is the responsibility of Modesto. All applicable Local, State, or Federal taxes are the responsibility of Modesto.
- **Temperature** - UF membranes cannot be allowed to freeze or overheat and may require temperature-controlled freight and handling according to the season and the planned routing. If required, the price of temperature control will be included within the firm quote on freight by GE.
- **Unloading** - may require one of or a combination of a loading dock, extended forks and an experienced fork lift driver at delivery destination. Please consult with GE at the time of Purchase Order preparation on this.

  Shipping Crate Information (estimated)

Qty	Description	Dimensions (in.)	Weight (lb.)
12	ZW500D 48M LEAPmbr Cassette with Membranes	L=110 x W=89 x H=83	3,990

- **Availability** - Delivery of membrane modules and cassettes is typically 10 - 20 weeks after receipt of order. Definitive Membrane Module and LEAPmbr upgrade cassette refurbishment kit availability will not be confirmed until a Purchase Order is received from Modesto and acknowledgement of a Purchase Order is issued by GE.

2.7 On-Site Technical Advisory Services

The proposal includes a provision for Technical Advisory Services during installation and commissioning process to Modesto's staff by 2 GE Field Service Representatives on site for 6 working days of 8 hours per day. GE strongly recommends that Modesto consider having at least one experienced person on site during this period.

The following activities would be executed and completed jointly by GE personnel and plant staff:

- Remove existing membranes/cassettes;
- Install new membranes/cassettes;
- Upload required revisions to the PLC program with adjusted set-points;
- Perform bubble test where applicable to test membrane integrity and review Trans Membrane Pressure (TMP) on the installed membranes and compare to expected values for new membranes.

Operating Responsibility - Modesto retains control of the work site and retains final responsibility for the installation and commissioning process.

GE will perform the services specified in the scope section of this document, but GE will not operate the system. For the purposes of this agreement, the term "operate the system" shall mean to run or control the functioning of the equipment or to otherwise conduct or manage the affairs of any aspect of water or wastewater treatment or other functions at Modesto's site, and shall include functions such as providing operators or laborers to adjust or control water treatment ("WT") equipment, wastewater treatment ("WWT") equipment or sludge management facilities ("SWF"), providing program oversight or directing on-site or contract operators/laborers to adjust or control WWT or SMF, providing personnel responsible for or providing oversight of water treatment residual quality, wastewater effluent quality, sludge quality, waste characterization, or waste disposal activities, or providing personnel with continual or daily operational responsibilities with respect to water or wastewater treatment, influent or effluent compliance monitoring, process monitoring, government reporting or notification, or permit compliance.

Waiting Time - Any overtime or waiting times required due to unforeseen site events outside the control of GE will be invoiced according to the prevailing GE Service Labor Rates Sheet, available on request.

GE Duties for On Site Services

- ❑ GE will coordinate its work under this agreement in a reasonable manner with the operating staff of the facility.
- ❑ GE will maintain public liability and property damage insurance covering all operations undertaken by GE and its sub-contractors with a minimum limit of $5,000,000 inclusive for any one accident or occurrence. If for any reason additional insurance coverage (e.g. General Construction/Erection All Risk, General Liability) is required above and beyond GE's standard insurance terms for on-site commissioning supervision, Modesto must inform GE in writing 60 days prior to work commencement at site. Modesto will be billed for all additional insurance costs and processing fees.
- ❑ GE will maintain Workers Compensation and Employers' Liability coverage as per statutory requirements.

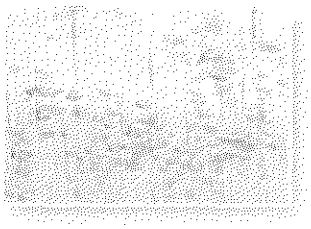
3 Introduction to LEAPmbr Aeration Upgrade

GE Water & Process Technologies is pleased to present this proposal at the request of the City of Modesto, California to upgrade the existing cassettes to LEAPmbr aeration technology at the Jennings Road (Modesto) Wastewater Treatment Plant.

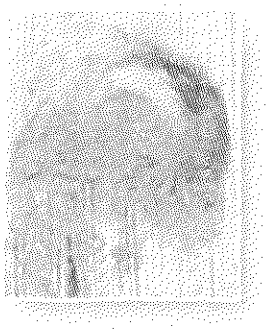
3.1 Features & Advantages

LEAPmbr aeration technology is GE's innovative technology advancement for wastewater treatment, addressing our customers' key challenges and providing the **l**ow **e**nergy and **a**dvanced **p**erformance solution demanded by the global wastewater treatment and reuse market.

The LEAPmbr aeration technology offers the following advantages:



- ❑ Larger air bubble size which increases shear along membrane surface, reducing fouling and thus lengthening cleaning intervals.
- ❑ Continuous air flow at significantly lower flow rates.
- ❑ Simplified aeration system controls, as air is delivered on a continuous basis, which eliminates the need for high frequency cycling of cyclic aeration valves.



- ❑ Energy consumption savings related to reduced membrane blower loads.
- ❑ Savings related to the elimination of maintenance costs for high-frequency cyclic aeration valves.

LEAPmbr aeration technology operates at two discrete airflows, LEAP-Lo and LEAP-Hi, based on the plant operating conditions. Under average daily flow (ADF) conditions where most plants operate the majority of the time, the membrane cassettes will operate under the LEAP-Lo airflow condition. Under flow conditions greater than ADF, where the membranes are operated at a higher flux, the airflow rate increases to the LEAP-Hi condition. The modulation between Lo and Hi airflow conditions is automatically managed by the control code through the FCV/VFD for each blower or through the number of blowers in operation.

Additional information regarding GE's LEAPmbr aeration technology can be found in Attachment A.

3.2 Operational Savings

Energy Savings

Upgrading to LEAPmbr aeration will allow the membrane system to operate with lower air flows and corresponding lower plant energy consumption than the current membrane system aeration. With its reduced blower output, LEAPmbr aeration can typically provide a 30% reduction in blower energy use under normal operation and up to a 50% reduction depending on the system configuration when all cassettes have been upgraded. GE has estimated that the power consumption savings will be ***106,000 KWH/year for the Modesto WWTP***. This is a preliminary estimation. GE will conduct a detailed analysis of the power requirements during final proposal submission, if necessary

Cyclic Valve Savings

For new plants, only one air header and one automated valve is required per train. However, to minimize changes to the Modesto plant, existing air headers in the membrane tanks and the cyclic valves will be utilized. If preferred, one of the air headers can be made available for removal and salvage with minor cassette modifications.

Following conversion, there is no further requirement for the high frequency operation of the cyclic valves. The valves will operate as actuated isolation valves and only close when the train is not in production (i.e. OFF, shutdown, cleaning steps or in standby) and the PLC program will be modified to operate the cyclic valves as normal open/closed isolation valves (i.e. - they will no longer cycle during normal operation).

In addition to the reduced valve wear and maintenance, re-purposing of the cyclic valves also eliminates the following potential problems related to cyclic valve failures:

- ❑ Train shut downs,
- ❑ Higher blower energy consumption,
- ❑ Compressor operation, energy consumption and wear and tear,
- ❑ The cost and inconvenience of repair and maintenance call-ins, and
- ❑ Adverse effects of cyclic valve failures on membranes.

3.3 Implementation

Upgrading to LEAPmbr aeration requires careful planning and implementation. To avoid technical challenges related to converting the plant one train at a time with lengthy intervening delays, GE recommends retrofitting all 4 trains in one stage. The retrofit is expected to take 6 days with 3-4 people working 8-10 hours per day. GE's price includes 2 GE FSR for supervision, replacement of cassettes and operation confirmation and assumes 1-2 staff from Modesto will be available to assist for the full duration of the retrofit. GE strongly recommends that at least one person assisting with the retrofit be proficient at working with PVC pipe, fittings and glue.

During installation, trains or portions of trains will be shut down for extended periods of time which may affect the Jennings Road (Modesto) WWTP water treatment capacity. After the Purchase Order is acknowledged, GE's Project Manager for the installation will consult with Modesto to jointly develop the installation plan and work schedule with due regard for equipment delivery to the plant and plant preparation.

3.4 Blowers

For the purposes of this proposal and based on an initial review, the range of blower turndown capacity has been assumed to be adequate for this upgrade. Further review of the blower capacities with the blower supplier will be required.

Resheaving parts have been included in the price and will be supplied by GE. GE can assist with the mechanical installation of the blower sheaves but any and all electrical adjustments required to meet new air flows will be the responsibility of Modesto or their 3rd party designate. GE will determine the modified air flow requirements for the new plant configuration with LEAPmbr aeration.

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4 ZeeWeed Configuration

Configuration Data	Existing Plant Configuration	Proposed After Replacement
Number of Trains, Plant	4	4
Number of Trains As Configured	4	4
Total Number of Cassettes Frames per Train	3	3
Number of Fully Populated Cassette Frames per Train (48/48M)	2	2
Number of Partially Populated (Flex) Cassette Frames per Train ()	1	1
Total Cassette Frames in the Plant	12	12
Type of ZeeWeed Membrane	500D	500D
Module Surface Area, ft²	340	370
Maximum Number of Modules per Cassette	48	48
Installed Number of Modules per Flex Cassette	46	36
Total Module Count, Train	142	132
Total Surface Area in Operation, ft², Train	48,280	48,840
Total Module Count, Plant	568	528
Total Surface Area in Operation, ft², Plant	193,120	195,360
% Surface Area Increase from Existing, Plant	-	1.2%
% Spare Space Increase Based on Module Count, Plant	-	7.0%

5 Price

Qty	Item	Part No.	Unit Price	Total Price
528	ZeeWeed Membrane Modules under GMRP Replacement - ZW500D 370 ft² WW	3111047	1,189.72	628,172
1	10 Year (2+8) Prorated Membrane Replacement Warranty			8,105
12	ZeeWeed Cassette Frames - ZW500D: 48 Module LEAP Cassette Std: 316L SS	3134796		405,185
1	ZeeWeed Cassette Hardware per Section 2.3			
1	Off-Site Service Support Hours per Section 2.4			
1	Freight & Freight Insurance DDP Plant Site, INCO Terms 2010. Includes Brokerage at Canada US Border - Flat Fee, US EPA Documentation Flat Fee and US MPF Fee ~0.3464% - Merchandise Processing Fee	3095534		0
1	On-Site Technical Advisory Support per Section 2.7			22,245
1	CA State Sales Tax (7.625%)			81,107
	All Figures are in USD. Please make Purchase Order to ZENON Environmental Corporation.		**Total:**	**1,144,814**
Please note that values are calculated using rounded values. Minor variances may occur.				

EXHIBIT A

Invoicing Schedule	% of total Invoice
An invoice will be issued upon acceptance by GE of customer Purchase Order. Percent calculation based on full scope of the Purchase Order. Shipment of membranes is contingent on receipt of this initial milestone payment.	30%
An invoice will be issued when membrane module shipping documents are supplied to the Carrier.	60%
A final invoice will be issued upon completion of installation, or 30 days after delivery if GE is not providing Onsite Technical Installation Support.	10%
Total	100%

Pricing Notes

Pricing is conditional on the following critical operating assumptions:

- ❑ The use of Modesto's on-site crane for 100% of cassette maneuvering requirements including removal, positioning of cassettes and re-installation.
- ❑ GE will collaborate with Modesto in advance of the on-site assistance visit to determine the most suitable workspace location to perform the activity. If activity is to be conducted outdoors, Modesto will provide environmental relief and protection to the workers (i.e. shade tents).
- ❑ Proper and sufficient drainage exists in the workspace area or elsewhere to accept runoff as each cassette is hosed down prior to and/or during activity.

Each of the operating assumptions listed above are subject to careful review by Modesto to confirm their feasibility.

Contractual Basis for Membrane Replacement Price

The base price of replacement ZW-500D 340ft² membrane modules for this project is $985 US per module.

GE will guarantee this price until May 23, 2020 (conclusion of warranty replacement) subject to adjustment for inflation (PPI All Commodities, Not Seasonally Adjusted according to US Bureau of Labor Statistics) or a maximum equivalent price per gallon of treatment capacity in the event that the module area/permeability etc. changes such that the same amount of feed water can be treated with fewer modules of the next generation design.

GMRP price escalation -calculation of the PPI begins on February 26, 2008 (signed contract agreement date) and will expire on May 23, 2020.

Membrane replacement prices are quoted FOB point of delivery (shipping charges covered by seller). Membrane replacement prices are quoted without taxes.

Adjusted Membranes Replacement Price to AUG 2017	
Contractually Guaranteed Membrane Replacement Price USD$	985.00
Initial CPI Value - Feb 2008	169.60
Forecasted CPI Value - Aug 2017	188.24
CPI Factor	10.99%
Surface Area Adjustment Factor (340ft² vs. 370ft²)	8.82%
Adjusted Membrane Replacement Price for this proposal - USD$	1,189.72
This price is subject to further inflation adjustment through to the date of actual shipment of the replacement modules.	

6 Scope - Modesto

6.1 Installation Preparation

- ❑ Receive, off-load, handle and provide temperature controlled storage of the equipment and materials required for Seller to perform the duties outlined in the Seller's Scope of Supply.
- ❑ Membrane must be stored in a sheltered area, protected from freezing, direct sunlight or extreme heat, and sealed as shipped until ready for use. Storage should be in a dark, dry, level area at a temperature of 5-30°C (41-86°F). Membranes have a shelf life of 1 year before requiring re-preservation and should not be stored longer than necessary prior to installation. Modesto is responsible for risk of loss of Seller's parts while in storage at the customer's plant.
- ❑ Inspect, evaluate and make repairs as required for the membrane tanks, mounting brackets, hoses and all connections prior to GE arriving at site.
- ❑ Provide all access structures (such as scaffolding) and mechanical lifting equipment including cranes, forklifts and scissor lifts.
- ❑ Assure availability of a copy of the Operating Manual, all Process and Instrumentation Drawings, and all Electrical Drawings on site and accessible for reference.
- ❑ Maintain adequate insurance coverage for the risks of fire, theft, vandalism, floods and personal injury to authorized or unauthorized visitors.

6.2 Installation

- ❑ Provide 1 or more plant personnel to work continuously with the GE Service Representatives during installation and commissioning of the modules for the full duration of the site visit.
- ❑ Modesto will afford Seller's personnel free access and egress of the facility for all authorized work. Modesto will provide reasonable access to workshop facilities with standard workshop tools and equipment as is necessary to meet any repair and maintenance requirements of the system during installation.
- ❑ Provide adequate illumination and emergency lighting for all areas in which the Seller will be executing the scope of supply. Provide all site utilities such as raw water,

instrument quality air, potable water and power required for operation of the proposed equipment included in this scope of supply. Assure that adequate quantities of membrane cleaning and neutralizing chemicals are on hand for wash procedures including sodium hypochlorite, sodium bisulphite, citric acid and sodium hydroxide. Supply telephone/fax/modem access while Seller's staff members are on-site.

- ❑ Provide assistance to remove cassettes from the system as required.
- ❑ Provide assistance to clean (if required) each cassette as it is removed from the system.
- ❑ Provide assistance to return new cassettes to the system.
- ❑ Dispose of all retired membrane modules and cassette components.
- ❑ Dispose of shipping and packaging materials unless specifically requested not to do so by GE.
- ❑ At the end of the site visit, prior to departure of the GE Service Representative, Modesto will sign a Work Order that describes the hours on site and the Technical Advisory Services provided.

7 Solution Design Notes

7.1 Permits

Regulatory Requirements

Modesto is responsible to review and report to the permit granting agency on the impact of any of the proposed changes on the regulatory permit. GE will provide the necessary manufacturer's technical support on regulatory issues.

Utilization

GE understands that these modules are required as replacements for currently installed modules.

These modules are offered on the basis that the membrane modules will not be used to provide expanded flow beyond the current plant flow rating. GE makes no guarantees, implied or otherwise as to the performance of these modules in any other capacity than as replacement membranes.

Replacing the current ZW500D 340ft² modules with ZW500D 370ft² modules matches the current membrane surface area in each train (48,280ft² vs. 48,840ft²) and leaves additional spare space (10 membrane slots per train) for future module placement that could be used for flux remediation or for plant expansion subject to a review of the limitations of other equipment and hydraulic capacities.

7.2 Maintenance Notes for Replacement Membranes

At the time of any full plant membrane replacement, it is recommended to evaluate the appropriate timing of repairs or replacement of the following ancillary system components:

- ❑ Is it the right time to address any tank coating repairs which may be required?

- ❑ Are any of the aeration or permeate connection hoses, clamps, camlocks, camlock seals and couplings due for replacement?

Preferential Flow

Preferential flows can create a risk of over-fluxing of new modules when they are installed in the same train with older modules. The mixing of old and new modules in the same cassette also makes management of slack adjustment more difficult. GE recommends that Modesto plan membrane module replacement on a complete cassette and complete train basis wherever possible to achieve both optimal performance and best value from the new membrane modules. In this case, by replacing all membrane modules in the plant, this risk has been neutralized.

Membrane Slack

GE's membranes are supplied and shipped with an initial factory fiber slack designed to optimize membrane air scouring during operation as well as accommodate a degree of shrinkage. Membranes shrink in length early in their lifecycle when exposed to higher temperature water. The pace of shrinkage slows with age. With the installation of new membranes, the requirements for slack adjustment start a new cycle.

Due to the wide variety of operating environments in which our products can be utilized, it is difficult to generally predict the rate of shrinkage. If membranes operate in a condition of insufficient slack for an extended period of time, irreversible damage to the fiber-urethane bond may occur. Please refer below to the recommended inspection frequencies based on your plant's membrane tank operating temperature. Visual inspections should begin during the membrane installation and be repeated over time on the same cassette. Digital pictures will allow for comparative analysis of the fiber slack over time.

Maximum Operating Temperature	Recommended Slack Inspection Frequency
0-24 °C / 32-76 °F	Every 2 years
25-30 °C / 77-86 °F	Once Per Year
>30 °C / > 86 °F	Twice Per Year

Bubble Test Pressure

The bubble test pressure for the purchased membranes is 2 psi horizontally and 3 psi vertically.

7.3 Technical

Pacing, Staging

Replacing membranes and upgrading to LEAPmbr aeration requires careful planning of the stages of implementation.

Hoses & Fittings

GE has assumed for this proposal that the current aeration and permeate cassette connections for the ZW500D cassettes do not need replacing at this time. If this is not so, please advise GE and request that they be added to this proposal.

Production Interruption

During installation of the ZeeWeed cassettes, trains may be shut down for extended periods of time which will affect Modesto treatment capacity. After the Purchase Order is acknowledged, GE's Project Manager for the installation will consult with Modesto to jointly develop the

installation plan and work schedule with due regard for membrane delivery to the plant and plant preparation.

8 Health & Safety

Modesto

- ❑ Modesto will identify and inform Seller's personnel of any site specific hazards present in the work place that could impact the delivery of Seller's scope of supply and agrees to work with Seller to remove, monitor, and control the hazards to a practical level.
- ❑ Modesto will provide training to Seller's personnel on all site specific and standard company operating procedures and practices for performing work on site. Such training programs may include, but are not limited to, general Environmental Health & Safety (EHS), HAZOP, fire protection, drug testing, incident notice, site conduct, standard first aid, chemical receiving, electrical safety, etc. Modesto will provide a certificate of training for Seller's personnel. This program will be fully documented, training materials will be provided, and attendance list will be kept.
- ❑ If any type of lifting devices will be used on site, Modesto will provide proof of its maintenance, inspection and certification documentation upon request and will assist the GE Service Representative to complete a safety inspection checklist.
- ❑ Where confined space entry may be required, Modesto will provide early notice and will collaborate with GE in planning adequate staffing and in advising the local fire/rescue department as required.
- ❑ No time or cost provision has been made for preparations such as safety record clearances, drug testing, insurance confirmations or pre-job-training in excess of 1 hour. Prior to finalizing the Purchase Order and the work schedule, Modesto will advise GE of any pre-job or pre-mobilization requirements. Where these requirements exceed 1 hour, this time will be charged to Modesto at rates set out in the prevailing GE Labor Rate Sheet.
- ❑ Where certain short duration activities require two people for safety and the GE Service representative is alone at site, Modesto will cooperate as required to assure that correct safety precautions are taken.
- ❑ Modesto is responsible for the following environmental provisions:
  - Environmental use and discharge permits for all chemicals at Modesto's facility either listed in this document or proposed for use at a later date;
  - Any special permits required for Seller's or Modesto's employees to perform work related to the water treatment system at the facility;
  - All site testing, including soil, ground and surface water, air emissions, etc.;
  - Disposal of all solid and liquid waste from the Seller's System including waste materials generated during construction, start up and operation.
- ❑ Modesto is responsible for provision of health and safety facilities to Seller's Field Service Representatives to the same extent that they are provided to Modesto's own employees, including provision of:

- Eyewash and safety showers in the water treatment area;
- Chemical spill response;
- Security and fire protection systems per local codes;

GE

- ❑ All work on site will be performed in accordance with applicable law and will be performed reasonably, in a clean and safe manner. The GE Service Representative will abide by the more stringent of the applicable health, safety and environmental policies and procedures of either Modesto or GE.
- ❑ GE will provide all applicable safety training required by GE policies or by state or national health and safety regulations. The GE Service Representative will have undergone Workplace Hazardous Material Information System (WHMIS) training and will come equipped with necessary Personal Protective Equipment (PPE).
- ❑ Emergencies - In emergencies affecting the safety of persons, work or property at the site and adjacent thereto, GE will act, without previous instructions from Modesto, as the situation warrants. GE will notify Modesto immediately thereafter.

9 Quality at GE – The Vision

We are driven by a passion for delivering on every commitment. We are dedicated to providing our customers the highest quality offerings with unparalleled customer service and responsiveness. We are committed to working through any problem in an open and honest manner—always with unyielding integrity.

Quality Policy

At GE Water, we are committed to:

- ❑ Passionately driving customer satisfaction and loyalty by partnering with customers to help achieve their success.
- ❑ Delivering results with a sustained global compliance culture.
- ❑ Continually improving everything we do.
- ❑ Empowering our employees to engage and own Quality.

We will accomplish this by building on our strong foundation of Quality and raising the bar to the next level of success. By operationalizing Quality and engaging everyone on our team, we will create a culture where our customers, suppliers and employees feel the difference.

10 Terms and Conditions of Sale

A - Specific Terms and Conditions of Sale

1 Legal Entity for Contracting

ZENON Environmental Corporation is the name of the legal entity providing services and is an affiliate of GE Water & Process Technologies. Purchase Orders and Checks should be made out using the name ZENON Environmental Corporation.

Please advise us if this GE entity is not set up in your purchasing system as a vendor and you do have another GE entity set up. We are keen to make the purchase process as convenient as possible for Modesto.

Short Form: Where a short reference is required in this document, for convenience, we are called simply **GE.**

2 Payment Terms

On approved credit, payment terms are Net 30 Days from customer receipt of invoice. Please see the Invoicing Schedule in Section 5, Price.

3 Proposal Validity

Prices quoted and proposal terms are valid up to thirty (30) days after the date of issue of this proposal unless confirmed with a Purchase Order.

4 Bonds

Performance or Payment Bonds are not included in the price. These bonds can be purchased on request but will be at an additional cost.

5 Flight Booking

Prices quoted for installation which include airfare are either based on timely confirmation of a visit schedule or based on receipt of a Purchase Order in time to book any flights seven days in advance. Additional airfare charges related to late arrival of a Purchase Order will be extra and billed through to Modesto without mark-up.

6 Warranty on Programming

GE warrants that the PLC program will conform to the specifications in the relevant sections of the CLSC and OSC (revised for the project) and will be free from defects in workmanship when operated at all times in accordance with GE's written instructions. If any defects are found and reported by Modesto within a period not exceeding twelve (12) months beyond the completion of the site acceptance test, GE will make modifications to the PLC code as deemed necessary. Any changes requested by Modesto after this period will be at the customer's expense.

7 Purchase Order Guidelines

Please ensure that your Purchase Order has covered the following points. This will ensure accurate and prompt order entry, product delivery, invoicing and accounts receivables processing and will prevent administrative delays for all parties.

- **Legal Entity** - Please be sure your Purchase Order is issued in the name of the specific GE legal entity issuing this proposal cited above. We will be glad to work with your Purchasing department to set this entity up as an approved Supplier/Vendor. Please advise us if this GE entity is not set up in your purchasing system as a vendor and you do have another GE entity set up.
- **Hard Copy** - Our strong preference is to receive a hard copy of your Purchase Order rather than a PO number alone.
- **Proposal Number and Date** - Please reference the 6 digit Proposal Number and the Proposal Date which are found in the footer of each page.
- **Price** – State the total price you are accepting for this order.
- **Taxes** - Provide any required tax exemption certificates.
- **Ship-To Address** - Please clearly define the plant site address or delivery location and the Receiver's email & telephone. Please specify receiving hours and any special off-loading requirements.

- ☐ **Delivery Date** - Please include your requested delivery date or agreement start date.
- ☐ **Purchase Order** – Please send your Purchase Order to GE by email to *Service.pocentral@ge.com*

B – General Terms and Conditions of Sale

Note to Purchasing Agent: The following are GE's standard set of commercial terms & conditions, written for moderate value transactions to allow an efficient and rapid provision of services and parts. Where Master Corporate Agreement Terms or previously negotiated Terms have been agreed with GE these may be brought forward by either party and applied by mutual consent. If one or the other of these 2 Terms sets is not immediately acceptable to Modesto, please anticipate a typical 6-10 week cycle of mutual review to build agreement on changes.

1. **Exclusive Terms and Conditions.** Together with any other terms the Parties agree to in writing, these General Terms and Conditions – together with the last proposal in order of time issued by the Seller – form the exclusive terms ("Agreement") whereby Buyer agrees to purchase, and Seller agrees to sell products and equipment (jointly "Equipment") and to provide advice, instruction and other services in connection with the sale of that Equipment ("Services"). If Buyer sends to Seller other terms and conditions to which Seller may not respond, including but not limited to those contained in Buyer's purchase order, such shall not apply. This Agreement may only be revised by a change order approved in writing by both Parties. All terms not defined herein shall be defined in Seller's proposal.

2. **Equipment and Services.** The Equipment to be delivered and the Services to be provided shall be as set out in this Agreement. Unloading, handling, storage, installation, and operation of Buyer's systems or the Equipment are the responsibility of Buyer. Buyer shall not require or permit Seller's personnel to operate Buyer's systems or the Equipment at Buyer's site.

3. **Prices and Payment.** Buyer shall pay Seller for the Equipment and Services in accordance with the payment schedule (as set forth in Seller's proposal or, if applicable, in any special conditions agreed to in writing by the Parties). Unless otherwise specified in writing, payment is due net thirty (30) days from the date of Seller's invoice. Seller may require a Letter of Credit or other payment guarantee, in which case the stated amount of the guarantee will be adjusted by Buyer in the event of any currency-based adjustment to prices or payment amounts per the Payment Schedule, and Buyer shall deliver the adjusted guarantee within five (5) days of request by Seller. Buyer agrees to reimburse Seller for collection costs, including 2% (two percent) interest per month (not to exceed the maximum amount permitted by applicable law), should Buyer fail to timely pay. Buyer shall have no rights to make any deduction, retention, withholding or setoff relating to any payments due under this Agreement.

4. **Taxes and Duties.** Seller shall be responsible for all corporate taxes measured by net income due to performance of or payment for work under this Agreement ("Seller Taxes"). Buyer shall be responsible for all taxes, duties, fees, or other charges of any nature (including, but not limited to, consumption, gross receipts, import, property, sales, stamp, turnover, use, or value-added taxes, and all items of withholding, deficiency, penalty, addition to tax, interest, or assessment related thereto, imposed by any governmental authority on Buyer or Seller or its subcontractors) in relation to the Agreement or the performance of or payment for work under the Agreement other than Seller Taxes ("Buyer Taxes"). The Agreement prices do not include the amount of any Buyer Taxes. If Buyer deducts or withholds Buyer Taxes, Buyer shall pay additional amounts so that Seller receives the full Agreement price without reduction for Buyer Taxes. Buyer shall provide to Seller, within one month of payment, official receipts from the applicable governmental authority for deducted or withheld taxes. Buyer shall furnish Seller with evidence of tax exemption acceptable to taxing authorities if applicable, prior to execution of the Agreement by both Parties or issuance by the Seller of the order acceptance. Buyer's failure to provide evidence of exemption at time of order will relieve Seller of any obligation to refund taxes paid by Seller.

5. **Delivery, Title, Risk of Loss.** Unless otherwise specified in this Agreement, Seller shall deliver all Equipment to Buyer FCA (Incoterms 2010) Seller's facility. The time for delivery of the Equipment to Buyer shall be specified in this Agreement. Seller's sole liability for any delay in delivery of the Equipment shall be as expressly set out in this Agreement. The place of delivery specified herein shall be firm and fixed, provided that Buyer may notify Seller no later than forty-five (45) days prior to the scheduled shipment date of the Equipment of an alternate point of delivery, Buyer shall compensate Seller for any additional cost in implementing the change. If any part of the Equipment cannot be delivered when ready due to any cause not attributable to Seller, Buyer shall designate a climate-controlled storage location, and Seller shall ship such Equipment to storage. Title and risk of loss shall thereupon pass to Buyer, and amounts payable to Seller upon delivery or shipment shall be paid by Buyer along with

expenses incurred by Seller. Services provided herein shall be charged at the rate prevailing at the time of actual use and Buyer shall pay any increase, and Buyer shall pay directly all costs for storage and subsequent transportation. Failure by Buyer to take delivery of the Equipment shall be a material breach of this Agreement.

Title and risk of loss to the Equipment shall be transferred from Seller to Buyer at the point of delivery upon handover in accordance with this Agreement. Title and risk of loss to the Services shall pass as they are performed.

6. **Warranties and Remedies.** Seller warrants that Equipment shall be delivered free from defects in material, workmanship and title and that Services shall be performed in a competent, diligent manner in accordance with any mutually agreed specifications. Seller's warranty does not cover the results of improper handling, storage, installation, commissioning, operation or maintenance of the Equipment by Buyer or third parties, repairs or alterations made by Buyer without Seller's written consent, influent water which does not comply with agreed parameters, or fair wear and tear.

Unless otherwise expressly provided in this Agreement, the foregoing warranties are valid for:

a. chemicals and Services, for six (6) months from their date of delivery or the provision of Services;

b. consumables, including filters and membranes (other than membranes for process treatment), twelve (12) months from their date of delivery;

c. membranes for process treatment, ninety (90) days from their date of delivery;

d. Equipment other than chemicals and consumables, the earlier of, fifteen (15) months from delivery or shipment to storage, or twelve (12) months from start-up/first use;

e. software, ninety (90) days from the date of receipt;

f. Equipment not manufactured by Seller, the warranty shall be the manufacturer's transferable warranty only,

Any claim for breach of these warranties must be promptly notified in writing, and Buyer shall make the defective item available to the Seller, or the claim will be void. Seller's sole responsibility and Buyer's exclusive remedy arising out of or relating to the Equipment or Services or any breach of these warranties is limited to repair at Seller's facility or (at Seller's option) replace at Seller's facility the defective item of Equipment, and re-perform defective Services. In performance of its obligations hereunder, Seller will not control the actual operation of either Buyer's systems or the Equipment at the Buyer's site.

Warranty repair, replacement or re-performance by Seller shall not extend or renew the applicable warranty period.

The warranties and remedies are conditioned upon (a) proper unloading, handling, storage, installation, use, operation, and maintenance of the Equipment and Buyer's facility and all related system in accordance with Seller's instructions and, in the absence, generally accepted industry practice, (b) Buyer keeping accurate and complete records of operation and maintenance during the warranty period and providing Seller access to those records, and (c) modification or repair of Equipment or Services only as authorized by Seller in writing. Failure to meet any such conditions renders the warranty null and void.

The Buyer will be entitled to assign to a subsequent owner of the Equipment the warranties of the Seller under this Agreement, provided that a prior written notification is sent to the Seller and the assignment agreement contains terms and conditions which provide the Seller with the protections of the warranties and limitations on liability contained in the Agreement. Subject to Buyer's compliance with the foregoing requirement, such warranty rights are expressly assignable by the Buyer to a subsequent owner of the Equipment. Except as provided herein, Buyer is not entitled to extend or transfer this warranty to any other party. The warranties and remedies set forth in this article are in lieu of and exclude all other warranties and remedies, statutory, express or implied, including any warranty of merchantability or of fitness for a particular purpose.

Unless otherwise expressly stipulated in this Agreement, Seller gives no warranty or guarantee as to process results or performance of the Equipment, including but not limited to product quality, flow, production, capacity, membrane life, chemical consumption, regulatory compliance or energy consumption.

7. **General Indemnity.** Seller shall indemnify and hold harmless Buyer from claims for physical damage to third party property or injury to persons, including death, to the extent caused by the negligence of Seller or its officers, agents, employees, and/or assigns while engaged in activities under this Agreement. Buyer shall likewise indemnify and hold harmless Seller from claims for physical damage to third party property or injury to persons, including death, to the extent caused by the negligence of the Buyer, its officers, agents, employees, and/or assigns. In the event such

damage or injury is caused by the joint or concurrent negligence of Seller and Buyer, the loss shall be borne by each Party in proportion to its negligence. For the purposes of this article (i) "Third party" shall not include Buyer or any subsequent owner of the Equipment, their subsidiaries, parents, affiliates, agents, successors or assigns including any operation or maintenance contractor, or their insurer; and (ii) no portion of the Equipment is "third party property".

8. **Compliance with Laws and Permits.** All permits, authorizations, and licenses which are required to construct, install and/or operate Buyer's facility or equipment, to use the Equipment, or to manage and dispose of any wastes, discharges, and residues resulting from Buyer's use of the Equipment, shall be obtained and maintained by Buyer at Buyer's sole expense. Buyer is responsible for compliance with all laws and regulations applicable to the storage, use, handling, installation, maintenance, removal, registration, and labeling of all Equipment after delivery of the Equipment, as well as for the proper management and disposal of all wastes, discharges, and residues.

9. **Buyer's Site Conditions.** Buyer warrants that any data furnished to the Seller concerning conditions at Buyer's site (including but not limited to any existing Buyer facility, equipment or processes, influent water or other substances to be treated or measured with the Equipment) is accurate and complete, and the Seller reserves the right to utilize the most appropriate design compatible with generally accepted engineering practices, and to make changes in details of design, manufacture and arrangement of Equipment unless precluded by any limitations specified in this Agreement. Seller shall notify Buyer of (1) any conditions at Buyer's site which materially differ from those indicated in the data furnished by Buyer, (2) any previously unknown physical conditions at Buyer's site of an unusual nature, not revealed by previous investigations and differing from those ordinarily encountered in the type of work provided for in this Agreement, and (3) the presence of any Hazardous Materials (as defined below), the existence of a contaminated soil, unexploded ordinance, or archaeological remains. If such conditions cause an increase in Seller's cost or in the time required for the performance of Seller's obligations, Seller shall be entitled to an equitable adjustment in the Agreement price and an extension in the time for performance.

10. **Hazardous Materials and Wastes.** In the event that Seller encounters any Hazardous Materials (meaning toxic substances, hazardous substances, pollutants, contaminants, regulated wastes, or hazardous wastes as such terms may be defined or classified in any law, statute, directive, ordinance or regulations promulgated by any applicable governmental entity) at Buyer's site, other than Hazardous Materials introduced by Seller or that are otherwise the express responsibility of Seller under this Agreement, Buyer shall immediately take whatever precautions are required to legally eliminate such Hazardous Materials so that the Seller's work under this Agreement may safely proceed. At no time shall Seller be deemed to have taken title to or the responsibility for the management or disposal of any wastes, Hazardous Materials, influent water, any resultant product streams, wastewater streams, discharges, cleaning materials, or any other materials or substances processed by the Equipment or otherwise located at Buyer's site. Seller does not take responsibility for and hereby expressly disclaims responsibility for the characterization or disposal of wastes, Hazardous Materials, or for the identification, selection, or management of disposal facilities for any wastes.

11. **Excusable Delays.** Seller shall not be liable nor in breach or default of its obligations under this Agreement to the extent performance of such obligations is delayed or prevented, directly or indirectly, due to causes beyond the reasonable control of Seller, including, but not limited to: acts of God, natural disasters, unusually severe weather, fire, terrorism, war (declared or undeclared) epidemics, material shortages, insurrection, act (or omissions) of Buyer or Buyer's contractors/suppliers or agents, any act (or omission) by any governmental authority, strikes, labor disputes, transportation shortages, or vendor non-performance. The delivery or performance date shall be extended for a period equal to the time lost by reason of delay or non-performance, plus such additional time as may be necessary to overcome the effect of the delay or non-performance. If delivery or performance is delayed for a period exceeding 180 (one hundred and eighty) days, either Party may terminate this Agreement without further liability provided that Seller shall be paid an amount equal to that which would be payable to Seller under the article entitled "Termination". If Seller is delayed by any acts (or omissions) of Buyer, or by the prerequisite work of Buyer's other contractors or suppliers, Seller shall be entitled to an equitable adjustment in schedule, price and/or performance, as applicable.

12. **Emergencies.** If the safety of Seller's personnel is threatened or likely to be threatened by circumstances outside the reasonable control of Seller, including but not limited to war, armed conflict, civil unrest, riots, terrorism, kidnapping, presence of or exposure to hazardous materials, unsafe working conditions, or by the threat of such circumstances or a lack of adequate protections against such circumstances, Seller shall be entitled to take all necessary steps to ensure the security and safety of its personnel including the evacuation of personnel until such

circumstances no longer apply. Any such occurrence shall be considered an excusable delay event. Buyer shall reasonably assist in the event of any such evacuation.

13. **Confidentiality, Intellectual Property.** Both Parties agree to keep confidential the other Party's proprietary non-public information, if any, which may be acquired in connection with this Agreement. Buyer will not, without Seller's advance written consent, subject Equipment to testing, analysis, or any type of reverse engineering. Seller retains all intellectual property rights including copyright which it has in all drawings and data or other deliverables (including the Equipment) supplied or developed under this Agreement. Buyer agrees that it will not file patent applications on the Equipment or any development or enhancement of the Equipment, or of processes and methods of using the Equipment, without Seller's express prior written permission. Buyer further agrees that in any event any such patents will not be asserted against Seller or its other buyers based upon purchase and use of such Equipment. Seller grants to Buyer a non-exclusive, non-terminable, royalty free license to use the intellectual property embedded in Equipment delivered to and paid for by the Buyer, as well as any drawings, design or data delivered to and paid for by the Buyer, for the purposes of owning, financing, using, operating and maintaining the relevant Equipment at Buyer's site. Such license may only be assigned to a subsequent owner of the Equipment or to an operations and maintenance subcontractor. Such license does not extend to the re-creation of the Equipment or the manufacture of spares or consumables by Buyer or third parties.

    Any software Seller owns and provides pursuant to this Agreement shall remain Seller's property. Seller provides to Buyer a limited, non-exclusive and terminable royalty free project-specific license to such software for the use, operation or maintenance at Buyer's site of any Equipment purchased hereunder to which the software is a necessary component. Buyer agrees not to copy, sub-license, translate, transfer, reverse engineer, or decode the software.

    Seller shall indemnify and hold harmless Buyer from any rightful claim of any third party that any Equipment or Service infringe a patent in effect in the USA, or country of delivery (provided there is a corresponding patent issued by the USA), or USA copyright or copyright registered in the country of delivery. If the Buyer notifies the Seller promptly of the receipt of any such claim, does not take any position adverse to the Seller regarding such claim and gives the Seller information, assistance and exclusive authority to settle and defend the claim, the Seller shall, at its own expense and choice, either (i) settle or defend the claim and pay all damages and costs awarded in it against the Buyer, or (ii) procure for the Buyer the right to continue using the Equipment or Service, or (iii) modify or replace the Equipment or Service so that it becomes non-infringing, or (iv) remove the infringing Equipment and refund the price. The above paragraph shall not apply to any misuse of Equipment or Equipment which is manufactured to the Buyer's design, or to alleged infringement arising from the combination, operation, or use of any Equipment or Services with other equipment or services when such combination is part of any allegedly infringing subject matter. The foregoing list of sub-sections (i), (ii), (iii), and (iv) and related terms state the entire liability of the Seller for intellectual property infringement by any Equipment or Service.

14. **Limitations on Liability.** Notwithstanding anything else contained in this Agreement, to the maximum extent permitted by law, and regardless of whether a claim is based in contract (including warranty or indemnity), extra-contractual liability, tort (including negligence or strict liability), statute, equity or any other legal theory:

    a. THE TOTAL LIABILITY OF THE SELLER AND OF ITS INSURER FOR ALL CLAIMS ARISING OUT OF OR RELATING TO THE PERFORMANCE OR BREACH OF THIS AGREEMENT OR USE OF ANY EQUIPMENT OR SERVICES SHALL NOT EXCEED THE TOTAL PRICE PAID BY BUYER UNDER THIS AGREEMENT OR (IN THE CASE OF AN AGREEMENT FOR SERVICES WITH A TERM OF MORE THAN ONE YEAR) THE ANNUAL PRICE PAYABLE BY BUYER UNDER THIS AGREEMENT;

    b. IN NO EVENT SHALL SELLER BE LIABLE FOR ANY LOSS OF PROFIT OR REVENUES, LOSS OF PRODUCTION, LOSS OF USE OF EQUIPMENT OR SERVICES OR ANY ASSOCIATED EQUIPMENT, INTERRUPTION OF BUSINESS, COST OF CAPITAL, COST OF REPLACEMENT WATER OR POWER, DOWNTIME COSTS, INCREASED OPERATING COSTS, CLAIMS OF BUYER'S CUSTOMERS FOR SUCH DAMAGES, OR FOR ANY SPECIAL, CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE OR EXEMPLARY DAMAGES;

    c. SELLER'S LIABILITY SHALL END UPON EXPIRATION OF THE APPLICABLE WARRANTY PERIOD, PROVIDED THAT BUYER MAY CONTINUE TO ENFORCE A CLAIM FOR WHICH IT HAS GIVEN NOTICE PRIOR TO THAT DATE BY COMMENCING AN ACTION OR ARBITRATION, AS APPLICABLE UNDER THIS AGREEMENT, BEFORE EXPIRATION OF ANY STATUTE OF LIMITATIONS OR OTHER LEGAL TIME LIMITATION BUT IN NO EVENT – TO THE EXTENT PERMITTED BY APPLICABLE LAW – LATER THAN FIVE (5) MONTHS AFTER EXPIRATION OF SUCH WARRANTY PERIOD.

For the purposes of this article, "Seller" shall mean Seller, its affiliates, subcontractors and suppliers of any tier, and their respective agents and employees, individually or collectively. If Buyer is supplying Seller's Equipment or Services to a third party, Buyer shall require the third party to agree to be bound by this article. If Buyer does not obtain this agreement for Seller's benefit for any reason, Buyer shall indemnify and hold Seller harmless from all liability arising out of claims made by the third party in excess of the limitations and exclusion of this article.

15. **Termination.** This Agreement and any performance pursuant to it may be terminated by either Party, and the consequences of such termination shall be as set out in the next paragraph, if the other Party

a. becomes insolvent, makes an assignment for the benefit of its creditors, has a receiver or trustee appointed for the benefit of its creditors, or files for protection from creditors under any bankruptcy or insolvency laws; or

b. fails to make any payment when due or to establish any payment security required by this Agreement, or commits a material breach or defaults in its material obligations under this Agreement, and such default is not cured within thirty (30) days of written notice from the other Party.

Upon the termination of this Agreement by Buyer for cause (i) Seller shall reimburse Buyer the difference between that portion of the Agreement price allocable to the terminated scope and the actual amounts reasonably incurred by Buyer to complete that scope, and (ii) Buyer shall pay to Seller (a) the portion of the Agreement price allocable to Equipment completed, and (b) amounts for Services performed before the effective date of termination. Upon the termination of this Agreement by Seller for cause Buyer shall pay to Seller within thirty (30) days of receipt of invoice the price of all Equipment or Services delivered at the date of termination, plus an amount equal to all costs and expenses incurred in the engineering, sourcing, financing, procurement, manufacture, storage and transportation of the Equipment including materials, work in progress and any cancellation charges assessed against Seller by Seller's suppliers including reasonable overhead and profit on all such costs and expenses. Alternatively, if any schedule of termination payments has been agreed between the Parties, Buyer shall pay to Seller within thirty (30) days of receipt of invoice the amounts set out in that schedule.

Seller shall have the right to suspend performance upon written notice to Buyer in any case where Seller would have the right to terminate the Agreement under this article, without prejudice to Seller's right to terminate this Agreement for cause. Any cost incurred by Seller in accordance with any such suspension (including storage costs) shall be payable by Buyer upon submission of the Seller's invoice(s). Performance of the Seller's obligations shall be extended for a period of time reasonably necessary to overcome the effects of such suspension.

16. **Governing Law, Dispute Resolution.** This Agreement shall be governed by the substantive laws of the State of California. In the event of a dispute concerning this Agreement, the complaining Party shall notify the other Party in writing thereof. Management level representatives of both Parties shall meet at an agreed location to attempt to resolve the dispute in good faith. Should the dispute not be resolved within thirty (30) days after such notice, the complaining Party shall seek remedies exclusively through arbitration. The seat of arbitration shall be the federal district court closest to the Buyer and the rules of the arbitration will be the Commercial Arbitration Rules of the American Arbitration Association, which are incorporated by reference into this article.

Notwithstanding the foregoing, each Party shall have the right to commence an action or proceeding in a court of competent jurisdiction, subject to the terms of this Agreement, in order to seek and obtain a restraining order or injunction to enforce the confidentiality intellectual property provisions set forth in the first two paragraphs of article 13; nuclear use restrictions set forth in article 17, or to seek interim or conservatory measures not involving monetary damages.

17. **No Nuclear Use.** Equipment and Services sold by Seller are not intended for use in connection with any nuclear facility or activity, the Buyer warrants that it shall not use or permit others to use the Equipment or Services for such purposes, without the advance written consent of Seller. If, in breach of this, any such use occurs, Seller (and its parent, affiliates, suppliers and subcontractors) disclaims all liability for any nuclear or other damage, injury or contamination, and, in addition to any other rights of Seller, Buyer shall indemnify and hold Seller (and its parent, affiliates, suppliers and subcontractors) harmless against all such liability.

18. **Export Control.** Seller's obligations are conditioned upon Buyer's compliance with all USA and other applicable trade control laws and regulations. Buyer shall not trans-ship, re-export, divert or direct Equipment (including software and technical data) other than in and to the ultimate country of destination declared by Buyer and specified as the country of ultimate destination on Seller's invoice.

19. **Changes.** Each Party may at any time propose changes in the schedule or scope of Equipment or Services. All changes to the Equipment or Services shall be subject to mutual agreement via a written change order or variation, which shall only become effective once signed by both Parties. The scope, Agreement price, schedule, and other provisions will be equitably adjusted to reflect additional costs or obligations incurred by Seller resulting from a change, after Seller's proposal date, in Buyer's site-specific requirements or procedures, or in industry specifications, codes, standards, applicable laws or regulations. It shall be acceptable and not considered a change if Seller delivers Equipment (including Equipment replacement under warranty) that bears a different, superseding or new part or version number compared to the part or version number listed in the Agreement, provided that in no circumstance shall this affect any other of Seller's obligations including those set forth in article 6.

20. **Conflicts; Survival, Assignment.** If there is any conflict between this Agreement and any written proposal or quotation provided by Seller, then the terms and conditions set forth in this Agreement shall prevail. If any term or condition of this Agreement or any accompanying terms and conditions are held invalid or illegal, then such terms and conditions shall be reformed to be made legal or valid, or deleted, but the remaining terms and conditions shall remain in full force and effect, and this Agreement shall be interpreted and implemented in a manner which best fulfills Parties' intended agreement. Those provisions which by their nature remain applicable after termination shall survive the termination of this Agreement for any reason. Seller may assign or novate its rights and obligations under the Agreement, in whole or in part, to any of its affiliates or may assign any of its accounts receivable under this Agreement to any party without Buyer's consent, and the Buyer hereby agrees, by signing this Agreement, to such assignment and to execute any document that may be necessary to complete Seller's assignment or novation. This Agreement shall not otherwise be assigned by either Party without the other Party's prior written consent, and any assignment without such consent shall be void.

    Seller may (i) manufacture and source the Equipment and any part thereof globally in the country or countries of its choosing; and (ii) may subcontract portions of the Services, so long as Seller remains responsible for such.

21. **No Third Party Beneficiary.** Except as specifically set forth in the article entitled "Limitations on Liability" and "No Nuclear Use", this Agreement is not intended to, and does not, give to any person who is not a party to this Agreement any rights to enforce any provisions contained in this Agreement.

22. **Entire Agreement.** This Agreement embodies the entire agreement between Buyer and Seller and supersedes any previous documents, correspondence or agreements between them. No modification, amendment, revision, waiver, or other change shall be binding on either Party unless agreed in writing by the Party's authorized representative. Any oral or written representation, warranty, course of dealing, or trade usage not specified herein shall not be binding on either Party. Each Party agrees that it has not relied on, or been induced by, any representations of the other Party not contained in this Agreement.

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11 Seller's Warranty - ZeeWeed Membrane Module

10 Year (2+8) Prorated Replacement – Modesto

This schedule sets out the warranty with respect to ZeeWeed Membrane Modules ("Membrane Modules"). No other warranties, expressed or implied are made in connection with the sale of these products, including, without limitation, warranties as to fitness for any particular purpose or use or merchantability of these products. The warranty provided herein will be the exclusive and sole remedy of Buyer, and in no event will the Seller be liable for any special, direct, indirect or consequential damages, including, without limitation, loss of profits. This warranty is not transferable.

1 Product

This warranty applies to only the Membrane Modules supplied under the Contract of Sale. Membrane Module means the fibers and the potted plastic headers. This warranty does not cover air piping to the Membrane Module, permeate piping from the Membrane Module, piping connection fittings, connecting hardware and cassette frames with their associated components including but not limited to spacers, aerator tubes, aerator assemblies, screen, module dummies or module blanks.

Identification: Membrane Modules are shipped by the Seller with a serial number identification which confirms their place in the cohort set of Membrane Modules covered by this Membrane Module warranty.

2 Seller

ZENON Environmental Corporation is the name of the Seller and is the Seller offering this warranty. The Seller may assign this warranty to other GE affiliates.

3 Buyer

Buyer means City of Modesto, California.

4 Project

Project means the 528 membrane modules sold under this proposal number 186238-2.

5 Contract of Sale

Contract of Sale means the sales contract governing the sale of Membrane Module(s) for the Project between Buyer and the Seller or its GE affiliate.

6 Scope of Warranty

The Seller warrants that its Membrane Module(s) will be free of defects due to faulty materials or errors in manufacturing workmanship.

Regular Membrane Module inspection and normal fiber repair shall be the responsibility of Buyer.

All replacement Membrane Modules will be shipped on the basis of INCOTERMS 2010 FCA GE Manufacturing facility.

All ancillary costs including but not limited to bagging, boxing, crating, freight, freight insurance, applicable taxes, import duties, certifications, brokerage, receiving, forklift services, storage at site, re-attachment hardware, hose/clamp/camlock replacement, crane services, installation, fiber repair materials, glycerin flushing, commissioning and waste disposal are the responsibility of Buyer.

Full Replacement – Full Replacement means that in the case of a valid warranty claim for a Membrane Module failure, Buyer receives a replacement Membrane Module and does not pay for the value of use of the Membrane Module prior to failure.

Prorated Replacement – Prorated Replacement means Buyer pays for actual use of a membrane module from which Buyer has derived value over time. Prorated Replacement allows the Seller to pay reasonable compensation under warranty for any product use not enjoyed by Buyer due to premature failure.

The ratio of Full Replacement to Prorated Replacement in this Warranty is set out in Item 8 of Section 11.

7 Warranty Start Date

For the original membrane modules in a plant, this membrane warranty will start on the earlier of:

a. The date that installation of the original Membrane Module(s) has been substantially completed, or

b. Six months from the date of shipment of the original Membrane Module(s) to Buyer.

For replacement or expansion membranes, this membrane warranty will start on the earlier of:

a. The date of installation, or

b. 1 month from the date of delivery to site.

8 Warranty Duration

Total Warranty Duration: a total of **120** months composed of a Base Period and an Extended Period.

Base Period with Full Replacement: **24** months

All purchasers of ZeeWeed Membrane Modules are entitled to this Base Period of Full Replacement warranty coverage without purchasing an extended Seller's Warranty.

Extended Period with Prorated Replacement: a total of **96** months following the Base Period

Replacement Membrane Modules are covered by warranty only to the extent of the warranty of the original Membrane Module which has been replaced. At all events, this warranty shall expire and be of no force or effect **120** months following the Warranty Start Date.

9 Notification of Claim

All claims filed under this warranty shall be made in writing by Buyer within 30 days of identifying a defect.

Buyer shall provide the following information:

a. A description of the defect giving rise to the claim;

b. Photographs showing the manufacturing defect;

c. The serial number(s) of the Membrane Module(s) which is (are) the subject of the warranty claim; and

d. Operating data and repair history for the life of Membrane Modules which are the subject of a warranty claim.

10 Verification of Claim

After receipt of written notification of a defect, the Seller will promptly undertake such investigations as, in the Seller's opinion, are necessary to verify whether a defect exists. The Seller reserves the right to require additional data as necessary to validate claims. Buyer may, in the course of these investigations, be requested to return Membrane Module(s) to the Seller for examination. The Seller may also conduct reasonable tests and inspections at Buyer's plant or premises. If the results of the investigation do not validate the defect claimed, Buyer will reimburse the Seller for all reasonable expenses associated with said investigation, including expenses for all tests, inspections, and associated travel.

11 Satisfaction of Claims

The Seller will have the right to satisfy claims under this warranty in a flexible manner. Such flexibility may include the repair of existing Membrane Modules or changes in operating protocols or Membrane Module replacement or by upgrading failed Membrane Modules with newer Membrane Module(s) that may embody design and efficiency improvements. Buyer consents to the supply of replacement Membrane Modules which may be of a different design than original Membrane Modules.

12 Membrane Module Replacement Price – Prorated Replacement

The base Membrane Module Replacement Price (MMRP) used to calculate the prorated amount to be paid by the Buyer to replace defective Membrane Modules under warranty shall be **USD$ 1,200.00** + adjustment for inflation. The inflation adjustment will be calculated according to changes in the Producer Price Index, All Commodities, Not Seasonally Adjusted (Series Id: WPU00000000), as published by the US Bureau of Labor Statistics, for the period from September 6, 2017 through to the latest available PPI Index report.

For Membrane Modules supplied under valid warranty claims, the prorated share that the Buyer will pay is calculated as follows:

Prorated Share of Price	=	Number of whole months elapsed between the Membrane Module Replacement Date & the Warranty Start Date / Warranty Duration in Months	X	Membrane Module Replacement Price	x Change in PPI Index

Note - This Membrane Module Replacement Price (MMRP) is not applicable for Membrane Modules requested for purchase by Buyer for any non-warranty or other purposes, including but not limited to flux reduction, or plant hydraulic capacity increases. Modules purchased under these or other scenario's will be sold to Buyer by Seller at the list price in effect at the time of order

13 Operating Information

To maintain the Membrane Module warranty, membrane system operation records from initial start-up date until claim must be maintained by Buyer and made available to the Seller upon request. Records must be provided in sufficient detail to verify uninterrupted compliance with the Seller's Operations and Maintenance Manual prepared by the Seller and supplied to Buyer as part of the Contract. At a minimum, operation data must include information on feed water quality, temperatures, flows, trans-membrane pressures, aeration rates, permeate quality, cleaning intervals, cleaning chemical concentrations, elapsed time since start-up, relevant analytical data and reporting of any screen bypass events.

Buyer shall maintain and share access to a single reference copy in electronic form of a Membrane Module map containing the history of activity by Membrane Module. Buyer shall log its procedures performed related to a Membrane Module including relocation of Membrane Modules, repairs, replacements and any other noteworthy events.

Buyer authorizes the Seller to conduct any reasonable review of operation and maintenance records or to inspect facilities where Membrane Modules are installed, upon reasonable notice to Buyer. Such reviews and/or inspections are intended to also assist the Seller and Buyer in detection of membrane system faults and to optimize the care and operation of the Membrane Modules.

14 Limitation of Warranties

Occurrence of any of the following as reasonably determined by the Seller will void this warranty:

a. A material failure to operate the membrane system in accordance with Seller's Operations and Maintenance Manual supplied to Buyer as part of the Contract, including material failure to adhere to the Seller's specified Membrane Module cleaning procedures and the use of anything other than Seller-approved Membrane Module cleaning agents.

b. Failure to adhere to the preventive maintenance program as presented in the Seller's Operations and Maintenance Manual, in published product manuals and in specifications.

c. Failure to adhere to all transportation and module storage recommendations outlined by Seller.

d. Failure to ensure correct operation and/or functioning of the screening equipment.

e. Introduction of destructive foreign materials into the Membrane Module tanks. Destructive foreign materials may include natural or human-made materials that are introduced into the membrane system influent channel or tanks originating from construction and maintenance activities or from inadequate pretreatment or from aquatic species including clams and snails or from damage to the tank or tank coating. Buyer shall be responsible to maintain correct function of the screen mechanism, to flush accumulated grit from the tank bottom and to flush accumulated foreign materials from the membrane modules.

f. Failure to install and maintain operating data acquisition and electronic data transmission functions at the plant.

g. Physical abuse or misuse, incorrect removal or installation of Membrane Modules by non-Seller personnel including fiber damage caused by operator error in handling of Membrane Modules or cassettes.

h. Unauthorized alteration of any components or parts originally supplied by the Seller.

i. Intentional damage.

15 Return Procedure

In the event that the return of a Membrane Module is required pursuant to this warranty, Buyer will first obtain a Return Goods Authorization (RGA) number from the Seller. Membrane Module(s) shipped to the Seller for warranty examination must be shipped freight prepaid. If Buyer desires temporary replacement Membrane Module(s) to replace those alleged to be defective and returned to the Seller for warranty examination, Buyer shall be responsible for the cost associated with any such replacements until examination of the returned Membrane Modules pursuant to this warranty is complete. Any Membrane Module examined by Seller as part of a warranty claim where the Membrane Module is subsequently found to be performing as warranted or where a Membrane Module failure is not covered under the warranty will be returned to Buyer, freight collect.

12 Signed Agreement

Through the issue of this proposal, GE signals their intent to enter into an Agreement with Modesto. Modesto and GE acknowledge that they have read and understood this Agreement and agree to be bound by the terms and conditions specified in it.

Offered by Legal Entity:	ZENON Environmental Corporation, also known as GE or Seller	**Accepted by Legal Entity:**	City of Modesto, California also known as Modesto or Buyer
		Authorized Signature By:	_____
		Title:	_____
		Signature Date:	_____
		Signature:	x _____
		Purchase Order No:	_____

Upon acceptance of this proposal, please forward the following either
• by email with .pdf attachments or • by postal mail or • by fax.
1) this signature page completed
2) a hard copy of your purchase order, and
3) any required tax exemption certificates

to:

Service.pocentral@ge.com
or
GE Water & Process Technologies
Attention: Contracts Administrator
Please contact Service.pocentral@ge.com for correct address
or
Fax No.: 905 469 2243

This agreement comes into force when GE has issued a formal acceptance of Modesto's Purchase order or formal acceptance of this Modesto signed agreement.

Doc. Control: Author RM Filename Modesto Membrane Replacement 186238-2 528 x ZW500D 370ft² Sep 7 2017.docx
Last Modified: 9/7/2017 9:58 AM Technical Review: JP Commercial Review: JD DOA: Blkt

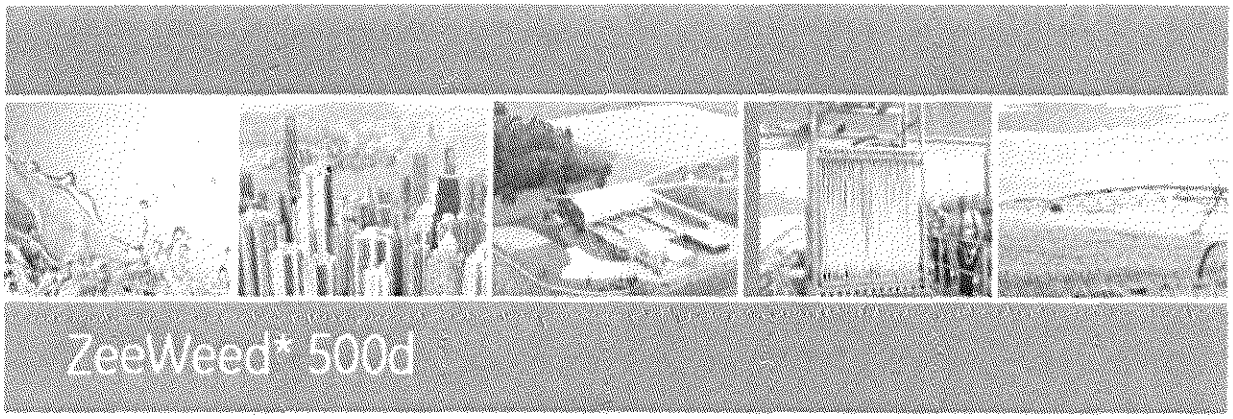
EXHIBIT A

GE
Water & Process Technologies

Attachment A LEAPmbr Data

LEAPmbr

simple • reliable • efficient



Taking ZeeWeed MBR technology to the next level.

Upgrade your existing ZeeWeed 500d MBR system to LEAPmbr and take advantage of this state of the art technology.

GE imagination at work

EXHIBIT A

GE

Water & Process Technologies

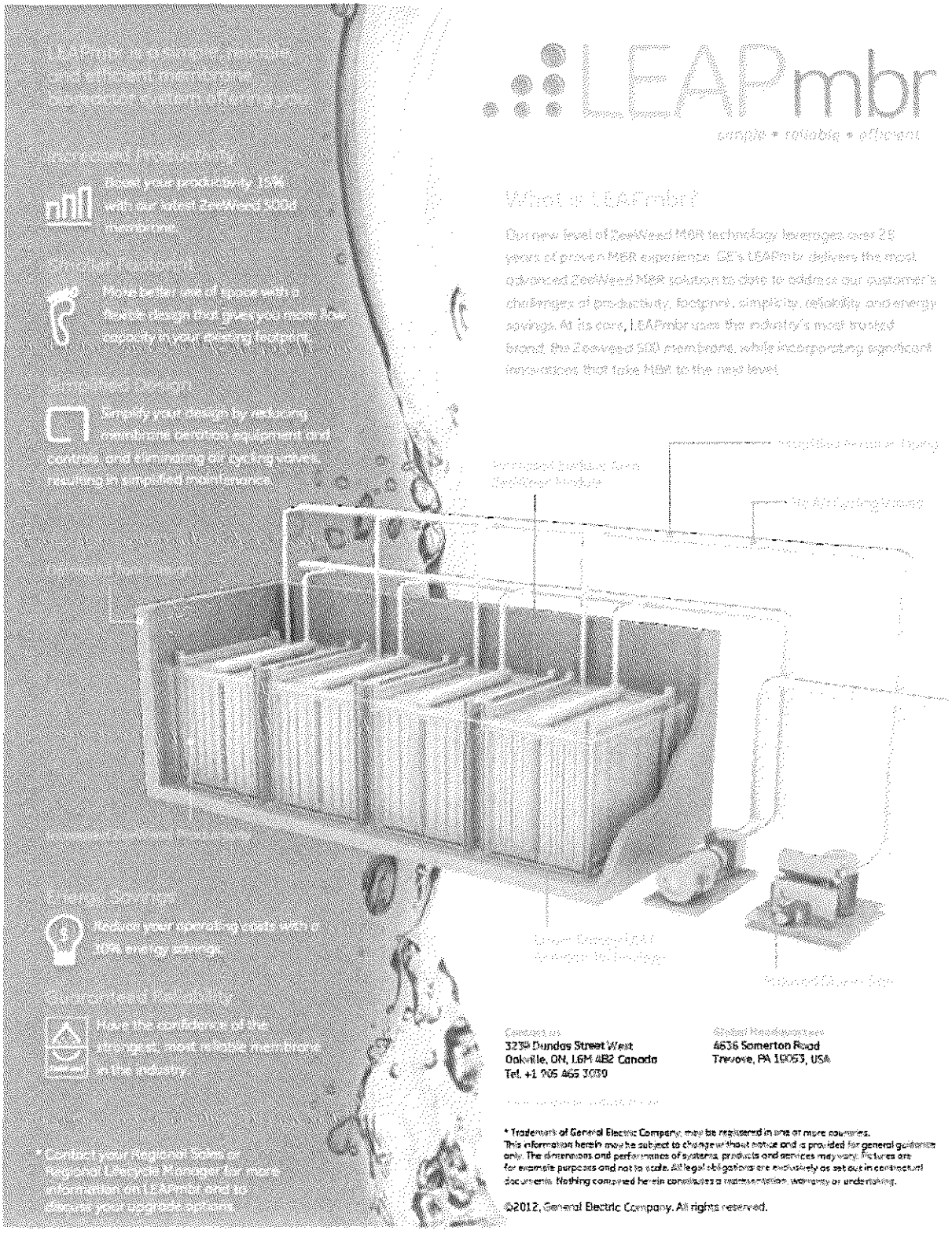
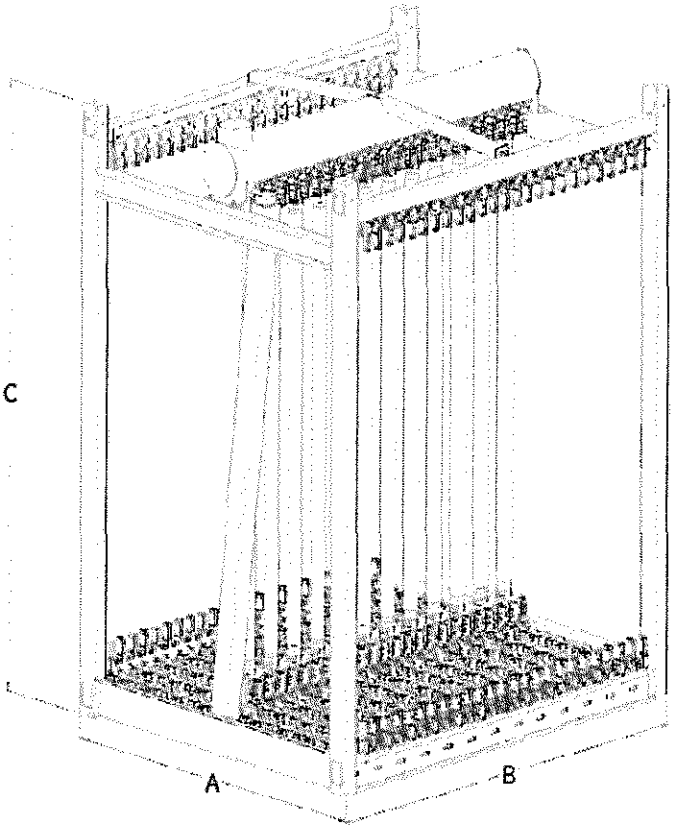


EXHIBIT A

GE
Water & Process Technologies

ZeeWeed® LEAP Cassettes

LEAPmbr



Note: Drawing of 48M LEAP Cassette

Cassette Dimensions

Cassette Size	Width (A) mm (in)	Length (B) mm (in)	Height* (C) mm (in)
48M	1,745 (68.7)	2,112 (83.1)	2,561 (100.8)
16M	738 (29.1)	1,744 (68.7)	2,512 (98.9)
16Ms			2,149 (84.6)

* Permeate manifold connection may be higher than the cassette lifting points to a maximum additional height of 54mm (2.1 in)

Cassette Tie-Points & Weights

Application	Cassette Size	Max. # of ZW Modules	Min. # of ZW Modules	Permeate Connection	Air Connection	Max. Shipping Weight* kg (lb)	Lifting Weight** kg (lb)
LEAPmbr	48M	48	24	1 x 6" vert. pipe	1 x 3" FNPT half coupling	1,809 (3,990)	2,021 – 4,089 (4,457 – 9,039)
	16M	16	8	1 x 4" FNPT half coupling		741 (1,634)	777 – 1,476 (1,713 – 3,254)
	16Ms***	16	8	2 x 3" FNPT half coupling		721 (1,589)	767 – 1,349 (1,691 – 2,974)

* Dotted with maximum number of modules
** Varies with number of modules and solids accumulation
*** 16Ms is for retrofit only, a 1 x 4" FNPT permeate version is available as a custom order

EXHIBIT A

GE
Water & Process Technologies

LEAPmbr Upgrade Considerations:

The LEAPmbr upgrade is available for existing ZeeWeed MBR systems.

For a successful LEAPmbr upgrade you will need to consider the following:

Separate biology & membrane tanks:

Systems with separate biology and membrane tanks are eligible for the upgrade.

Systems with combined biology and membrane tanks are only eligible if the fine bubble diffusers are not located below the membranes.

Membrane tank dimensions:

The existing membrane tanks must be at least 8' wide.

The operating depth required is a minimum of 2.37m (7.8 ft) for the shortest LEAPmbr cassette option.

Clearance height to lift cassette safely:

The LEAPmbr short cassette is 2.2m (7.2 ft) tall. Therefore the minimum clearance needs to be cassette height + hanging arm height.

The normal sized LEAPmbr cassette is 2.53m (8.3 ft) tall and will require additional clearance.

Permeate pump turn-up & pipe sizing:

The higher potential productivity with LEAPmbr can increase the flow rate capacity of your system with the same surface area per train. Pumps that can be turned up will allow you to take advantage of this increased capacity.

Piping that can accommodate the increased flow will allow you to take advantage of the higher capacity.

Type of blower being used & arrangement:

PD, Centrifugal and Turbo blowers can all be used for LEAPmbr Aeration Technology.

The blower arrangement will dictate the logistics of the LEAPmbr Aeration Technology upgrade. A dedicated blower per train will generally allow for quicker installation and minimal impact to day to day plant operations. However, a common blower system can provide simpler control to cover LEAP-HI and LEAP-LO flow operating modes.

Blower turn-down:

The turndown required by the LEAPmbr upgrade will depend on your current membrane product and the type of blower and blower arrangement you have. For example a 500C 22 module 10-10 cyclic aeration plant will see an aeration rate reduction of up to 80% moving to the 500D LEAPmbr 16 module cassette.

How can I get more information?

Get in touch with your Regional Sales or Regional Lifecycle Manager to get more information on LEAPmbr and to discuss your upgrade options.

Email us at www.ge.com/water and click on "contact us".

EXHIBIT A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-373

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE – GROGAN PARK (TIVOLI) PRODUCTION WELL PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH TNT INDUSTRIAL CONTRACTORS, INC., OF SACRAMENTO, CA, IN THE AMOUNT OF $2,027,645, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Grogan Park (Tivoli) Production Well Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Grogan Park (Tivoli) Production Well Project were opened at 11:00 a.m. on July 25, 2017 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,027,645 received from TNT Industrial Contractors, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to TNT Industrial Contractors, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Grogan Park (Tivoli) Production Well Project, accepts the bid of $2,027,645 and awards TNT Industrial Contractors, Inc., of Sacramento, CA, the contract for the Grogan Park (Tivoli) Production Well Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-374

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,157,255 TO BE TRANSFERRED INTO WATER FUND RESERVES FROM 100785-UPP, ENGINEERING DESIGN "TIVOLI AREA- GROGAN PARK WELL" IN ORDER TO CLOSE OUT CIP 100785

WHEREAS, certain budgetary transactions are necessary in the amount of **$2,157,255.00** to be transferred into Water Fund Reserves, in order to close out CIP 100785, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Project Number	Project Name	Task Number	Task Name	PJTD BUDGET	PJTD Commitment	PJTD Actual	PJTD Amt Available	Budget Adjustment
100785	Tivoli Area - Grogan Park Well	CA	Construction Admin	$ 250,000.00	$ -	$ 52,373.42	$ 197,626.58	170,000
	Tivoli Area - Grogan Park Well	CCF	City Construct Force	$ 20,000.00	$ -	$ 231.36	$ 19,768.64	19769
	Tivoli Area - Grogan Park Well	CON	Construction	$2,076,850.00	$ 2,355.00	$ 474,495.00	$ 1,600,000.00	1600000
	Tivoli Area - Grogan Park Well	CTGY-CIP	Contingency - CIP	$ 279,213.00	$ -	$ 21,727.00	$ 257,486.00	257486
	Tivoli Area - Grogan Park Well	EDA	Eng/Design/Admin	$1,158,460.00	$ 348,751.80	$ 711,274.55	$ 98,433.64	75000
	Tivoli Area - Grogan Park Well	ENV	CIP - Environmental	$ 35,000.00	$ -	$ -	$ 35,000.00	35000
	Tivoli Area - Grogan Park Well	LA	Land Acquistion	$ 11,546.00	$ -	$ 10,602.70	$ 943.30	0
Project Totals				$3,831,069.00	$ 351,106.80	$1,270,704.04	$ 2,209,258.16	$ 2,157,255.00

Project Number	Project Name	Task Number	Task Name	PJTD BUDGET	PJTD Commitment	PJTD Actual	PJTD Amt Available	Budget Adjustment
101035	Grogan Park Production Well	CA	Construction Admin	$ 202,765.00	$ -	$ -	$ 202,765.00	$ 202,765.00
	Grogan Park Production Well	CCF	City Construct Force	$ 75,000.00	$ -	$ -	$ 75,000.00	$ 75,000.00
	Grogan Park Production Well	CON	Construction	$2,027,645.00	$ -	$ -	$ 2,027,645.00	$ 2,027,645.00
	Grogan Park Production Well	CTGY-CIP	Contingency - CIP	$ 162,212.00	$ -	$ -	$ 162,212.00	$ 162,212.00
	Grogan Park Production Well	EDA	Eng/Design/Admin	$ 81,106.00	$ -	$ -	$ 81,106.00	$ 81,106.00
	Grogan Park Production Well	ENV	CIP - Environmental	$ -	$ -	$ -	$ -	$ -
	Grogan Park Production Well	LA	Land Acquistion	$ -	$ -	$ -	$ -	$ -
Project Totals				$2,548,728.00	$ -	$ -	$ 2,548,728.00	$ 2,548,728.00

Net Difference to Water Fund Reserves $ 391,473.00

To account for the different phases of this well project, costs associated with the surface improvements will be tracked separately from the subsurface phase that was done under CIP 100785 – UPP.Engineering Design "Tivoli Area – Grogan Park Well". A separate CIP has been created: 101035 – UPP.Engineering Design – "Grogan Park Production Well" for these surface improvements.

Thus, a budget adjustment is necessary to amend the Fiscal Year 2017-2018 Capital Improvement Program Budget. First, upon City Council approval, $2,157,255 will be returned to Water Fund Reserves from CIP 100785. Second, $2,548,728 from Water Fund Reserves will be used to establish the budget for CIP 101035 to fund construction, contingency, construction administration, City construction forces, and design support during construction. The net effect of which to the Water Fund Reserves will be a decrease of $391,473.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-375

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,548,728 TO BE TRANSFERRED INTO THE PROJECT FROM WATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE GROGAN PARK PRODUCTION WELL PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$2,548,728**, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Industrial Grogan Park Production Well Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Project Number	Project Name	Task Number	Task Name	PJTD BUDGET	PJTD Commitment	PJTD Actual	PJTD Amt Available	Budget Adjustment
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	Tivoli Area - Grogan Park Well	ENV	CIP - Environmental	$ 35,000.00	$ -	$ -	$ 35,000.00	35000
	Tivoli Area - Grogan Park Well	LA	Land Acquistion	$ 11,546.00	$ -	$ 10,602.70	$ 943.30	0
Project Totals				$3,831,069.00	$ 351,106.80	$1,270,704.04	$ 2,209,258.16	$ 2,157,255.00

Project Number	Project Name	Task Number	Task Name	PJTD BUDGET	PJTD Commitment	PJTD Actual	PJTD Amt Available	Budget Adjustment
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	Grogan Park Production Well	CCF	City Construct Force	$ 75,000.00	$ -	$ -	$ 75,000.00	$ 75,000.00
	Grogan Park Production Well	CON	Construction	$2,027,645.00	$ -	$ -	$ 2,027,645.00	$ 2,027,645.00
	Grogan Park Production Well	CTGY-CIP	Contingency - CIP	$ 162,212.00	$ -	$ -	$ 162,212.00	$ 162,212.00
	Grogan Park Production Well	EDA	Eng/Design/Admin	$ 81,106.00	$ -	$ -	$ 81,106.00	$ 81,106.00
	Grogan Park Production Well	ENV	CIP - Environmental	$ -	$ -	$ -	$ -	$ -
	Grogan Park Production Well	LA	Land Acquistion	$ -	$ -	$ -	$ -	$ -
Project Totals				$2,548,728.00	$ -	$ -	$ 2,548,728.00	$ 2,548,728.00

Net Difference to Water Fund Reserves $ 391,473.00

To account for the different phases of this well project, costs associated with the surface improvements will be tracked separately from the subsurface phase that was done under CIP 100785 – UPP.Engineering Design "Tivoli Area – Grogan Park Well". A separate CIP has been created: 101035 – UPP.Engineering Design – "Grogan Park Production Well" for these surface improvements.

Thus, a budget adjustment is necessary to amend the Fiscal Year 2017-2018 Capital Improvement Program Budget. First, upon City Council approval, $2,157,255 will be returned to Water Fund Reserves from CIP 100785. Second, $2,548,728 from Water Fund Reserves will be used to establish the budget for CIP 101035 to fund construction, contingency, construction administration, City construction forces, and design support during construction. The net effect of which to the Water Fund Reserves will be a decrease of $391,473.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-376

RESOLUTION APPROVING AN AGREEMENT WITH TANK INDUSTRY CONSULTANTS, INC., OF INDIANAPOLIS, IN, FOR INSPECTION AND EVALUATION SERVICES FOR THE STEEL WATER STORAGE TANK STRUCTURAL REPAIRS, IN AN AMOUNT NOT TO EXCEED $71,128 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $7,113 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIUM TOTAL AMOUNT OF $78,241 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City currently owns and operates nine water storage tanks throughout the water system of Modesto and one water storage tank in the water system of Grayson , and

WHEREAS, recent dive inspections for seven tanks have recently shown signs of rust and or coating issues that require additional inspection and evaluation, and

WHEREAS, this program will perform a thorough inspection of these seven tanks, make recommendations to repair, and/or rehabilitate the tanks to increase their lifespan and to minimize the risk of any potential failures, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, the selection committee evaluated the proposals and determined that Tank Industry Consultants, Inc. to be the most qualified and responsive, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Tank Industry Consultants, Inc., Indianapolis, IN, for inspection and evaluation services in an amount not to exceed $71,128, for the

identified scope of services, plus $7,113 for additional services, if needed, for a maximum total amount of $78,241.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-377

RESOLUTION DENYING THE APPEAL OF FELIPE AND JENNIFER CASALDUC AND AFFIRMING THE PLANNING COMMISSION DETERMINATION THAT THE 3,852 SQUARE FOOT, TWO STORY STRUCTURE BEING CONSTRUCTED AT 2260 MABLE AVENUE IS NOT A LEGALLY PERMISSIBLE ACCESSORY STRUCTURE

WHEREAS, on February 10, 2017 the Code Enforcement Division of the Community and Economic Development Department observed the construction of a two-story structure without the required building permits, inspections and approvals by the Building and Safety Division of the Community and Economic Development Department on residential property located at 2260 Mable Avenue within the Existing Very Low Density Residential (EVLDR) land use designation of the Tivoli Specific Plan, and deeming the structure unsafe and a public nuisance, a Notice and Order to stop all work and remove the structure was issued, and

WHEREAS, the property owners, Felipe and Jennifer Casalduc, applied for a building permit for the structure on March 2, 2017, stating that the structure was a 2,264 square foot two-story expansion of an existing 1,568 square foot two-story accessory storage building, comprising a total of 3,382 square feet, and

WHEREAS, Sec. 3.1.2 of the Tivoli Specific Plan states that if a use is not specified in the Specific Plan, the uses allowed in the equivalent zone in the City's Zoning Ordinance, in this case, the R-1 Zone, apply, and

WHEREAS, Section 10-2.102 of the City's Zoning Code defines Accessory Building, Structure and Use as a building, structure or use that is subordinate to, and the use of which is incidental to, that of the main building structure or use on the same lot, and

WHEREAS, the main building and use on the lot is a 3,199 square foot single-story residence, and

WHEREAS, Section 10-3.201(a) of the City's Zoning Code provides that accessory uses and buildings customarily incidental to permitted and conditional uses are permitted, and cites examples of residential accessory buildings such as storage sheds and detached carports or garages, and

WHEREAS, by letter dated April 24, 2017 to Felipe Casalduc, the Community and Economic Development Director determined that the structure is not an accessory building as allowed by Section 10-3.201(a) of the City's Zoning Code because the two-story structure was substantial in size compared to typical residential accessory buildings, and that the structure appeared from its floor plan and configuration to be intended for a non-residential use; said letter also informing Mr. Casalduc of his right to appeal the Director's decision to the Planning Commission, and

WHEREAS, on May 3, 2017, Felipe and Jennifer Casalduc submitted to the Secretary of the Planning Division an appeal of the Director's decision, which was followed by a second letter of appeal dated May 11, 2017 by David Rishwain of Rishwain & Rishwain Law on behalf of Felipe and Jennifer Casalduc, and

WHEREAS, a public hearing was held by the Planning Commission on July 3, 2017, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at the request of the appellant, the public hearing was continued to the July 17, 2017, Planning Commission meeting, and

WHEREAS, the continued public hearing was held by the Planning Commission on July 17, 2017, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at the conclusion of the public hearing on July 17, 2017, the Planning Commission by Resolution Nos. 2017-19 denied the appeal of Felipe and Jennifer Casalduc to a determination by the Community and Economic Director that a structure being constructed at 2260 Mable Avenue is not a legally permissible accessory structure, and

WHEREAS, on July 26, 2017, Felipe and Jennifer Casalduc filed an appeal with the City Clerk of the City of Modesto to the decision of the Planning Commission to deny their appeal of the director's decision, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on September 12, 2017, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it finds and determines that the 3,832 square foot two-story structure does not meet the definition of an accessory structure, because it is not subordinate and incidental to the dwelling unit, and due to its size, configuration and floor plan, is not a residential accessory structure as allowed by Section 103.201(a) of the City of Modesto Zoning Code, and therefore must be removed.

BE IT FURTHER RESOLVED by the City Council that it finds and determines, based on substantial evidence, the reasons set forth in this Resolution, and testimony in

the administrative record, that the appeal of Felipe and Jennifer Casalduc to the decision of the Planning Commission to deny their appeal to the decision by the Director of Community and Economic Development dated April 24, 2017 is hereby denied, and the decision of the Planning Commission as set forth in its Resolution No. 2017-19 is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-378

RESOLUTION APPROVING THE CITY OF MODESTO'S CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR PROGRAM YEAR 2016-2017 REFLECTING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP GRANTS AND EMERGENCY SOLUTIONS GRANT FUNDS; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires entitlement grantees adopt a comprehensive, long-term plan for the use of its HUD funds, and

WHEREAS, the Five-Year Consolidated Plan, also referred to as the Strategic Plan, analyzes the City's housing and community development needs, with a priority focus on low- and moderate-income individuals, households, and neighborhoods, and describes long-term strategies for meeting those needs, and

WHEREAS, HUD also requires entitlement grantees to submit a Consolidated Annual Performance Evaluation Report (CAPER) to HUD, and

WHEREAS, a CAPER describes how the City used its Community Development Block Grant, HOME Investment Partnerships, and Emergency Solutions Grant funds in a particular fiscal year to address the needs and priorities established in the Consolidated Plan, and

WHEREAS, a notice informing the public of the availability of the Program Year 2016-2017 CAPER, and the start of the public comment period, was published in the Modesto Bee on September 10, 2017 and Vida Del Valle on September 13, 2017, and

WHEREAS, the minimum 15-day public review comment period will closed on September 26, 2017, and

WHEREAS, the Citizens' Housing and Community Development Committee (CH&CDC) considered the proposed CAPER at its September 14, 2017 meeting, and recommended forwarding it to the Council for approval, and

WHEREAS, a duly noticed public hearing was held by the City Council on September 26, 2017 at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, and

WHEREAS, any comments received during the 15-day public review period or during the City Council meeting will be incorporated into the final CAPER.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes approval of the 2016-2017 Consolidated Annual Performance Evaluation Report for the use of Community Development Block Grant, HOME Investment Partnerships Grant, and Emergency Solutions Grant funds, and

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to sign any required certifications and documents for submittal to the U.S. Department of Housing and Urban Development

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-379

RESOLUTION APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) REQUESTING $5,172,318 IN FTA SECTION 5307 FUNDS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES, AND ALL OTHER NECESSARY DOCUMENTS WITH THE FTA

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C Section 5307, and

WHEREAS, the projects for the City of Modesto shown in the Program of Projects (POP), which is **attached** hereto, are eligible to receive federally reimbursable expenses from Section 5307 funds, and

WHEREAS, the projects shown in the **attached** POP are included in the 2017 Federal Transportation Improvement Program (FTIP) adopted by the Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, formerly known as "State Toll Credits", in lieu of a local match, and

WHEREAS, these Section 5307 funds will be used for preventative maintenance, to fund the capital cost of contracting for Stanislaus County, and for employee education and training, bus stop shelters, and maintenance to the downtown Transit Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the submittal of an application to the FTA for $5,172,318 in Section 5307 funds.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

2016-2017 Federal Transit Administration

FTA Section 5307 Program of Projects

FTA Fund Availability 5307 Apportionment for 2016/17 $5,172,318

City of Modesto Projects		Total	Local	FEDERAL
Construct Bus Stop Shelters		$100,000	$0	$100,000
Capital Cost of Contracting for Stanislaus County		$6,138,317	$4,174,056	$1,964,261
Preventative Maintenance		$2,988,057	$0	$2,988,057
Employee Education and Training		$20,000	$0	$20,000
Transit Center Improvements/Maintenance		$100,000	$0	$100,000
	Total	$9,346,374	$4,174,056	$5,172,318

Attachment A

2016-2017 Federal Transit Administration

FTA Section 5307 Program of Projects

FTA Fund Availability 5307 Apportionment for 2016/17 $5,172,318

City of Modesto Projects		Total	Local	FEDERAL
Construct Bus Stop Shelters		$100,000	$0	$100,000
Capital Cost of Contracting for Stanislaus County		$6,138,317	$4,174,056	$1,964,261
Preventative Maintenance		$2,988,057	$0	$2,988,057
Employee Education and Training		$20,000	$0	$20,000
Transit Center Improvements/Maintenance		$100,000	$0	$100,000
	Total	$9,346,374	$4,174,056	$5,172,318

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-380

RESOLUTION APPROVING IMPLEMENTATION OF MODIFICATIONS TO VARIOUS EXISTING MODESTO AREA EXPRESS (MAX) ROUTE SCHEDULES EFFECTIVE FEBRUARY 1, 2018, AND AUTHORIZING THE TRANSIT MANAGER TO IMPLEMENT THE IMPROVEMENTS

WHEREAS, to make the MAX system more efficient and productive, Transit staff recommends modifications to the schedules for various MAX routes, and

WHEREAS, on June 14, 2017 the Healthy Economy Committee reviewed these route and fare changes and recommended fowarding it to Council for approval, and

WHEREAS, Transit staff held four public meetings to discuss these route and fare changes, and made modifications to the initial plan based on input received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves modifications to various existing route schedules effective February 1, 2018 as described in **Attachment C.**

BE IT FURTHER RESOLVED, that the Transit Manager is hereby authorized to implement the improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Route	Weekday Hours		Saturday Hours		Sunday Hours		Description
	NEW	EXISTING	NEW	EXISTING	NEW	EXISTING	
21	41.25	27.5	11.5	11.5	5.5	9.5	Combined with Route 26 and 43, Extended run time to 45 minutes to improve OTP, Retained 15 minute frequency on this route, reduced to hourly service on Sunday
22	42.75	42.75	36	36	10	10	Adjusted timing and run time to improve OTP, Retained 30 minute frequency, and 15 minute frequency along McHenry when combined with Route 23, No change to route map, except removing Keirnan section on Sunday. That section will be completed by Route 23
23	39	27	28.5	0	9	0	Combined with Route 27, Added Saturday and Sunday service, Adjusted timing and run time to improve OTP
24	11	20.25	0	0	0	0	Streamlined due to poor performance, and service being provided on Routes 22, 23, 25, 32, and 37.
25	70	61.75	30	30	20	20	Extended run time to 2.5 hours to improve OTP, Added the Amtrak station on every trip, Aligned route map to the same every day
26	20.25	13.5	18	12	5	5	Combined with Route 21 and 43 to make the routes easier to understand, Extended run time to 45 minutes to improve OTP, Retained 30 minute frequency on this route, Adjusted Sunday schedule by 15 minutes
27	0	13	0	13	0	0	Removed route, area covered by Route 23
28	11	25.5	0	5.5	0	0	Reduced to hourly weekday service, Consolidated with Route 31
29	28	27.25	23	23.5	10	10	Adjusted time timing slightly
30	36	33.75	24	22	10	9.5	Adjusted the stop timing slightly
31	40.5	31.5	34.5	17.25	9	8.5	Combined with Route 28 to improve service along Pelandale, Retained 30 minute frequency on weekdays, Increased Saturday frequency to 30 minutes, Removed the 6:00 AM trip from the mall due to low ridership
32	33.75	28	12	12	10	10	Adjusted the stop timing slightly, and only do Mable Loop
33	19.5	12.75	16.5	6	4.5	4.5	Extended run time to 45 minutes to improve OTP, Increased Saturday frequency to 30 minutes
34	0	18	0	15	0	0	Eliminated route, service being provided on Routes 22, 23, 24, 25, 32, and 37.
36	13.75	17.25	12.5	12.5	0	0	Adjusted the stop timing slightly
37	22	22	17.5	14.5	0	0	Extended run time to 1.75 hours to improve OTP, removed one early morning trip, adjusted stop timing
38	14	14	12	12	5	5.5	Adjusted stop timing slightly
39	0	5.75	0	0	0	0	Route Eliminated. Area already served by StaRT.
41	10.5	10.25	10	5	0	0	Slight timing change, same time span
42	28	27.5	24	23.5	10	10	Adjusted stop timing slightly
43	0	12	0	9.5	0	4	Removed route, area covered by new route 21 and new route 26
BART	18.5	15	0	0	0	0	Added a mid-day trip
ACE	10.5	10.5	0	0	0	0	No change
Rover	8	8	0	0	0	0	No change
Total	**518.25**	**524.75**	**310**	**280.75**	**108**	**106.5**	
FY18 Days	253	253	54	54	52	52	
Annual Total	131,117	132,762	16,740	15,161	5,616	5,538	

Total New	153,473
Total Exisiting	153,460

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-381

RESOLUTION ESTABLISHING PASSENGER FARES FOR ALL MODESTO AREA EXPRESS (MAX) AND MODESTO AREA DIAL-A-RIDE (DAR) SERVICES EFFECTIVE FEBRUARY 1, 2018, AND AUTHORIZING THE TRANSIT MANAGER TO IMPLEMENT THE CHANGES

WHEREAS, passenger fares for Modesto Area Express and Modesto Area Dial-A-Ride covered approximately 20% of the expenses to operate these services in Fiscal Year (FY)15/16, and

WHEREAS, passenger fares for Modesto Area Express and Modesto Area Dial-A-Ride will fall below 20% of the expenses to operate these services in FY16/17, and

WHEREAS, a fare increase is needed to meet the 20% minimum mandated by the Transportation Development Act, and

WHEREAS, the fare rates included in this resolution are projected to increase fare revenue in FY 2017/18 and cover approximately 21% of operating costs, and

WHEREAS, Modesto Area Express and Modesto Area Dial-A-Ride fares were last raised on July 6, 2014, and

WHEREAS, on June 14, 2017, the Healthy Economy Committee reviewed and approved the staff recommendation to raise fares, and

WHEREAS, the public had an opportunity to comment on the proposed fare increases at four public meetings held in Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on Modesto Area Express and Modesto Area Dial-A-Ride:

MODESTO AREA EXPRESS Urban Service	
Cash Fares (one trip)	
Regular	$2.00
Student	$1.50
Senior/Disabled	$1.00
Day Pass (unlimited trips)	$4.00
7 Day Pass (unlimited trips for 7 days)	$20.00
Student Field Trip	$0.50
31 Day Passes (unlimited trips)	
Regular Pass	$58.00
Student Pass	$48.00
Senior/Disabled Pass	$29.00
Ticket Books (50 Tickets)	
Regular	$100.00
Student	$75.00
Senior/Disabled	$50.00
BART Express Commuter Service	
Monthly	$175.00
Beginning the 8th of the month	$140.00
Beginning the 15th of the month	$90.00
Beginning the 22nd of the month	$50.00
Half-Month Pass (1st – 15th each mo.)	$90.00
One-Way	$14.00
Round-Trip	$16.00
ACE Express Commuter Service	
Single Trip (No change proposed)	$3.00
20 Ride Ticket	$42.00
MODESTO AREA DIAL-A-RIDE	
Cash	$3.00
Ticket Book (10 Tickets)	$30.00

BE IT FURTHER RESOLVED that these fares shall go into effect on and after February 1, 2018.

BE IT FURTHER RESOLVED that the Transit Manager is hereby authorized to implement the changes to passenger fares.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of September, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-382

RESOLUTION APPROVING AN AGREEMENT WITH PUBLIC FINANCIAL MANAGEMENT (PFM) FINANCIAL ADVISORS LLC, SAN FRANCISCO, CALIFORNIA, FOR 3 YEARS WITH 2 ONE-YEAR EXTENSION OPTIONS AT AN ANNUAL COST NOT TO EXCEED $75,000 AND A TOTAL COST OF $375,000 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Municipal Code Section 8-4.301, the City may issue bonds or refund bonds based on the financing needs for the City which will, in the long-term, benefit the City's debt financing portfolio strategy, and

WHEREAS, the City utilizes a financial advisory services company to assist in monitoring the City's debt portfolio of over $400.8 million in a fiduciary capacity with oversight by the Director of Finance, and

WHEREAS, Public Financial Management (PFM) will assist the City in identifying the best financing strategies to optimize the lowest financing cost based on the guidelines defined under the City's Debt Management Policy and State statutes, and

WHEREAS, these services include the following:

1. Services related to the Financial Planning and Policy Development upon request of the City and as directed by the City Manager or his designee
2. Assist in the annual updating of our Debt Management Policy to ensure revisions are based on new regulatory requirements
3. Review existing debt for the possibility of refunding debt to generate savings
4. Analyze financial and economic factors to determine if the issuance of bonds is appropriate

5. Review the terms, conditions and structure of any proposed debt offering undertaken by the City and provide suggestions, modifications and enhancements where appropriate and necessary to reflect the constraints or current financial policy and fiscal capability
6. Assist with credit rating presentations including review and comment on presentation strategies and content
7. Assist with the procurement of other services relating to debt issuance such as underwriting services, printing, paying agent, registrar, trustee, etc.
8. As applicable, advise the City on the condition of the bond market at the time of sale, including volume, timing considerations, competing offerings, and general economic considerations, and

WHEREAS, in April 1, 1995, the City awarded the financial advisory services contract to PFM to provide services associated with determining a method and finance structures for capital projects, review of refunding opportunities, and other projects as requested by the City, and

WHEREAS, with over 22 years of services for the City, PFM has a long-term history of our debt financing structure and continues to identify opportunities to reduce our financing costs associated with the City's debt structure without exposing the City to any unnecessary risk, and

WHEREAS, in reviewing the competitive bidding process for the City of Fortuna, their Finance Department accepted two (2) proposals for review; the selection of PFM was made based on documented experience of the PFM staff who were assigned to their

account for support for the financial advisory services and their extensive experience managing government debt financing for California cities and other public agencies, and

WHEREAS, Modesto Municipal Code authorizes entities to rely on terms that have already been competitively bid "piggybacking" in certain situations; based on the review of the bidding process for the City of Fortuna, the City will be "piggybacking" on their bid, and

WHEREAS, the Purchasing Manager has determined, pursuant to Section 8-3.204(d) of the MMC, that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, current estimated annual financial advisory service costs are approximately $75,000 and vary each year depending on the complexity and number of debt transactions; the City shall pay PFM the following hourly rates for services based on the debt financing needs of the organization for the various services performed during each fiscal year; the hourly rates based on the work performed by PFM shall be:

- Managing Director - $350
- Senior Managing Consultant - $275
- Senior Analyst or Analyst - $225

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an agreement with Public Financial Management (PFM) Financial Advisor LLC, San Francisco, CA for a term of 3 years with 2 one-year extension options at an annual cost not to exceed $75,000 and a total cost of $375,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-383

RESOLUTION AMENDING THE CLASSIFICATION PLAN FOR THE CITY OF MODESTO TO AMEND THE TITLE OF PUBLIC INFORMATION COORDINATOR TO COMMUNITY AND MEDIA RELATIONS OFFICER AND CREATE THE CLASSIFICATION OF PUBLIC SAFETY INFORMATION COORDINATOR

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 2008-681 pursuant to Rule 2.2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. CLASSIFICATION PLAN AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to amend the title of Public Information Coordinator to Community and Media Relations Officer and create the classification of Public Safety Information Coordinator to salary range 436.

2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-384

RESOLUTION AMENDING THE CLASS RANGE TABLE FOR REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO AMEND THE TITLE OF PUBLIC INFORMATION COORDINATOR TO COMMUNITY AND MEDIA RELATIONS OFFICER AND ADD PUBLIC SAFETY INFORMATION COORDINATOR TO SALARY RANGE 436

WHEREAS, the City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 27, 2017 was adopted by Modesto City Council Resolution No. 2017-255, and

WHEREAS, the City Council desires to amend **Attachment 10** of Resolution No. 2017-255, which approved the Class Range Table for Represented Management and Confidential Non-Sworn Classes Effective June 27, 2017, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. AMENDMENT TO RESOLUTION NO. 2017-255. **Attachment 10** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective June 27, 2017", of Resolution No. 2017-255, is hereby amended and replaced with **Exhibit A attached** hereto and made a part hereof as though set forth in full herein and summarized as follows:

A. **Exhibit "A"** entitled "City of Modesto Class Range Table Represented Management and Confidential Non-Sworn Classes Effective October 3, 2017", is amended to:

i. Add Public Safety Information Coordinator to salary range 436

ii. Amend title of Public Information Coordinator to Community and Media Relations Officer at salary range 440

2. EFFECTIVE DATE. This resolution shall become effective on and after October 3, 2017.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the Interim City Manager or designee is hereby authorized to execute the agreement.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
REPRESENTED MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
Effective **October 3, 2017**

RANGE	TITLE
410	Administrative Office Assistant II (Confidential) Account Clerk I (Confidential)
412	Police Clerk II (Confidential) Account Clerk II (Confidential)
414	Administrative Office Assistant III (Confidential)
417	Legal Secretary I
418	Systems Technician I Senior Administrative Office Assistant (Confidential)
420	Workers' Compensation Claims Assistant
421	Administrative Services Technician I (Confidential) Legal Secretary II Executive Assistant
422	Deputy City Clerk Homeless Management Information System (HMIS) Technician Systems Technician II
423	Account Technician (Confidential) Custodian Supervisor Senior Legal Secretary Workers' Compensation Claims Examiner I
424	Buyer
425	Administrative Services Technician II (Confidential) Office Supervisor
426	Central Stores Supervisor Employee Benefits Coordinator Financial Analyst I Homeless Management Information System (HMIS) Program Coordinator Senior Systems Technician
427	Administrative Analyst I Technology Solutions Analyst I

RANGE	TITLE
	Utility Dispatch Supervisor
428	Animal Control Supervisor
	Human Resources Analyst I
	Workers' Compensation Claims Examiner II
429	Assistant Planner
	Parking Adjudication Program Coordinator
	Parking Services Supervisor
	Police Range and Training Center Coordinator
430	Assistant City Clerk
	Financial Analyst II
	Senior Buyer
	Software Analyst I
	Systems Engineer I
431	Administrative Analyst II
	Events Coordinator
	Police Civilian Supervisor
	Technology Solutions Analyst II
432	Human Resources Analyst II
	Junior Engineer
	Neighborhood Preservation Supervisor
	Senior Workers' Compensation Claims Examiner
433	Assistant Surveyor
	Associate Planner
	Water Resources Analyst
434	Compost Facility Supervisor
	Financial Analyst III
	Operations Supervisor
	Recreation Supervisor
	Recycling Program Coordinator
	Software Analyst II
	Systems Engineer II
435	Assistant Transportation Planner
	Business Analyst
	Cultural Services Program Manager
	Customer Services Supervisor

RANGE	TITLE
	Emergency Medical Services Coordinator
	Management Analyst
	Organizational Development Coordinator
	Parks Project Coordinator
	Transit Analyst
	Weed and Seed Program Coordinator
436	Assistant Engineer
	Housing Rehabilitation Supervisor
	Public Safety Information Coordinator
	Senior Crime and Intelligence Analyst
438	Economic Development Marketing Specialist
	Electrical Supervisor
	Plant Maintenance Supervisor
	Property Agent
	Public Safety Business Services Analyst
	Risk and Loss Control Coordinator
	Senior Community Development Program Specialist
	Senior Financial Analyst
	Senior Human Resources Analyst
	Senior Software Analyst
	Senior Systems Engineer
439	Administrative Services Officer
	Associate Land Surveyor
	Associate Transportation Planner
	Electrical Supervisor – Utilities
	Senior Business Analyst
	Senior Planner
440	Associate Engineer
	Environmental Services Supervisor
	Integrated Waste Specialist
	Materials Management Superintendent/City Arborist
	Community and Media Relations Officer
	Utilities Services Supervisor
	Utilities Plant Operations Supervisor
441	Housing and Urban Development Supervisor
	Infrastructure Financing Program Supervisor
	Laboratory Supervisor
	Police Civilian Manager

RANGE	TITLE
442	Centre Plaza Manager
	Construction Inspection Supervisor
	Principal Information Technology Administrator
	Purchasing Manager
443	Associate Civil/Traffic Engineer
	Customer Services Manager
	Parks Planning and Development Manager
	Senior Transportation Planner
444	Building Safety Program Coordinator
	Building Inspection Supervisor
	Environmental Regulatory Compliance Manager
	Plant Maintenance Superintendent
	Recreation Program Manager
	Water Superintendent
445	Airport Manager
	Deputy Fire Marshal
	Fleet Manager
	Senior Land Surveyor
	Streets Manager
446	Accounting Manager
447	Principal Planner
	Traffic Operations Engineer
448	Recreation and Neighborhoods Services Manager
	Transit Manager
	Solid Waste Program Manager
449	Assistant Chief Building Official
	Information Technology Manager
450	Business Center Manager
	Community Development Manager
	Planning Manager
	Senior Civil Engineer
	Wastewater Collections Systems Manager
	Water Quality Control Plant Manager
	Water Systems Manager

RANGE	TITLE
451	Operations Manager
452	Traffic Engineer
453	Chief Building Official Parks Recreation & Neighborhoods Operations Manager
459	City Engineer Engineering Division Manager

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-385

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 POSITION ALLOCATION FOR THE CITY MANAGER'S OFFICE

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 27, 2017, as part of the Annual Budget of the City of Modesto for Fiscal Year 2017-2018, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, (Pay Period beginning October 3, 2017), and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2017-18 Position Allocation for the City Manager's Office as follows:

1. Reallocate one (1) Public Information Coordinator to one (1) Community and Media Relations Officer in the Administration Division of the City Manager's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-386

RESOLUTION APPROVING AN AMENDMENT TO THE MONTH-TO-MONTH LEASE AGREEMENT WITH STANISLAUS IMPLEMENT & HARDWARE COMPANY LTD, FOR THE USE OF ITS PARKING LOT FOR $1,500 PER MONTH; AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS; AND RESCINDING RESOLUTION NO. 2015-138

WHEREAS, the City Council previously approved Resolution No. 2015-138 authorizing the City Manager, or his designee, to execute a lease agreement to allow the Modesto Police Department (MPD) to use the parking lot owned by Stanislaus Implement & Hardware Company Ltd.; and

WHEREAS, the amendment to the lease agreement is on a month-to-month basis, and if approved by Council, will commence September 1, 2017, in the amount of $1,500; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the amendment to the Lease Agreement with Stanislaus Implement & Hardware Company, LTD. for use of its parking lot for One Thousand Five Hundred Dollars ($1,500) a month on a month-to-month basis, and rescinds Resolution No. 2015-138.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the lease agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-387

RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT OF NITRATE ANALYZER EQUIPMENT AND FIELD SERVICES TO HACH COMPANY, LOVELAND, CO, FOR A THREE-YEAR AGREEMENT WITH AN ANNUAL COST OF $84,098, AND A TOTAL OF UP TO $252,294 OVER THREE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE AGREEMENT

WHEREAS, on November 25, 2014, by Resolution No. 2014-493, Council authorized the award of a sole source procurement nitrate analyzer equipment and services with Hach Company, Loveland, CO. The current Agreement No. 70304 expires November 30, 2017, and

WHEREAS, in 2006, the installation of nitrate analyzers was mandated by the State Water Resources Control Board (SWRCB) and the operating permit requires nitrate concentrations be monitored continuously by an online nitrate analyzer at facilities with high nitrate concentration levels, and

WHEREAS, the Interim City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for nitrate analyzer equipment and services, and

WHEREAS, Hach Company was chosen by staff because of its reliability, ease of use, and accuracy and is the sole manufacturer for nitrate analyzer equipment and service, and the service and maintenance must be done by a Hach certified technician or the warranty will be voided, and

WHEREAS, City staff recommends the purchase of nitrate analyzers and services from Hach Company, Loveland, CO, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(b), is available where the Purchasing Agency's requirements can be met solely by a single article or process. The Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and that there are no competitors. In addition, service and maintenance must be done by a Hach certified technician or the warranty will be voided. The sole source award of an agreement to Hach Company, Loveland, CO, will conform to Modesto Municipal Code 8-3.204(b), and

WHEREAS, the cost for these services will be covered by the Water funds through existing budget in the following cost centers and projects:

4100-45050-53300	Professional Services	$ 113,000
4180-59999-100799	Nitrate Analyzer Installation	$ 139,294
	TOTAL	$ 252,294

WHEREAS, pricing will remain firm the first year of this agreement; however subsequent years two and three there will be a 3% increase per year for both equipment and field services and has been included in this estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sole source procurement of nitrate analyzer equipment and field services to Hach Company, Loveland, CO, for a three-year agreement with an annual cost of $84,098, and a total up to $252,294 over three years.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to issue a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-388

RESOLUTION DECLARING A CITY-OWNED PROPERTY AS SURPLUS PROPERTY, LOCATED ON 1024 NEEDHAM STREET (APN 105-032-001)

WHEREAS, the City of Modesto owns real property on 1024 Needham Street (APN 105-032-001), and

WHEREAS, this property, a former City pump station, is no longer used by the City and there are no other uses for this property by the City, and

WHEREAS, this property, due to its size of less than 5,000 square feet, is exempt surplus land, and

WHEREAS, staff recommends the unused property be declared as surplus property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the property located on 1024 Needham Street (APN 105-032-001) be declared as surplus property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-389

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH MICHAEL CUNHA AND TAMMY CUNHA, FOR CITY-OWNED REAL PROPERTY LOCATED AT 1024 NEEDHAM STREET (APN 105-032-001), IN THE AMOUNT OF $92,005 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL NECESSARY DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto owns real property on 1024 Needham Street in Modesto (APN 105-032-001), and

WHEREAS, this property was purchased by the City for the construction of Pump Station No. 9 in 1930, and

WHEREAS, Pump Station No. 9 was closed in the 1990's is no longer used by the City and there are no other uses for this property by the City, and

WHEREAS, according to our standard practice, the property was appraised by an independent professional appraiser and the appraiser reported a value of $60,000, and

WHEREAS, in addition, the appraisal report identified a number of deferred maintenance items which were due to the City's lack of budget for building repairs and,

WHEREAS, when the property was listed on the multiple listing service, the broker received several calls of interest with only a few offers slightly above the asking price of $60,000, and

WHEREAS, two serious buyers quickly emerged increasing the offer price and the current tenant was the successful highest bidder offering $92,005, and

WHEREAS, the buyer is aware of the repair items and agreed to purchase the property "As Is" and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase and Sale Agreement with Michael Cunha and Tammy Cunha, for City-Owned Real Property located at 1024 Needham Street (APN 105-032-001), in the amount of $92,005.

BE IT FURTHER RESOVLED that the Interim City Manager, or his designee, is authorized to execute the Purchase and Sale Agreement, the Grant Deed, and all necessary sale documents required for the sale of the real property (APN 105-032-001) and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-390

RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT WITH NORTH STAR ENGINEERING GROUP, INC., FOR FINAL DESIGN SERVICES FOR THE DEL RIO TANK, PUMP STATION, AND NEW WELL PROJECT IN AN AMOUNT NOT TO EXCEED $229,402 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $35,039 FOR ADDITIONAL SERVICES (IF NEEDED), UP TO A TOTAL AMOUNT OF $264,441, FOR AN AGREEMENT AMOUNT OF $614,833 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, per the City of Modesto's 2010 Water System Engineer's Report a hydraulic assessment of the system was performed to evaluate the system's ability to meet the community's current and build-out demands, and

WHEREAS, this assessment identified the need to correct existing supply and pressure deficiencies, and

WHEREAS, the City was obligated to provide this improvement by January 31, 2014, in accordance with the amended terms of a Settlement Agreement between the City and the Del Rio Community Association, and

WHEREAS, project delays occurred due to litigation, while staff continued to work with the Del Rio Community Association to extend the deadline, and

WHEREAS, in consideration of the Settlement Agreement with the Del Rio Community Association, and the City's obligation to complete the recommended improvements to meet the existing Del Rio water system needs, the Utilities Department Director informed staff to move forward with final design in the summer of 2017, and

WHEREAS, the scope of work for the final design services amended agreement is comprehensive, consistent with the Final Environmental Impact Report and the negotiated amended fee is reasonable, and

WHEREAS, given the unique and specialized expertise required for design of tanks and pump stations, and consideration of the amount of work that was already completed, it was determined by staff to be in the City's best interest to proceed with allowing North Star and Carollo to continue with the final design responsibilities, and

WHEREAS, North Star and Carollo will be required to deliver a complete set of 100% biddable set of construction documents that includes improvement plans, specifications and cost estimates, and

WHEREAS, Carollo has agreed to continue to freeze its billing rates at the original 2013 rates until the project is completed; this may result in lower billing rates than the City would have paid if it terminated and reopened this contract, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, the first amendment to the agreement is for professional services and, therefore, exempt from the bid requirement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Agreement with North Star Engineering Group, Inc., for Final Design Service for the Del Rio Tank, Pump Station and New Well project in an amount not to exceed $229,402 for the identified scope of services, plus $35,039 for additional services (if needed), up to a total amount of $264,441, for an agreement total of $614,833.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-391

RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED OCTOBER 2012 FOR THE DEL RIO TANK, PUMP STATION AND NEW WELL PROJECT AS COMPLETE

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, per the City of Modesto's 2010 Water System Engineer's Report a hydraulic assessment of the system was performed to evaluate the system's ability to meet the community's current and build-out demands, and

WHEREAS, this assessment identified the need to correct existing deficiencies in the system, and

WHEREAS, on June 12, 2012, by Resolution No. 2012-242, Council approved an agreement with NorthStar Engineering Group, Inc. (NorthStar), for preparation of a Preliminary Design Report (PDR) for the Del Rio Tank, Pump Station and New Well project, and

WHEREAS, the PDR was approved by Council Resolution No. 2012-496 but due to a lawsuit by the North Modesto Groundwater Alliance in 2012, Council rescinded the PDR by Resolution No. 2013-414 and,

WHEREAS, on September 5, 2017, Council certified the Final Environmental Impact Report for the Del Rio Tank and Wells Project by Resolution 2017-347 and,

WHEREAS, staff recommends acceptance of the PDR as complete as it has been determined that the PDR for the Del Rio Tank, Pump Station and New Well project meets the City's operational need and,

WHEREAS, upon acceptance of the report by City Council, NorthStar is intended to proceed with the completion of final design documents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the PDR dated October 2012 for the Del Rio Tank, Pump Station and New Well project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-392

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FAMILY OF SERGEANT MICHAEL PERSHALL, FOR THE PURCHASE OF RETIRED CITY OF MODESTO POLICE CANINE, IKE; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Police Chief for the City of Modesto, from time to time, officially retires police canines from departmental service, and

WHEREAS, the Modesto Police Department wishes to retire Ike from active service as a police service dog, and

WHEREAS, it is the desire of the former handler's family to purchase the canine and assume possession of his assigned canine, Ike, upon the dog's official retirement, and

WHEREAS, it is necessary to adopt a resolution authorizing the purchase of a City of Modesto police canine by its former assigned handler,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Sergeant Michael Pershall's family for the purchase of retired police canine, Ike.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-393

RESOLUTION AMENDING THE PARKING FEE STRUCTURE FOR SINGLE SPACE VEHICLES TO $1.25 PER HOUR, 24 HOURS PER DAY, AND RESCINDING RESOLUTION NO. 2016-432

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, and

WHEREAS, by Resolution No. 2016-432, Council established the current parking rates, and

WHEREAS, the Healthy Economy Committee met on September 13, 2017 and discussed changing the parking fee structure in an effort to help continue the revitalization of the downtown area at the same time maintaining the City's revenue base and,

WHEREAS, the Healthy Economy Committee, as well as staff, supports the recommendation of the following parking fee structure:

1. GARAGE PARKING FACILITIES

(1) The following municipal garage parking facilities are: Eleventh Street Garage (Lot 28) west side of 11th Street between I and J Streets;

(2) Ninth Street Garage (Lot 43) west side of 9lh Street between K and L Streets;

(3) Tenth Street Garage (Lot 44) west side of 11th Street between J and K Streets

(a) Vehicular parking on said parking facilities shall be controlled and regulated as follows:

(1) A $1.25 per hour fee, 24 hours per day, 7 days per week (up to a possible daily maximum of $15). The 24-hour period maximum fee will be $15 unless validated in accordance with the provisions of Section 3.2.1604.

(2) Flat fee pre-pay entry charges will continue to be utilized for large events for safety and efficiency of ingress and egress in the parking facilities as deemed necessary by the Parking Supervisor.

(3) Replacement of a lost ticket will be the daily maximum fee of $15.

(b) The price for validation tickets to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, will be $132 for a packet of one hundred validations.

(c) The Parking Supervisor may designate spaces in said garage parking facilities for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(d) Monthly parking passes may be authorized by the Parking Supervisor at said garage parking facilities when it does not encroach on the needs of commercial parking and/or other parking agreements. The monthly charge for such passes for the three parking garages (Lots 28, 43 and 44) shall be $80.

(e) From time to time, the promoters of special events have the need to use the street level floor of the Eleventh Street parking garage for their events. The charges for such "buy-out" rentals shall be $225 per 24-hour period or portion thereof. The "buy-out" for the entire Eleventh Street parking garage would be $1,665 per 24-hour period or portion thereof.

(f) In order to accommodate patrons who are unable to locate a parking space, a twenty-minute free grace period shall be allowed.

2. SURFACE PARKING LOTS

(a) For the purposes of this section, municipal off-street parking facilities shall continue to be defined as those that are equipped with automated collection devices and/or are staffed. Parking lots described in Section 3 below shall be excluded.

(b) Vehicular parking in said parking facilities shall be controlled and regulated as follows:

(1) $1.25 per hour, 24 hours per day, 7 days per week (up to a possible daily maximum of $15). The 24-hour period maximum fee will be $15 unless validated in accordance with the provisions of Section 3.2.1604.

(2) Flat fee pre-pay entry charges will continue to be utilized for large events for safety and efficiency of ingress and egress in the parking facilities as deemed necessary by the Parking Supervisor.

(c) The price for validation tickets to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be $132 for a packet of one hundred validations.

(d) The Parking Supervisor may designate spaces in said parking facilities for the free

parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Parking Supervisor for any surface parking lot when it does not encroach on the needs of commercial parking. The monthly charges for such passes shall be $80.

(f) Recreational Vehicles (RVs) may be allowed to park on surface lots as designated by the Parking Supervisor. The charges per 24- hour period, or portion thereof, shall be $20.

(g) Buses and commercial trucks may be allowed to park on surface lots as designated by the Parking Supervisor. The charges per twenty-four hour period, or portion thereof, shall be $30.

(h) From time to time, the promoters of special events have the need to use an entire surface lot for their event. The charges for such "buy-out" rentals shall be $275 for the surface lot at 9th and I (55 spaces), $210 for the surface lot at 9th and J (42 spaces), $225 for the street level floor of the Eleventh Street garage (45 Spaces), $1665 for the entire Eleventh Street garage (333 spaces) and $750 for the Centre Plaza surface lot (150 spaces). In addition, a discount of $1 per space shall be provided at the Centre Plaza lot when the rental of the Centre Plaza lot is in conjunction with an event at the Modesto Centre Plaza. In that case, the rate will be $600, with $75 of that amount going to the Centre Plaza operating fund.

(i) Additional surface parking facilities and/or hours of operation, including weekends, may be authorized by the Parking Supervisor as appropriate to meet parking needs, comply with existing agreements, or allow for collection of fees for special events.

3. FREE PARKING LOTS

(a) The following municipal off-street parking facilities shall be free parking lots:

(1) Lot 13, north side of H Street between 15th and 16th Streets (Stanislaus County Library);

4. DISABLED PERSONS

Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

5. JURY PARKING

Persons ordered to appear for jury duty may park exclusively in the municipal off-street parking facility on the east side of 8th Street between K and L streets in compliance with the fees and regulations specified in this resolution.

NOW THEREFORE BE IT RESOLVED by Council of the City of Modesto that it hereby approves amending the parking fee structure for single space vehicles to $1.25 per hour, 24 hours per day.

BE IT FURTHER RESOLVED that Resolution No. 2016-432 is hereby rescinded and replaced by this new parking fee structure, as set forth herein, effective on Tuesday, November 14, 2017 at 12:00 a.m.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-394

RESOLUTION APPROVING SUMMARY ABATEMENT OF PROPERTY AT 624 9TH STREET (APN 106-043-010) AND AUTHORIZING INTERIM CITY MANAGER, OR HIS DESIGNEE, TO PAY NECESSARY COSTS RELATING TO SUMMARY ABATEMENT IN AN AMOUNT NOT TO EXCEED $150,000

WHEREAS, the property located at 624 9th Street (APN 106-043-010) (Property), which has a 29 unit apartment complex has been the subject of a code enforcement action since at least May 18, 2017, and

WHEREAS, on August 2, 2017, Council approved through Resolution No. 2017-307 payment of Relocation Benefits pursuant to Modesto Municipal Code 4-12.501 *et seq*. to the legal tenants of the Property, and

WHEREAS, as a result of the ongoing substandard condition of the Property, the City condemned the building and issued a 72-hour Notice to Vacate on Tuesday, August 29, 2017, and

WHEREAS, on Friday, September 1, 2017, all of the units were vacated and City staff ensured that the building was boarded and secured, and

WHEREAS, on Monday, October 2, 2017, a fire occurred at the Property which caused, among other things, the destruction of the roof structure and ceiling joist, the collapse of the roof onto the second floor of the structure, approximately one quarter of the second floor joist, subfloor and walls to collapse into the undeveloped first floor of the structure, the exterior wall covering, and the interior walls used to support the exterior unreinforced masonry brick, and

WHEREAS, the Chief Building Official for the City of Modesto has inspected the Property and has determined that the cost of rehabilitation of the Property would exceed the value of the Property by more than 75%, and

WHEREAS, the Chief Building Official recommends immediate summary abatement of the Property due to the imminent danger of further collapse of the interior and exterior walls of the structure on the Property, the openness of the Property, the susceptibility of the Property to homeless and vandals, and the potential for damage to surrounding properties, and

WHEREAS, the Modesto Board of Building Appeals authorized through Resolution No. 2017-05, among other things, the abatement of the nuisance by razing or removing the buildings, and

WHEREAS, pursuant to Modesto Municipal Code section 1-6.604, the Chief Building Official and the Director of Community and Economic Development have determined that an imminent life safety hazard exists that requires immediate elimination, and

WHEREAS, the City is authorized to seek recovery of the costs of summary abatement against the Property owners through the nuisance abatement lien procedure in Modesto Municipal Code section 1-6.702, in addition to any other method authorized by law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the summary abatement of Property at 624 9th Street (APN 106-043-010).

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to pay the necessary costs relating to summary abatement, in an amount not to exceed $150,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of October, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-395

RESOLUTION ACCEPTING THE RESIGNATION OF KRISTIE NELSON FROM THE CITY OF MODESTO CITIZENS' HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, The Citizens' Housing and Community Development Committee was established to make policy and funding recommendations regarding the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnership Grant programs, and

WHEREAS, May 2, 2017, by Resolution No. 2017-163, Kristie Nelson was appointed to the City of Modesto Citizens' Housing and Community Development Committee, and

WHEREAS, due to employment conditions, Kristie Nelson is no longer able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto it hereby accepts the resignation of Kristie Nelson from the City of Modesto Citizens' Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-396

RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR ROSE VILLAS ONE SUBDIVISION AND ROSE VILLAS TWO SUBDIVISION, LOCATED AT 2101 MABLE AVENUE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER'S OFFICE, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Modesto Mable, LLC, a California limited liability company ("SUBDIVIDER"), is the subdivider of a tract of land situated in the City of Modesto, consisting of 22.57 acres, known as the ROSE VILLAS ONE SUBDIVISION and ROSE VILLAS TWO SUBDIVISION ("SUBDIVISION"), and

WHEREAS, the Public Works Department has verified that all required PUBLIC IMPROVEMENTS for this project have been satisfactorily completed and all inspection fees have been paid, and

WHEREAS, the Public Works Department will assume maintenance responsibilities upon acceptance of the PUBLIC IMPROVEMENTS, which includes the water main, the sewer main, City street trees, sidewalk and ADA ramps along Rose Avenue, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed Faithful Performance Bonds in the amount of $2,177,425 for ROSE VILLAS ONE and $740,400 for ROSE VILLAS TWO, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed Payment Bonds in the amount of $1,088,712 for ROSE VILLAS ONE and $370,200 for ROSE VILLAS TWO, and

WHEREAS, pursuant to the Subdivision Agreement, SUBDIVIDER has filed a Warranty Bonds in the amount of $217,724 for ROSE VILLAS ONE and $74,040 for ROSE VILLAS TWO, and

WHEREAS, the developer has requested that the improvements be accepted and the Bonds be released, and

WHEREAS, the Public Works Director has indicated that it would be in order for the City Council to accept said PUBLIC IMPROVEMENTS as complete and has certified that the work covered has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The said PUBLIC IMPROVEMENTS constructed by the SUBDIVIDER are hereby accepted, and the City Clerk is hereby authorized to file a Notice of Completion.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bonds in the amount of $2,177,425 for ROSE VILLAS ONE and $740,400 for ROSE VILLAS TWO, upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the Payment Bonds in the amount of $1,088,712 for ROSE VILLAS ONE and $370,200 for ROSE VILLAS TWO, sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the Warranty Bonds in the amount of $217,724 for ROSE VILLAS ONE and $74,040 for ROSE

VILLAS TWO one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-397

RESOLUTION ADDING SECTION 15 (RESIDENTIAL SEWER AND WATER INFRASTRUCTURE CONNECTION PROGRAM POLICIES) TO THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, on September 14, 2017, the City of Modesto's Citizen's Housing and Community Development Committee reviewed, approved and forwarded Section 15 (Residential Sewer and Water Infrastructure Connection Program Policies) to the Housing and Urban Development Policies & Procedures Manual to the HUD Policies & Procedures Manual, to the City Council for review and approval, and

WHEREAS, the Residential Sewer and Water Infrastructure Connection Program Policies are governed by a reasonableness standard that focuses on addressing urgent needs, considering extenuating conditions, and/or prohibitive financial circumstances that cause a homeowner to be unable to fund sewer and/or improvements on their own.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adds Section 15 (Residential Sewer and Water Infrastructure Connection Program Policies) to the Housing and Urban Development Policies & Procedures Manual to the HUD Policies & Procedures Manual, as set forth in **Exhibit A**, which is **attached** hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-398

RESOLUTION ACCEPTING THE 2016-17 CITY LAW ENFORCEMENT GRANT, FROM THE STATE OF CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS, FOR A JOINT AWARD WITH THE CITY OF CERES AND THE CITY OF MODESTO IN THE AMOUNT OF $272,475; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, on April 1, 2017, the State of California Board of State and Community Corrections awarded the 2016-17 City Law Enforcement Grant, in the amount of $272,475, and

WHEREAS, the grant awards are based on a combination of factors, including the size of the departments in each county, mental health and homeless population data, and requires that a minimum of 60% of the total funding must go to agencies employing fewer than 100 officers, and

WHEREAS, the City of Ceres has been listed as the fiduciary of the grant, and is responsible for dispersing 66.88% of the grant funds throughout smaller agencies in Stanislaus County, and

WHEREAS, the City of Modesto will receive 33.12% of the grant as the largest city agency, an award of $90,254, and

WHEREAS, the City of Modesto will use their award of the grant funds to focus on helping the City's homeless population, at-risk youth, and gang and violence prevention programs.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the 2016-17 City Law Enforcement Grant, for a joint award with the City of Ceres and the City of Modesto in the amount of $272,475.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-399

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE MULTI-YEAR 2017/2018 OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF $90,254 FOR THE CITY OF MODESTO'S ALLOCATION FROM THE STATE OF CALIFORNIA, BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) 2016-17 CITY LAW ENFORCEMENT GRANT AND IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the California Budget Act of 2016, Chapter 23, Statutes of 2016, allocates $20 million to cities to increase positive outcomes between municipal law enforcement and high-risk populations, and

WHEREAS, the State Controller's Office has authorized the disbursement of these funds according to a schedule provided by the Department of Finance, and

WHEREAS, the Budget Act of 2016 determines awards based on a combination of factors including size of police departments in each county and mental health and homeless population data, and

WHEREAS, the Budget Act of 2016 requires that a minimum of 60% of the total funding must go to police departments employing less than 100 officers, and

WHEREAS, the City of Modesto received an allocation of $90,254 to supplement programs and services related to homeless outreach, Crisis Intervention Training, high-risk youth outreach and youth diversion programs, gang and violence prevention programs, and

WHEREAS, these funds result in increased revenue and offsetting expenses to the City for $90,254 and these funds will reside in Multi-Year Operating Account 1342-19998-42131-101027.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Interim City Manager, or his designee, to amend the Multi-Year 2017/2018 Operating Budget to appropriate revenues and expenditures of $90,254 for the State of California, Board of State and Community Corrections (BSCC) 2016-17 City Law Enforcement Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-400

RESOLUTION APPROVING ANGLED PARKING ALONG THE SOUTH SIDE OF J STREET BETWEEN 6TH STREET AND 7TH STREET, AND RESCINDING RESOLUTION NO. 2017-245

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angled parking in the City of Modesto, and

WHEREAS, staff is requesting that Resolution No. 2017-245, which established the prior approved angled parking list in the City of Modesto, be rescinded, and

WHEREAS, City staff received a request from St. Paul's Baptist Church to install angled parking along the south side of J Street between 6th Street and 7th Street to provide additional parking spaces along J Street, and

WHEREAS, staff evaluated the traffic volumes and the speeds for this section of roadway and concluded that angled parking can be accommodated on the south side of J Street between 6th Street and 7th Street without creating a hazard and without impeding traffic flow, and

WHEREAS, on September 13, 2017, the Healthy Economy Committee reviewed and considered the additional angled parking on J Street and supported staff's recommendation to forward to Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. ANGLED PARKING. Angled parking in the City of Modesto is hereby approved and established at the following locations:

- 4th Street, between E Street and G Street (west side)

- 6th Street, Sierra Drive to north property line of New Bethany Missionary Baptist Church (west side)
- 8th Street, between J Street and K Street (east side)
- 8th Street, between H Street and I Street (west side)
- 8th Street, between L Street and Jefferson Street (east side)
- 10th Street, between F Street and G Street (east side)
- 10th Street, between G Street and H Street (east side)
- 10th Street, between I Street and J Street (both sides)
- 13th Street, between H Street and L Street (east side)
- 13th Street, between F Street and G Street (east side)
- 15th Street, between F Street and G Street (west side)
- 15th Street, between H Street and K Street (east side)
- 16th Street, between I Street and J Street (east side)
- 18th Street, between G Street and H Street (west side)
- F Street, between 9th Street and 10th Street (north side)
- F Street, between 10th Street and 11th Street (both sides)
- I Street, between 9th Street and 12th Street (both sides)
- J Street, between 6th Street and 7th Street (south side)
- J Street, between 7th Street and 8th Street (north side)
- K Street between 415 K Street and 6th Street (north side)
- Coldwell Avenue, between Tully Road and College Avenue
- Elm Street, between Jefferson Street and Washington Street
- Jefferson Street, between Elm Street and Laurel Street

- Sierra Drive, between F Street and 4th Street (north side)
- Sierra Drive, between 5th Street and 6th Street (both sides)

2. The Public Works Director, or his designee, is hereby directed to implement the installation of angled parking along the south side of J Street between 6th Street and 7th Street.

3. Resolution No. 2017-245 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-401

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(603)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Juan Torres on May 3, 2017, to reclassify from Highway Commercial (C-3) Zone, to Planned Development Zone, P-D(603) to allow Light Industrial (M-1) Uses, for property located 1240 N. 9th Street, described as follows:

C-3 to P-D:

A portion of these certain parcels of land described in deeds to the State of California, recorded February 23, 1957, in Book 1413, Page 322, and January 16, 1957, in Book 1405, Page 263, thence in official records, of Stanislaus County, situate in Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northwest corner of said parcel recorded February 28, 1957; thence along the north line of last said parcel, north 89° 35' east, 294.24 feet; thence from a tangent that bears south 15° 37' 55" east, along a curve to the right having a radius 1,500 feet, through an angle of 12° 56' 20", a distance of 338.74 feet; thence south 2° 41' 35" east, 38.66 feet to the southwesterly line of said parcel recorded January 16, 1957; thence along 1957, north 43° 23' west, 509.35 feet to the point of beginning.

WHEREAS, after a public hearing held on August 21, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2017-20, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezoning to Planned Development would provide for a Light Industrial development that is compatible with surrounding high density residential, commercial and industrial uses, and

WHEREAS, the requested zone change will result in an orderly planned use of land because the design features of the project and the conditions of approval will ensure that the project is compatible with the adjacent uses, and

WHEREAS, the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the General Plan designates the site as Redevelopment Planning District (RPD), and

WHEREAS, the General Plan states, "Residential and employment opportunities shall be distributed throughout the Planning District, in accordance with the 'Land Use Strategies' diagram on page 35 of the 'Modesto Redevelopment Master Plan', adopted by the Redevelopment Agency in October, 2007". According to the diagram, this property is located within Area 1 "North Carpenter Road". The stated vision for Area 1 promotes the intensification of the existing auto-intensive land uses (i.e warehousing, home improvement businesses and corporation yards) and supporting them with more efficient infrastructure, and

WHEREAS, the proposed development plan would therefore conform to the General Plan because the development of a contractor office and warehouse building would align with the vision of the Redevelopment Master Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 10, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Juan Torres for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2017-20 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3679-C.S. on the 10th day of October, reclassifying the above-described property from Highway Commercial (C-3) Zone, to Planned Development Zone, P-D(603),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(603), is hereby approved subject to the following conditions:

PLANNING

1. All development shall conform to the revised development plan, building elevations, design guidelines, and sign program stamped approved by the Community and Economic Development Director or designee.

2. The landscaping provided in front of the west side of the building shall be designed to soften the building. Prior to issuance of a building permit, landscape and irrigation plans shall be reviewed by the Community and Economic Development Director or designee.

3. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Community and Economic Development Director.

4. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting

fixtures for review and approval by the Community and Economic Development Director.

5. All signs shall conform to the City of Modesto Zoning Ordinance for signs located in the M-1 Zone.

6. Prior to issuance of a sign permit the developer shall submit plans for review and approval to the satisfaction of the Community and Economic Development Director or designee. The sign shall be reviewed for conformance with the City's Zoning Code.

7. Prior to issuance of building permit, the applicant shall submit a cross-section drawing, showing how all rooftop equipment is to be screened from view (including dimensions, materials, colors, etc.) to the satisfaction of the Director of Community and Economic Development or designee. Roof-mounted equipment, including but not limited to air conditioners, fans, vents, antennas, and dishes should be set back from the roof edge and placed behind a parapet wall or in an enclosure, so they are not visible to motorists or pedestrians. Screening for equipment should be integrated into the building and roof design by the use of compatible materials, colors and forms. Wood lattice and fence-like coverings are not allowed for screening.

8. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development or designee. Equipment shall be placed underground or adequately screened though the use of landscaping or masonry walls.

9. Prior to issuance of building permit the developer shall submit updated building elevations to the Planning Division for review and approval to the satisfaction of the Community and Economic Development Director or designee. The plans shall be reviewed for conformance with the City's Commercial and Industrial Guidelines.

10. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

11. Construction drawings shall demonstrate that new ladders for roof access are mounted on the inside of the building to the satisfaction of the Director of Community and Economic Development or designee.

12. Where changes in a parapet height occur, a return into the building should be provided, for a distance of at least 6 feet, so that the

thickness of the wall panel cannot be observed or readily discerned by the public.

13. Areas designated for off-street parking, loading, circulation and maneuvering shall not be used for the outdoor storage of materials or equipment.

14. The driveway aisle at the rear of the building must not be gated. It will remain open for public access to the rear parking.

15. The parallel parking spaces behind the building, at the north and east boundaries of the property, must comply with Section 10-5.105 of the Zoning Code and measure at least 8 feet wide by 22 feet long.

BUILDING SAFETY

16. Prior to occupancy, the developer shall provide permanently anchored bicycle racks within 200 feet of each visitors entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack to the satisfaction of the Chief Building Official.

17. Prior to occupancy, the developer shall provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as follows:

TOTAL NUMBER OF PARKING SPACES	NUMBER OF REQUIRED SPACES
0-9	0
10-25	1
26-50	3
51-75	6

Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle:

CLEAN AIR VEHICLE

FIRE PREVENTION

18. Fire Hydrant spacing and distribution shall be 300' feet O.C. Onsite fire hydrant(s) will be required.

19. Installation of fire mains, valves and hydrants shall be in accordance with City of Modesto Standard Specifications.

20. Buildings shall be equipped with automatic fire sprinkler system installed in accordance with 2016 NFPA 13.

21. An automatic fire sprinkler system will be required for buildings greater than 5,000 s.f. to the satisfaction of the Fire Marshal

22. If applicable, plans for electronically controlled vehicle access gates shall be submitted to and approved by the Fire Marshal prior to installation.

23. A fire hydrant will be required within 90 feet of the Fire Department Connection (FDC) for fire sprinklers.

PARKS PLANNING

24. Applicant shall submit Landscape and Irrigation plans for review and approval by the City's Park Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.

25. Applicant shall provide a minimum ten (10') foot landscaped setback from 9th Street.

26. Applicant shall provide street trees along 9th Street spaced thirty five (35') feet on center and located within seven feet (7') of the sidewalk or curb.

27. Applicant shall install parking lot shade trees per MMC requirements; one (1) shade tree for every eight (8) parking spaces for all perpendicular parking stall locations, within seven (7') feet of stalls.

28. Applicant shall install the required three (3') foot high screening for car headlights from parking stalls potentially impacting 9th Street.

29. Applicant shall install a separate landscape water meter.

30. The landscape design can include accent landscaping to be installed at the driveways and office entries for visual connectivity to employees, visitors, delivery trucks and street traffic.

31. LID control and treatment measures shall be vegetated for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure.

32. Climbing vines shall be included in the landscape surrounding the trash enclosures to discourage tagging.

SOLID WASTE

33. All trash enclosures must meet the City's size and design requirements.

LAND DEVELOPMENT ENGINEERING

Transportation:

34. Driveways on 9th Street shall be constructed per City Standards.

35. The southern driveway may allow for left turns entering and possibly exiting. A southbound left-turn lane and taper on 9th Street shall be designed and constructed to the proper length for the posted speed. Design and construction of the center median area to allow vehicles to make left turns out of the driveway may be allowed but will require review and approval of the City Engineer. This median opening is currently being used for u-turns and the median design may need to accommodate this movement.

36. Street improvements including, but not limited to curb, gutter, sidewalk, street lights and storm drainage shall be designed and constructed per City of Modesto Standards.

37. No parking shall be allowed on 9th Street.

Sewer:

38. There is an existing 6- inch water main in 9th street that is available for connection and with adequate capacity for the uses expected demand. Any new connection to the water main shall pay water connection fees and an Encroachment permit shall be issued by the City prior to any connection.

Water:

39. There is an existing 10 –inch water main in 9th street that is available and adequately sized. For any new water connection, water connection fees shall be paid and an encroachment permit issued by the City prior to connection.

Storm Drain:

40. There is no positive storm drainage system in the area fronting the property on 9th street. Some sort of underground storage or rock well must be designed and constructed to accommodate street runoff. The

project shall manage the on-site storm water runoff on the property per current City of Modesto standards.

Storm Water Quality:

41. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

42. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater run-off on site, and incorporate pervious landscape features into the project design wherever possible.

43. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

44. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

45. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording

46. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.

47. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.

GENERAL

48. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

49. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Community and Economic Development Director.

50. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

51. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

52. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

53. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

In addition, the following Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that are applicable to the project:

MEIR Table V-8-1 (b-f):

54. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

55. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor's selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

56. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

57. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

58. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(603):

The entire construction program be accomplished in one phase, construction to begin on or before October 10, 2019, and completion to be not later than October 10, 2021.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(603), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on January 8, 2018, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: _____
Community & Economic Development Department
Planning Division

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-402

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDMENT OF SECTION 19-3-9 OF THE CITY OF MODESTO ZONING MAP TO REZONE FROM HIGHWAY COMMERCIAL (C-3) TO PLANNED DEVELOPMENT ZONE P-D(603) TO ALLOW FOR A 17,000 SQUARE FOOT BUILDING TO HOUSE BUSINESSES ALLOWED WITHIN THE LIGHT INDUSTRIAL (M-1) ZONE

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Juan Torres has proposed the rezone of property located at 1240 N. 9th Street from Highway Commercial (C-3) Zone to Planned Development Zone P-D(603) to allow Light Industrial (M-1) uses, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-17 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on September 20, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 10, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-17

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2017-17

For the proposed:

PDZ-17-003: Planned Development Zone to Allow for the Construction of a 17,000 sq.ft. Warehouse and Office Building with Light Industrial (M-1) Uses.

1240 9th Street

APN 029-005-012

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

July 24, 2017

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed Planned Development Zone and concurrent tentative maps to facilitate senior assisted and independent living housing ("Project") are "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: Planned Development Zone to Allow for the Construction of a 17,000 sq.ft. Warehouse and Office Building with Light Industrial (M-1) Uses.

B. Address or Location: 1240 9th Street (APN 029-005-012)

C. Applicant: Juan Torres
1006 N. Carpenter Road
Modesto, CA 95351

D. City Contact Person: Jonnie Lan, AICP, Associate Planner

Project Manager: Jonnie Lan
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: jlan@modestogov.com

E. Current General Plan Designation(s): Redevelopment Planning District (RPD)

F. Current Zoning Classification(s): Highway Commercial (C-3)

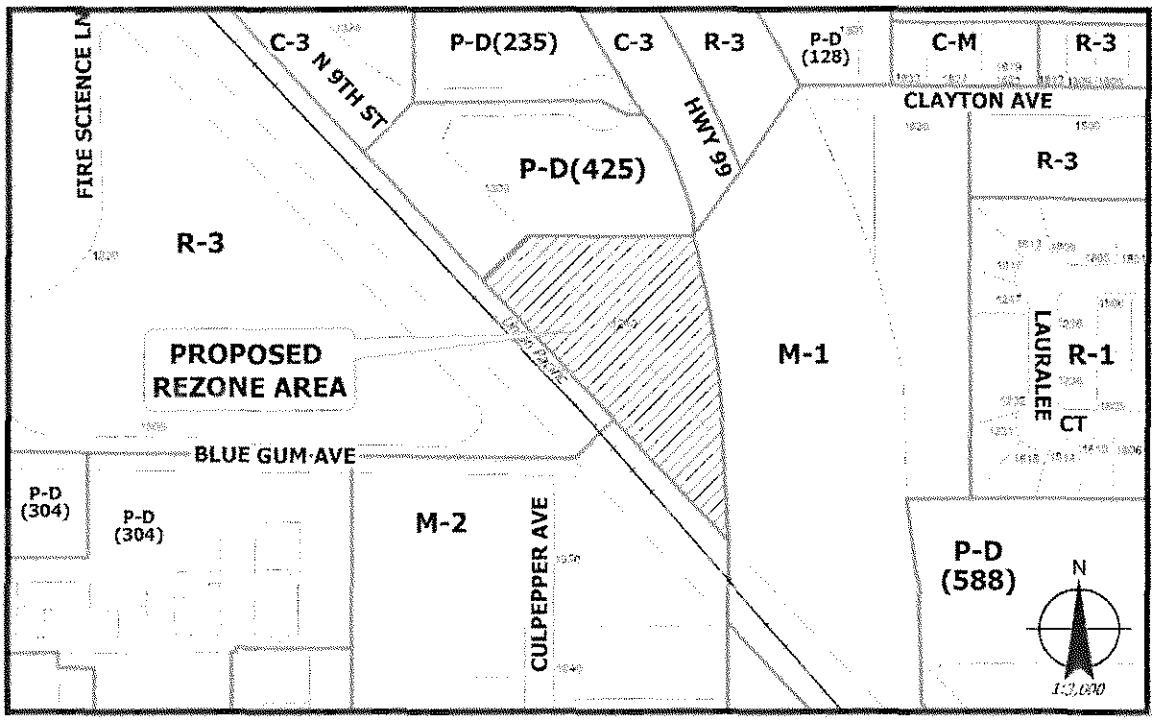
G. Surrounding Land Uses:

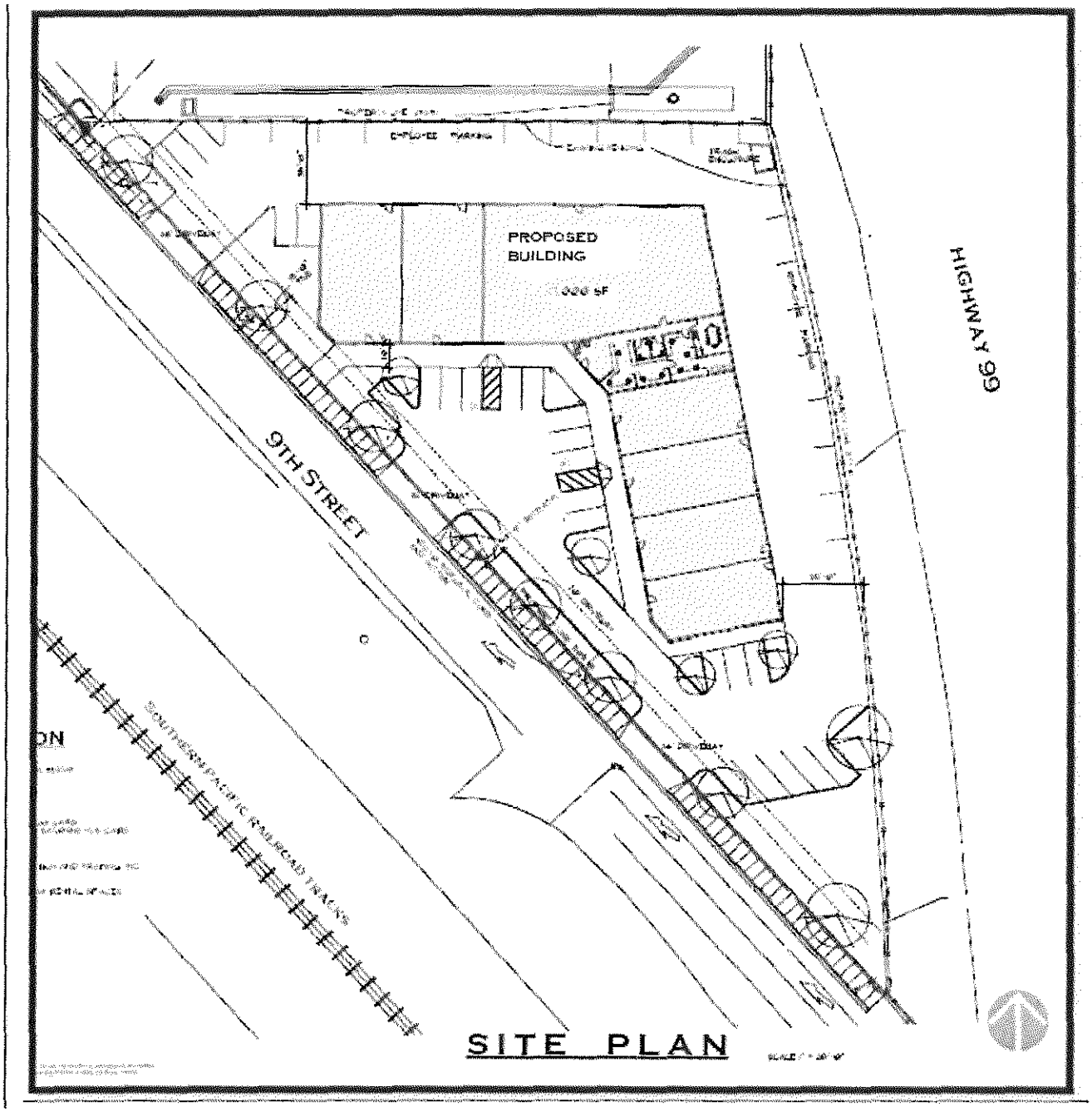
North: Planned Development Zone P-D(425) C-3 uses and Sheet Metal Shop
South: Heavy Industrial (M-2) Zone and Planned Development Zone P-D(588) 150-unit affordable Housing Development
East: Light Industrial (M-1) Zone
West: High Density Residential (R-3) Zone, City of Modesto Fire Station #4

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

Proposal to redevelop a site upon which 16 residential units were located, until demolished by permit in 2005. The applicant proposes to construct a 17,000 square foot industrial building shell on the 2-acre parcel. The site plan provides for 41 parking spaces and landscaping.

Project involves:





SITE PLAN FOR PLANNED DEVELOPMENT
17,000 SQ. FT. INDUSTRIAL BUILDING
PDZ-17-003

I. Other Public Agencies Whose Approval is Required: None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. __X__ **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3. ____ **Focused EIR Required**- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

Project Manager

Associate Planner
Title

9/13/17
Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS A, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1) The project consists of the development of approximately 1.3 acres within the Baseline Urbanized Area as a 17,000 square foot L-shaped industrial building with 7 tenant spaces ranging from 1,500 square feet to 7,000 square feet. The site was formerly the location of 16 small residential units, used at one time as a motel. Those units were demolished in 2005 and the property has been vacant since then. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with the traffic volumes.

(2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

(4) Police and Fire Staff have reviewed this proposal and have not indicated that there is an emergency access problem.

(5) The proposed development will provide parking in accordance with the Municipal Code.

(6) Traffic Staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. A bus stop is located on northbound 9th Street, just south of its intersection with Coldwell. There is a Class 1 bicycle lane across the street.

(7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would expose sensitive	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.				
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1) The project consists of the development of approximately 1.3 acres as a 17,000 square foot L-shaped industrial building with 7 tenant spaces ranging from 1,500 square feet to 7,000 square feet. The subsequent development would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for a residential use as established by the General Plan.

(2) Development of the site will be required to adhere to applicable City Zoning Ordinances, Standards, and applicable best management practices during the construction process.

(3-5) The project would comply with the air quality policies in the General Plan, and would not expose sensitive receptors to pollutants or odors in excess of assumptions for residential uses.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.	☐	☐	☒	☐

Discussion:

(1) The project consists of the development of approximately 1.3 acres as a 17,000 square foot L-shaped industrial building with 7 tenant spaces ranging from 1,500 square feet to 7,000 square feet. The subsequent development would be required to adhere to the City's noise ordinance.

(2-4) The development would not be inconsistent the noise policies of the General Plan, nor result in ambient noise levels above those assumed by the General Plan for a light industrial use. Any increase in ambient noise levels would be construction-related and temporary in the process of developing the industrial building.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project is a vacant infill area within the Baseline Developed Area not in agricultural production, and is completely surrounded by urbanized area consisting of commercial and industrial uses and the House Church of Modesto. The project would therefore not be inconsistent with the General Plan's policies related to agricultural land.

(2-4) The project site is not zoned for agricultural use, and no Williamson Act contract is in place on the property. The site is surrounded by urban area and would not cause the conversion of farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.				
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project consists of the development of approximately 1.3 acres as a 17,000 square foot L-shaped industrial building with 7 tenant spaces ranging from 1,500 square feet to 7,000 square feet. The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards.

(2-3) The project would not generate sewage flows greater than estimates for a project of similar residential uses. The project was referred to Land Development Engineering, who indicated no concerns with the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
habitat contained in the Urban Area General Plan.				
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project consists of the development of approximately 1.3 acres as a 17,000 square foot L-shaped industrial building with 7 tenant spaces ranging from 1,500 square feet to 7,000 square feet. The project would not be inconsistent with General Plan policies pertaining to wildlife and plant habitat.

(2-4) The project site is located within the Baseline Developed Area of the City and is completely surrounded by developed urban area consisting of residential uses and the House Church of Modesto. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined consistent with Public Resources Code section 5024.1(c).	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-4) The project site is vacant infill land surrounded by urban uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

(5) The project does not conflict with local policies affecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water

flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes SD-9 from the MEIR. City Engineering staff has reviewed the project and required conditions of approval to implement General Plan Policies for development including compliance with the Strom Drain Management Plan and the utilization of low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) Construction activities will comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity (MIER Policy SD-9). In addition, the City will ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures (MIER Policy SD-11). These policies will be implemented as conditions of project approval.

(2) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

(3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0340E dated September 26, 2008.

(4) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space. The project is on a vacant site that was previously short term 16 residential units that were demolished in 2005.

(3) The project would not cause an increase in use of existing local and regional parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools who indicated no concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
development to result in cumulative impacts on the County's disposal capacity.				

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) This project was referred to the Solid Waste Division for review, who indicated no concerns over service to the project area.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) No hazardous materials will be involved with this project.

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2) The project would not impact views from riverside areas and parks.

(3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is designated as Mixed Use (MU) in the General Plan, which allows for residential uses. The project is consistent with the current General Plan Land Use Designation, and therefore is consistent with land use and planning policies in the General Plan.

(2) The project would not divide an established community. The surrounding area is developed with residential uses including the House Church of Modesto to the south and east. The proposed subdivision is consistent with the surrounding uses and would not divide existing neighborhood.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☒	☐
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☒	☐

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project is required to develop in accordance with climate change policies included in the UAGP and the MIER.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO_2 emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO_2 emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the Air Resources Board. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect: none.

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

1. A hammer, or any other device or implement used to pound or strike an object.
2. An impact wrench, or other tool or equipment powered by compressed air.
3. A hand-powered saw.
4. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
5. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
6. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
7. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

Flooding and Water Quality:

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-403

RESOLUTION APPROVING MEASURE L COOPERATIVE AGREEMENT BETWEEN THE CITY OF MODESTO AND STANCOG FOR THE PLANS, SPECIFICATIONS AND ESTIMATES STAGE OF PHASE 1 OF THE STATE ROUTE 132 PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, State Route (SR) 132 is an east-west highway that extends from I-580 in the Central Valley, south of the City of Tracy, to SR 49 in the foothills of the Sierra Mountains, terminating in the town of Coulterville, and

WHEREAS, the SR 132 corridor is a vital link through the Central Valley, serving local traffic from these communities and providing for regional traffic between the Bay Area and the mountains for the movement of traffic and goods and services, and

WHEREAS, the SR 132 West Freeway/Expressway Project developed by Caltrans (Project) proposes to construct a four lane freeway/expressway on a new alignment south of Kansas Avenue from Dakota Avenue to east of SR 99 at Needham Street, and

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, Phase 1 of the Project is approximately four miles in length and will allow for construction of the ultimate multi-lane freeway. Phase 1 of the Project will replace the existing 2-lane highway segment of SR-132 along Maze Boulevard from SR-99 to Dakota Avenue, and

WHEREAS, the City will be primarily responsible for the implementation of Phase 1 of the Project and Council has approved, through Resolution No. 2017-175, the

use of $4,000,000 from its Streets Capital Facilities Fees fund to support the design Plans, Specification and Estimates (PS&E) of Phase 1 of the Project, and

WHEREAS, Stanislaus Council of Governments (StanCOG) is the designated Regional Transportation Planning Agency (RTPA), the designated Metropolitan Planning Organization (MPO) and the designated Council of Governments for Stanislaus County, and

WHEREAS, in November, 2016 Stanislaus County voters approved Measure L, a 25-year, ½ cent sales tax to maintain and improve transportation systems, and

WHEREAS, StanCOG, through Resolution 16-36, designated the Ultimate Project a Measure L regional funding priority and designated up to $10,000,000 of the regional project share of Measure L funds to reimburse the City of Modesto for identified costs associated with Phase 1 of the Project, and

WHEREAS, StanCOG has agreed to provide funding for the PS&E phase of Phase 1 of the Project in accordance with the terms and conditions set forth in the Agreement between the City and StanCOG, **attached** hereto, and

WHEREAS, StanCOG's Board of Director's approved the Agreement on September 20, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Measure L Cooperative Agreement between the City of Modesto and StanCOG for the Plans, Specifications and Estimates Stage of Phase I of the State Route 132 Project.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ah You

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MEASURE L COOPERATIVE AGREEMENT
FOR THE PLANS, SPECIFICATIONS AND ESTIMATES STAGE OF PHASE 1 OF THE STATE ROUTE 132 PROJECT

This Cooperative Agreement ("Agreement") is made and entered into this _____day of, _____ 2017 by and between the CITY OF MODESTO, a municipal corporation ("Sponsor") and the STANISLAUS COUNCIL OF GOVERNMENTS, acting as the Local Transportation Authority ("Authority").

RECITALS

WHEREAS, Authority and Sponsor desire to enter into a Cooperative Agreement for funding of plans, specifications and estimates (PS&E) and for associated support services outlined in Exhibit "A" to this Agreement for transportation improvements in Stanislaus County pursuant to the authority provided by the Measure "L" Local Roads First Transportation Funding Measure Ordinance and Expenditure Plan ("Measure L"), which was approved by the voters of Stanislaus County on November 8, 2016; and

WHEREAS, Sponsor desires to receive funding from the Authority and Authority wishes to provide funding for the PS&E phase of the transportation improvement project entitled SR132 West Freeway/Expressway – Phase 1 Project, the PS&E phase of which is referred to herein, and further defined in Exhibit "A", as the "PS&E Phase"; and

WHEREAS, the PS&E Phase is eligible as the design of Phase 1 of the State Route 132 Project of the Regional Control category of Measure L; and

WHEREAS, at the April 19, 2017 regular meeting of the Authority Board, in furtherance of its previous designation of State Route 132 West as the Authority's top regional transportation project priority, the Authority Board adopted Resolution 16-36 which designated up to $10,000,000 of the regional project share of Measure L funds to reimburse Sponsor for identified costs associated with Phase 1 of the SR 132 West project (hereinafter Resolution 16-36"); and

WHEREAS, Resolution 16-36 identified the State Route 132 West Expressway Project as a Measure L regional funding priority; and

WHEREAS, Resolution 16-36 designates up to $10,000,000 of the regional project share of Measure L funds to reimburse the City of Modesto for identified costs associated with Phase 1 of the State Route 132 West Expressway project"; and

WHEREAS, at the time the City approved the professional services agreement with Dokken Engineering, the State Route 132 West Freeway/Expressway was believed to be in the final stages of the environmental approval process, with approval expected in Fall of 2017; and

WHEREAS, State and Federal funding earmarked for the construction phase of the Project has been extended to its functional limit with a sunset date for construction initiation in Fiscal Year 2018/2019; and

WHEREAS, the combination of environmental clearance delay along with the shortened window for startup of construction has resulted in the need to accelerate the final design (PS&E) phase of Phase 1 of State Route 132 West Freeway/Expressway to meet the construction startup deadline of June 2019; to avoid the loss of approximately $28 Million of programmed construction funds; and

WHEREAS, Measure L provides that funds generated for Regional Control projects can be used for planning, project development, right-of-way, and/or construction of major corridor, capital projects; and

WHEREAS, since this Agreement covers the PS&E phase of the State Route 132 Freeway/Expressway Project, Authority has requested that the Measure L funds designated for the PS&E Phase not be utilized for right of way acquisitions; and

WHEREAS, Sponsor also designated $4,000,000 to Phase 1 of the State Route 132 Project; and

WHEREAS, to avoid jeopardizing $71.5 Million of programmed construction funds, right of way acquisitions may need to commence prior to environmental approval of the project and receipt of additional funding, Sponsor and Authority agree that funds identified in Exhibit A, including Measure L regional funds, can be utilized for said purposes at this juncture until Federal funding is obtained; and

WHEREAS, Authority shall issue reimbursement payments as provided in Section 2.1 to Sponsor pursuant to a request for reimbursement submitted by the Sponsor; and

WHEREAS, Sponsor and Authority each agree to abide by the terms and conditions of the Agreement as set forth herein for the receipt of Measure L funds; and

WHEREAS, this Cooperative Agreement covers only the PS&E Phase of the SR 132 West Freeway/Expressway project; and

WHEREAS, Authority is developing its policies and procedures and once the policies and procedures are adopted or 100% of the $10,000,000 of allocated Measure L funds have been used to reimburse Sponsor for eligible expenses, the parties will negotiate and enter into another Cooperative Agreement that will define roles and responsibilities to cover the remaining elements of Phase 1 of the SR 132 West Freeway/Expressway; and

WHEREAS, Sponsor's City Council approved this Agreement on _____; and

WHEREAS, Authority's Board of Directors approved this Agreement on September 20, 2017; and

NOW, THEREFORE, in consideration of the promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

AGREEMENT

SECTION I

1.1. Project Application. The Project description, anticipated amount and type of funds that will supplement Measure L funds, and the anticipated timing for release of Measure L funds shall be specified in the application, which is attached as Exhibit "A," and incorporated herein by this reference.

1.2. Change in Project Scope. A change to or increase in the Project scope as described in Exhibit "A" may not be implemented until it has been approved by the Authority and Sponsor in writing.

1.3. Eligible Reimbursement Costs. Eligible reimbursement costs shall be costs as specified in Exhibit "A" or as may be approved from time to time by the Authority pursuant to Section 1.2.

1.4. Right of Way Costs. All right of way support costs are included as Project costs and reimbursable under this Agreement. For this PS&E Phase, the Parties agree that the Measure L funds allocated by Authority to the PS&E Phase may be utilized for right of way acquisitions if other funding sources are not available.

1.5. Invoices and Progress Reports. Sponsor shall provide monthly invoice reimbursement requests. These documents shall include the following specified information:

1.5.a Copies of Consultant Invoices. Sponsor shall provide the Authority with one (1) copy of all invoices submitted to Sponsor by every consultant, subconsultant, contractor, or subcontractor performing work related to the Project.

1.5.b. Progress Reports. The monthly progress reports shall include a brief description of the status of the Project and the work completed to date. This summary may be included on the invoices submitted to the Authority or be attached to those invoices.

1.6. Project Delivery Team Meetings. Sponsor and Authority will convene regular meetings that will include representatives from the City of Modesto, Stanislaus County and StanCOG, and other parties deemed appropriate by Sponsor and Authority. An overall delivery schedule for the PS&E Phase and construction of Phase 1 of the SR 132 West Freeway/Expressway will be produced, updated regularly and reviewed at each meeting.

1.7. Use of Funds. Sponsor shall use Measure L funds consistent with the project scope of work described in Exhibit "A" or approved in writing by the Authority pursuant to Section 1.2. Authority agrees to assist Sponsor with identifying and securing funding sources, and to administer funding.

1.8. Submittal of Documents. Sponsor shall provide copies to the Authority of all executed contracts which relate to the Project as described in **Exhibit "A"** or approved by the Authority pursuant to Section 1.2. Sponsor shall retain records pertaining to the Project for a four (4) year period following completion of the Project.

1.9. Oversight and Completion of PS&E. Sponsor shall be responsible for the timely completion of the PS&E Phase and provide management of consultant activities, including responsibility for schedule, budget and oversight of services, consistent with the scope of work.

1.10. Letter of PS&E Completion. Sponsor shall provide a letter of PS&E completion which includes final costs of the PS&E Phase. This letter shall accompany the final invoice for payment from the Authority to Sponsor.

SECTION II

2.1. **Reimbursement Payments.** The Authority shall make reimbursement payments to Sponsor for eligible Project costs as specified in Exhibit "A" which include staff overhead. To receive monthly reimbursement payments for work completed on the Project, Sponsor shall comply with the following reimbursement procedures:

2.1.a. Deadline to Submit Reimbursement Requests. All invoices and progress reports shall be submitted to Authority on or before 5:00 p.m. on the tenth (10th) calendar day of the month in which the Sponsor requests reimbursement payments. Authority shall issue reimbursement payments to Sponsor on or before the last day of the month for all timely submittals.

2.1.b. Late Submittals. If Sponsor fails to submit documents to Authority as set forth in Section 2.1.a, above, then Authority may provide reimbursement payments for late submittals in the following calendar month.

2.1.c. Ineligible Expenditures. The Authority, in accordance with Section 2.1.e., reserves the right to adjust current or future reimbursement payments to Sponsor if an invoice includes ineligible expenditures.

2.1.d. Reimbursement Amount. The amount of Measure L reimbursement payments to Sponsor shall not exceed $10,000,000 of eligible expenditures submitted to the Authority as specified in Exhibit "A" for the PS&E Phase, unless the parties agree to otherwise in writing.

2.1.e. Suspension of Reimbursement. If the Authority determines that any costs in an invoice are not allowable, the Authority shall return the invoice to Sponsor, with an invoice dispute notice outlining the reason for the return and the proposed remedy, if one exists, which would make the invoice acceptable for payment. Sponsor may re-submit the invoice for payment after reviewing the invoice dispute notice and making any necessary corrections. Sponsor may also immediately submit a new invoice representing only the amounts which are not in dispute, while setting aside the disputed amounts for review in accordance with the provisions set forth in this Section 2.1.

2.1.f. (1) Meeting. Once a dispute has occurred, the Authority shall arrange a meeting between the Authority and the Sponsor staff to discuss and attempt to resolve the dispute. If the invoice was received on or before 5:00 p.m. on the 10th day of the month, the meeting shall be held no later than the 20th day of the same month. If the invoice was received, after this date and time, then the meeting shall be held no later than the 20th day of the following month.

2.1.g. (2) Management and Finance Committee. If an agreement cannot be reached at the meeting, then the Sponsor or the Authority shall have the option to take the dispute to the Authority's Management and Finance Committee, with the understanding that by doing so the reimbursement for the disputed cost item(s) will be delayed until a resolution of the matter is reached.

2.1.h. (3) Board Decision. If the Sponsor or the Authority disagrees with the resolution by the Management and Finance Committee then the dispute shall be submitted to the Authority's Board for resolution. If the Board determines that the disputed cost item(s) is ineligible, the Authority shall not provide reimbursement payment to the Sponsor for the disputed item(s). If the Board determines that the disputed cost item(s) is eligible, then the Authority shall provide reimbursement payment to the Sponsor for the disputed cost. The decision by the Authority Board shall be final.

2.1.i. (4) Reservation of Rights. By utilizing the above procedures, neither the Authority nor the Sponsor surrender any rights to pursue available legal remedies if either Party disagrees with the Board decision.

2.1.j. Acceptance of Work Does Not Result In Waiver. Reimbursement payments do not result in a waiver of the right of the Authority or Sponsor to require fulfillment of all terms of this Agreement.

2.2. Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Sponsor's records pertaining to the Project at any time during the four (4) year period after completion of the Project.

2.3. Maximum Obligation

A. Sponsor's maximum obligation for the project shall not exceed Four Million Dollars ($4,000,000.00), unless such maximum obligation is increased by an amendment to this Agreement or by subsequent agreement. The Parties agree to use as much of the $4,000,000.00 as possible for right of way acquisitions.

B. Authority's maximum obligation for all costs under this Agreement shall not exceed Ten Million Dollars ($10,000,000.00), unless such maximum obligation is increased by an amendment to this Agreement. The parties agree that Measure L funds shall not be used for reimbursement of expenses incurred by Sponsor for the project that are not covered by this Agreement such as litigation support, construction, construction design support, and construction management, and any other phases of the SR 132 West Freeway/Expressway project not covered by this Agreement.

SECTION III

3.1. Term. This Agreement shall remain in effect until discharged or terminated as provided in Section 3.2 or Section 3.14.

3.2. Discharge. This Agreement shall be subject to discharge as follows:

3.2.a. Termination by Mutual Consent. This Agreement may be terminated at any time by mutual written consent of the parties.

3.2.b. Discharge Upon Completion of Project. Upon completion of the PS&E Phase, except as to any rights or obligations which survive discharge as specified in Section 3.13, this Agreement shall be discharged, and the parties shall have no further obligation to each other.

3.3. Indemnity. It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Sponsor:

3.3.a. Sponsor shall fully defend, indemnify and hold harmless Authority, and any officer or employee of Authority, against any damage or liability occurring by reason of anything done or omitted to be done by Sponsor under the Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Sponsor shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Sponsor under this Agreement or in connection with any work, authority, or jurisdiction delegated to Sponsor under this Agreement.

3.3b. Authority shall fully defend, indemnify and hold harmless Sponsor, and any officer or employee of Sponsor, against any damage or liability occurring by reason of anything done or omitted to be done by Authority under or in connection with any work, authority or jurisdiction delegated to Authority under this Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold the Sponsor harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.

3.4. Notices. Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO AUTHORITY:
1111 "I" Street
Suite 308
Modesto, CA 95354
Attention: Rose De Leon Park,
Executive Director

TO SPONSOR:
Vickey Dion, City Engineer
1010 Tenth Street, Suite 3100
P.O. Box 642
Modesto, CA 94353

Either party may change its address by giving notice of such change to the other party in the manner provided in this Section 3.4. All notices and other communications shall be deemed communicated as of actual receipt of certified U.S. mail.

3.5. Additional Acts and Documents. Each party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.

3.6. Integration. This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

3.7. Amendment. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

3.8. Independent Agency. Sponsor and Authority renders services under this Agreement each as an independent agency under the terms of the Agreement. None of the Sponsor's agents or employees shall be agents or employees of the Authority and none of the

Authorities' agents or employees shall be agents or employees of Sponsor.

3.9. Assignment. The Agreement may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

3.10. Binding on Successors. This Agreement shall be binding upon the successor(s), assignee(s) or transferee(s) of the Authority or as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this Agreement other than as provided above.

3.11. Severability. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such determination shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

3.12. Counterparts. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all counterparts shall constitute a single document.

3.13. Survival. The following provisions in this Agreement shall survive discharge:

13.3.a. Sponsor. As to Sponsor, the following sections shall survive discharge: Section 1.6 (obligation to apply funds to Project), Section 1.7 (obligation to provide copies and retain records), Section 1.8 (obligation to continue to manage Project).

13.3.b. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

13.3.c. Both Parties. As to both parties, the following section shall survive discharge: Section 3.3. (mutual indemnities).

3.14. Limitation. All obligations of Authority under the terms of this Agreement are expressly contingent upon the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure L. If for any reason the Authority's right or ability to collect or expend such sales tax proceeds is terminated or suspended in whole or part so that it materially affects the Authority's ability to fund the Project, the Authority shall promptly notify Sponsor, and the parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the parties, this Agreement shall be deemed terminated by mutual or joint consent. Any future obligation to fund this Project or any other project or projects of Sponsor, not already specifically covered by separate Agreement, shall arise only upon execution of a new Agreement.

3.15. Attorneys' Fees. Should any litigation commence between the parties concerning the rights and duties of any party pursuant to, related to, or arising from, this Agreement, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for its attorneys' fees and costs of such litigation, or in a separate action brought for that purpose.

3.16. Time. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

3.17. Remedies Cumulative. No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in

equity. Each remedy shall be construed to give the fullest effect allowed by law.

3.18. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

3.19. Captions. The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the construction or interpretation of any of its provisions.

3.20. No Continuing Waiver. The waiver by any party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.

3.21. No Rights in Third Parties. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any party to this Agreement.

3.22. Signator's Warranty. Each party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above upon the execution of this Agreement by each other party.

3.23. Audit and Inspection

Authority and Sponsor shall maintain a complete set of records in accordance with generally accepted accounting principles. Upon reasonable notice, Authority and Sponsor shall permit each Party's authorized representatives to inspect and audit all work, materials, payroll, books, accounts, and other data and records of the other Party for a period of four (4) years after final payment, or until any on-going audit is completed. For purposes of audit, the date of completion of this Agreement shall be the date of Authority's payment of Sponsor's final billing (so noted on the invoice) under this Agreement. Each Party shall have the right to reproduce any such books, records, and accounts of the other Party relative to the Project. The above provision with respect to audits shall extend to and/or be included in contracts with Sponsor's contractors.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

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CITY OF MODESTO
A municipal corporation

By:_____
Name:
Title:

ATTEST

By:_____
Name:
Title:

APPROVED AS TO FORM

By:_____
Name: Brenda Aguilar-Guerrero
Title: Special Counsel

STANISLAUS COUNTY LOCAL TRANSPORTATION AUTHORITY

By:_____
Name: Bill Zoslocki
Title: Chair

ATTEST

By:_____
Name: Rosa De León Park
Title: Executive Director

APPROVED AS TO FORM

By:_____
Name: Monica J. Streeter
Title: Deputy General Counsel

EXHIBIT "A"
APPLICATION FOR MEASURE L COOPERATIVE AGREEMENT
AND
SCOPE OF WORK

This application is a request for reimbursement of costs.

1. **Project Names, Locations:**
   - State Route 132 West Freeway/Expressway – Plans, Specifications, and Estimates for Phase 1 Project
2. **Project Sponsor:**
   - City of Modesto
3. **Contact Person:**
   - Vickey Dion, City Engineer 1010 Tenth Street, Suite 3100 P.O. Box 642, Modesto, California, 95353 (209) 571-5542
4. **Project Scope of Work:**

   PS&E for Phase 1 of the SR 132 West Expressway which proposes to construct a two-lane highway on a new alignment in Stanislaus County from the City of Modesto at State Route 99 just south of Kansas Avenue to Dakota Avenue. Phase 1 of the Project is approximately four miles in length and will allow for construction of the ultimate multi-lane freeway. Phase 1 of the Project will replace the existing 2- lane highway segment of SR-132 along Maze Boulevard from SR-99 to Dakota Avenue. Improvements include providing a portion of the ultimate freeway corridor west of SR-99; direct connection from SR-132 to Needham Avenue over SR-99 to downtown Modesto; highway grade separation structures at Emerald Avenue, Carpenter Avenue, and Rosemore Avenue; one-way direct connection of 6th Street to Needham Avenue; and direct roadway connection to 5th Street from east bound SR 132.

5. **Expected Timing for Delivery of Project Design** (indicate if task is already completed, not applicable or if part of phasing of the Project):

	Start Date	Completion Date
Preliminary Design/Engineering	Dec 1, 2009	August 2018
Environmental Document	Feb 17, 2014	Mar 9, 2018
Final Design	May 5, 2017	Jan 10, 2019
Phase 1 Project Construction	June 2019	December 2020

6. **Estimated Cost of PS&E Phase 1 Project Activities:**

PS&E Contract with Dokken Engineering	$6,400,000.00
Contingency	$600,000.00
PS&E Support	$500,000.00
Right of Way Support	$1,000,000.00
Utility Relocation	$1,750,000.00
Plan Check	$750,000.00
Early Right of Way Acquisitions	$3,000,000.00
TOTAL EXPENSES	**$14,000,000.00**

7. **Expected Timing for Reimbursement of Sponsor by Quarter:**

	FY 17/18	FY 18/19	FY 19/20
First Quarter		$	
Second Quarter			
Third Quarter		$0	
Fourth Quarter		$0	
TOTAL			

8. **Source(s) and Amount of Matching Funds:**

Source	Amount
City of Modesto Streets Capital Facilities Fees*	$4,000,000.00
Measure L Regional Project Funds	$10,000,000.00
TOTAL	**$14,000,000.00**

*City of Modesto to commit $4,000,000 of Streets Capital Facilities Fees for the SR 132 West Project, the majority of said monies will be utilized for early right-of-way acquisitions. Right-of-Way Acquisition is anticipated to commence concurrently with PS&E.

9. **Project Map** (see attached):

Project Scope and Activities:

Below are the various project activities to be supported with corresponding definitions:

PS&E- Plans Specifications and Estimates. This is the primary contract with Dokken Engineering. It includes all the work requested in the Sponsor scope of work included in the contract for services.

$600,000 Contingency- This activity and amount is reserved for unknown issues at the time of the contract initiation. In Sponsor's development of the design there are certain processes that are not completely known or understood. The contingency money allows the project design to progress unfettered to account for minor (up to 10% of original contract) incidental work. It also accounts for additional work requested by Sponsor oversight, Caltrans, and added scope that could be anything that is approved by one of the project stakeholders. Project stakeholders are Stanislaus County, StanCOG, Caltrans, and City of Modesto for this project.

PS&E Support- This amount and activity is to account for staff and attorney time engaged on the project for this PS&E stage. It includes staff time to coordinate consultants, attend meetings, review work product, and ensure adequate progress. It includes drafting of numerous contracts and cooperative agreements, as well as providing legal opinions as to various project issues including potential early acquisitions. It does not include any litigation support or services.

Right of Way Support - This activity is the engagement of the right of way team. At the time of this Agreement the scope of work is not completely known or understood. This is because the prime design team (Dokken) is refining/changing the design. This activity could add right of way takes or TCE's (Temporary Construction Easements). The project right of way is environmentally cleared for a 4-lane facility, but the phase 1, 2-lane facility was originally contemplated in a location different than as progressed in the final design. This means that additional parcels not assumed impacted in the first phase could now be impacted with the prime design. All of this is allowed and within the footprint of the Environmental Document. The resultant ROW activity could result in more or less parcels to be engaged with the initial project. TCE's will not be known completely until the 65% plans have been developed.

Utility Relocation- This amount is reserved to capture costs associated with clearing right of way prior to construction. Early utility relocation is necessary to ensure a clear right of way for the construction contractor to build the project. If the right of way is not clear at the project construction start, contractor could suffer right of way delay and not be able to complete the project on time. This amount and activity helps ensure that the project will be completed as anticipated in Dec 2020. It was recently discovered that a 54 inch SS line at the westerly end of the project needs to be religned and a second crossing installed. The estimated cost for this repair is in the $1M range. Sponsor is seeking ways to lower this projected cost.

Plan Check- This amount and activity is reserved to provide plan check engineering of the PS&E. The SR132 project is a regional project and a project that requires highly developed skills to design. These skills are not available amongst City staff as well as the scope and scale of the project would require significant staff involvement of time such that other on-going City commitments could suffer. Additionally, investment in plan check engineering helps to control cost overruns in the construction phase due to inconsistencies and uncertainties in the plans and specifications.

2852382.1

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-404

RESOLUTION APPROVING A LAND EXCHANGE AGREEMENT BETWEEN CITY OF MODESTO AND STANISLAUS FOOD PRODUCTS, MODESTO, CA, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto (City) is the fee owner of certain real property (the "**City Property**"), known as 11th Street between D Street and Morton Blvd., 12th Street between B Street and Morton Blvd., and B Street between 12th Street and 10th Street, located in the City, and

WHEREAS, Stanislaus Food Products (SFP) is the fee owner of certain real property (the "**Stanislaus Property**,") located in the City, formerly known as a portion of 10th Street between B Street and D Street, and strips of land bordering 10th Street between B Street and Morton Blvd., and a strip of land from 11th Street to Morton Blvd. on both sides of 11th Street, and a strip of land along 9th and B Streets, and

WHEREAS, SFP owns the property adjacent to the City Property and desires to acquire ownership of the City Property with no restrictions in order to close 11th Street between D Street and Morton Blvd, 12th Street between B Street and Morton Blvd., and B Street between 12th Street and 10th Street, and to make permanent improvements that will benefit SFP, and

WHEREAS, the City desires to purchase the SFP Property for future public purposes, and

WHEREAS, the City and SFP have negotiated a land exchange agreement (the "Land Exchange Agreement") substantially in the form on file with the City Clerk, and

WHEREAS, the City hereby finds that the transactions contemplated under this Resolution further the health, safety and welfare of the City's residents and are in conformity with the City's economic development plans and Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Council hereby approves the Land Exchange Agreement between the City and Stanislaus Food Products, substantially in the form on file with the City Clerk.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute the Land Exchange Agreement, in a form approved by the City Attorney, and to take all other actions and execute all other documents that are necessary to carry out the intent of this Resolution and to exchange the properties, as set forth in the Land Exchange Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-405

Print

RESOLUTION ACCEPTING A REPORT ON A DRAFT RECORD OF VIOLATION FROM THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD AND PAYING THE MANDATORY MINIMUM PENALTIES OF $165,000 AND WAIVING THE RIGHT TO A HEARING RELATING TO AN UNALLOWABLE DISCHARGE INTO THE SAN JOAQUIN RIVER IN MARCH 2017, AND APPROPRIATING $165,000 FROM WASTEWATER FUND RESERVES TO PAY THE MANDATORY MINIMUM PENALTY

WHEREAS, on March 2, 2017, staff notified the Central Valley Regional Water Quality Control Board (CVRWQCB) that influent flows to the treatment facilities had increased significantly due to recent Tuolumne River flooding, and

WHEREAS, excessive inflow and infiltration (I/I) was the result of a sewer trunk pipe failure that runs parallel to the Tuolumne River, which overwhelmed the City's treatment facilities, and

WHEREAS, staff began to release undisinfected secondary treated wastewater to the San Joaquin River from March 2, 2017 through March 30, 2017, which was necessary to protect the pond levees and treatment processes infrastructure at the Jennings Road Wastewater Treatment Plant, as the ponds had reached full capacity due to the flooding event, and

WHEREAS, the Director of Utilities made a determination on March 2, 2017, to discharge undisinfected secondary treated wastewater to the San Joaquin River and Council was notified of the unanticipated event, and

WHEREAS, as of March 31, 2017, staff discharged approximately 755 million gallons of undisinfected secondary treated wastewater and triggered 59 exceedance violations, and

WHEREAS, staff is aware that Mandatory Minimum Penalties (MMPs) are required by Section 13385 of the California Water Code and the CVRWQCB must assess MMPs for violations of the effluent limitations contained in the Waste Discharge Requirements, and

WHEREAS, the Record of Violation contains a listing of effluent limitation violations that occurred due to discharges from the facility from April 1, 2013 through June 30, 2017 and the CVRWQCB assessed approximately 5 years of data to conclude staff reached the maximum allowable violations, and

WHEREAS, California Water Code section 13385(i) requires that a Mandatory Minimum Penalty (MMP) of $3,000 be assessed by the Regional Water Boards for each non-serious violation, and

WHEREAS, on September 11, 2017, staff received an Administrative Civil Liability (ACL) complaint (R5-2017-0551) regarding the MMPs, which has several options, pursuant to Water Code section 13323, including: pay the proposed administrative civil liability and waive its right to a hearing; ask that the hearing be postponed to facilitate settlement discussions or for other reasons; or contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver, and

WHEREAS, due to the fact that the City self-reported the violations, staff is recommending paying the proposed administrative civil liability and waive the City's right to a hearing, and

WHEREAS, staff has deemed the MMP of $165,000 is reasonable, and

WHEREAS, staff negotiated with the board staff and received an extension to October 31, 2017, and

WHEREAS, staff presented this item to the Effective Government Committee on September 25, 2017, where the recommendation was made to forward this item to Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a report on a draft Record of Violation from the Central Valley Regional Water Quality Control Board and authorizes payment of the Mandatory Minimum Penalties of $165,000 and waiving the right to a hearing relating to an unallowable discharge into the San Joaquin River in March 2017, and appropriating $165,000 from Wastewater Fund reserves to pay the Mandatory Minimum Penalty.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-406

RESOLUTION APPROVING TWO DAYS A WEEK OUTDOOR WATER USE FOR CITY OF MODESTO CONTIGUOUS WATER CUSTOMERS (SERVED BY SURFACE AND GROUNDWATER) FROM NOVEMBER 1, 2017 THROUGH MARCH 31, 2018 AND THREE DAYS A WEEK WATERING SCHEDULE APRIL 1, 2018 THROUGH OCTOBER 31, 2018 AND CONTINUING THESE SCHEDULES YEAR-ROUND; AND APPROVING TWO DAYS A WEEK OUTDOOR WATER USE FOR ALL CUSTOMERS SERVED BY GOUNDWATER (DEL RIO, GRAYSON, TURLOCK AND CERES - WALNUT MANOR), EFFECTIVE NOVEMBER 1, 2017, AND CONTINUING THIS SCHEDULE YEAR-ROUND, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS RELATED TO THE IMPLEMENTATION OF OUTDOOR WATER USE

WHEREAS, on May 23, 2017, Council, by Resolution No. 2017-206, approved Outdoor Water Use Regulations for June through October 2017 for water customers served by the Modesto sub-basin groundwater supply or surface water which implemented a three days a week watering schedule, and

WHEREAS, by executive order B-40-17 on April 7 1017, Governor Brown declared an end to California's drought, and

WHEREAS, the City is now receiving the full allotment of surface water from the Modesto Regional Water Treatment Plant, and

WHEREAS, staff will continue to monitor groundwater levels, especially in the outlying water systems, precipitation and snow pack levels to determine if further restrictions become necessary to meet State conservation goals and water supply requirements, and

WHEREAS, staff is recommending a two days a week outdoor water use for City contiguous water customers (served by surface water and groundwater), from November 1, 2017 through March 31, 2018, and

WHEREAS, since the City's outlying water service areas are served with only groundwater, staff is recommending two days a week outdoor watering year-round for customers in those areas, and

WHEREAS, staff is also recommending return to three days a week watering schedule April 1, 2018 through October 31, 2018 for contiguous water customers and continuing these schedules year-round, and

WHEREAS, staff estimates the two-day watering schedule will keep usage at the current rate and therefore keep revenues consistent with the winter months when customers typically use less water, and

WHEREAS, this item was considered by the Finance Committee at the September 25, 2017 meeting and Committee recommended forwarding to full Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves two days a week outdoor water usage for City of Modesto contiguous water customers (served by surface and groundwater) from November 1, 2017 through March 31, 2018 and three days a week watering schedule April 1, 2018 through October 31, 2018 and continuing these schedules year-round; and approving two days a week outdoor water use for customers served by groundwater (Del Rio, Grayson, Turlock and Ceres - Walnut Manor), effective November 1, 2017, and continuing this schedule year-round.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the necessary documents related to the implementation of outdoor water use.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-407

RESOLUTION APPOINTING JOSEPH "JOE" MURATORE (TERM EXPIRATION JANUARY 1, 2020) AND LAUREN TREVINO (TERM EXPIRATION JANUARY 1, 2018) TO FILL TWO VACANCIES ON THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD.

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, there are presently two (2) vacancies on the Board of Directors of the Downtown Improvement District Advisory Board (D.I.D.) occasioned by the death of Norma Reed whose term would have been up in 2020 and the resignation of Don Phillips whose term would have been up in 2018 and

WHEREAS, the D.I.D. put out a call for applicants in order to fill these vacancies and received eight applications and

WHEREAS, the Downtown Improvement District Board of Directors are recommending the appointments of Joseph "Joe" Muratore to fill the vacancy left by Norma Reed with an term expiration of January 1, 2020 and Lauren Trevino to fill the vacancy left by Don Phillips with a term ending January 1, 2018 to the Downtown Improvement District Advisory Board.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Joseph "Joe" Muratore and Lauren Trevino are hereby appointed to the Downtown Improvement District Advisory Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this Resolution to the reappointed members of Downtown Improvement District Advisory Board, and as Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-408

RESOLUTION ACCEPTING THE RESIGNATION OF KARLHA DAVIES FROM THE CITY OF MODESTO CULTURE COMMISSION

WHEREAS, Karlha Davies was appointed to serve as a member of the Culture Commission on October 25, 2016 through Resolution No. 2016-420 , and

WHEREAS, Karlha Davies has tendered her resignation from the Culture Commission on September 29, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby accepts, with regret, the resignation of Karlha Davies from the Culture Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017 by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-409

RESOLUTION ACCEPTING THE RESIGNATION OF JONATHAN BRUNO FROM THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Jonathan Bruno was appointed to serve as a member of the Landmark Preservation Commission (LPC) on November 8, 2016, by City Council Resolution 2016-452, and

WHEREAS, Jonathan Bruno has tendered his resignation from the LPC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Jonathan Bruno from the LPC be, and hereby is, accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-410

RESOLUTION ACCEPTING THE RESIGNATION OF SAMUEL GONZALEZ FROM THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION

WHEREAS, Samuel Gonzalez was appointed to serve as a member of the Landmark Preservation Commission (LPC) on November 8, 2016, by City Council Resolution 2016-450, and

WHEREAS, Samuel Gonzalez has tendered his resignation from the LPC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Samuel Gonzalez from the LPC be, and hereby is, accepted with regret.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-411

RESOLUTION ACCEPTING THE RESIGNATION OF MICAH RAPIER FROM THE CITY OF MODESTO HOUSING AND REHABILITATION LOAN COMMITTEE

WHEREAS, the City of Modesto's Housing Rehabilitation Loan Committee was established to develop administrative procedures and policies for the City's housing rehabilitation loans and grants and its down payment assistance program, and

WHEREAS, it also has the authority to review and approve housing rehabilitation loans, funded through the Community Development Block Grant – Revolving Loan Fund, in an amount up to $60,000, and

WHEREAS, on April 13, 2017, by Resolution No. 2017-162, Micah Rapier was re-appointed to the City of Modesto Housing Rehabilitation Loan Committee, and

WHEREAS, Micah Rapier submitted his resignation on October 5, 2017 as he will no longer be able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the resignation of Micah Rapier from the City's Housing Rehabilitation Loan Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-412

RESOLUTION APPROVING THE 2018 CITY CALENDAR OF REGULARLY SCHEDULED CITY COUNCIL AND COUNCIL STANDING COMMITEE MEETINGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 2018 City Council Meeting Calendar, **attached** hereto as **Exhibit "A,"** and the 2018 Council Standing Committee Meeting Calendar **Exhibit "B,"** are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Draft City Council Calendar
2018

January 2018

2nd	CANCELLED*
9th	CANCELLED*
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING – 5th Tuesday

February 2018

6th	Council Meeting (regular)
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

March 2018

6th	Council Meeting (regular)
13th	Council Meeting (regular)
20th	NO MEETING
27th	CANCELLED **

April 2018

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	Council Meeting (regular)

May 2018

1st	Council Meeting (regular)
8th	Council Meeting (regular)
15th	NO MEETING
22nd	Council Meeting (regular)
29th	NO MEETING - 5th Tuesday

June 2018

5th	Council Meeting (regular)
12th	Council Meeting (regular)
19th	NO MEETING
26th	Council Meeting (regular)

July 2018

3rd	Council Meeting (regular)
10th	Council Meeting (regular)
17th	NO MEETING
24th	NO MEETING
31st	NO MEETING

August 2018

8th	Council Meeting (special)***
14th	Council Meeting (regular)
21st	NO MEETING
28th	NO MEETING

September 2018

4th	Council Meeting (regular)
11th	Council Meeting (regular)
18th	NO MEETING
25th	Council Meeting (regular)

October 2018

2nd	Council Meeting (regular)
9th	Council Meeting (regular)
16th	NO MEETING
23rd	Council Meeting (regular)
30th	NO MEETING – 5th Tuesday

November 2018

6th	Council Meeting (regular)
13th	Council Meeting (regular)
20th	NO MEETING
27th	Council Meeting (regular)

December 2018

4th	Council Meeting (regular)
11th	Council Meeting (regular)
18th	CANCELLED per MMC 2-1.01
25th	CANCELLED per MMC 2-1.01

* January 2nd and January 9th due to Winter Break
** March 27th due to Spring Break
*** August 8th Wednesday Meeting due to National Night Out on August 7th

DRAFT

City of Modesto Council and Standing Committees Calendar
2018

JANUARY

S	M	T	W	T	F	S
	H	2	3	4	5	6
7	8	9		11	12	13
14	H	16	17	18	19	20
21		23	24	25	26	27
28	29	30	31			

FEBRUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13		15	16	17
18	H	20	21	22	23	24
25		27	28			

MARCH

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13		15	16	17
18	19	20	21	22	23	24
25		27	28	29	30	31

APRIL

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10		12	13	14
15	16	17	18	19	20	21
22		24	25	26	27	28
29	30					

MAY

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8		10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27		29	30	31		

JUNE

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12		14	15	16
17	18	19	20	21	22	23
24		26	27	28	29	30

JULY

S	M	T	W	T	F	S
1	2	3	H	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
36		28	29	30	31	

SEPTEMBER

S	M	T	W	T	F	S
						1
2	H	4	5	6	7	8
9	10	11		13	14	15
16	17	18	19	20	21	22
23		25	26	27	28	29
30						

OCTOBER

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9		11	12	13
14	15	16	17	18	19	20
21		23	24	25	26	27
28	29	30	31			

NOVEMBER

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	H	13		15	16	17
18	19	20	21	H	H	24
25		27	28	29	30	

DECEMBER

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11		13	14	15
16		18	19	20	21	22
23	24	H	26	27	28	29
30	31					

Council

Economic Development Committee

Appointment & Audit Committees - **As needed**

Safety & Communities Committee

Finance Committee

**Meeting dates are subject to change at the request of Council*

Calendar by the City Clerk's Office 10/24/2017 - Revised for clerical error

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-413

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPTIAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE $120,000 FROM THE GENERAL FUND TO THE JOHN THURMAN FIELD CAPITAL IMPROVEMENT FUND (PROJECT 101019)

WHEREAS, City Council Resolution No. 2016-503 and No. 2016-504 approved an agreement with HWS Baseball, IV, LLC (the Nuts) for the use and operation, and management of John Thurman Field and to establish a fund for capital improvements to be made to the stadium, and

WHEREAS, the 2018 List of Priorities for Capital Improvements has been submitted to the City and is **attached** hereto, and

WHEREAS, the City has identified and approved the replacement of the stadium seats and completion of the anti-skid treads on the stadium steps, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended to appropriate $120,000 from Fiscal Year 2016-2017 General Fund Carryover to the John Thurman Field Capital Improvement Fund budget to fund the approved improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2017-2018 Capital Improvement Budget to appropriate and transfer $120,000 from 2016-2017 FY General Fund Carryover to the John Thurman Capital Improvement Project Fund (Project 101019).

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO NUTS PROFESSIONAL BASEBALL
CALIFORNIA LEAGUE AFFILIATE OF THE SEATTLE MARINERS

POST OFFICE BOX 883
MODESTO, CA 95353

(P) 572-HITS(4487)
(F) 572-4490

2018 List of Priorities at John Thurman Field

1. Replacement of approximately 1,000 Upper Box seats
    a. Estimated Cost: $140,000
    b. Reason: The Upper Box seats are the same seats that were installed in 1997. Typically, these seats have a lifespan of 10 years. We have just completed our 21st season with the same seats. They are faded, loose and in constant need of repair.
2. Installation of misters in the seating area
    a. Estimated Cost: $10,000
    b. Reason: There is very little shade in the seating area at John Thurman Field. The high temperatures we experience in the summer has a dramatic negative impact on attendance. Installing a mister unit, similar to other ballparks in California, will allow our fans to stay cool during hot games.
3. Renovate two lower level seating sections into a premium seating area
    a. Estimated Cost: $20,000
    b. Reason: Premium seating options close to the field are in high demand across the country. Currently, our premium seating options are limited to groups and tend to be further from the action. By removing 2 sections of seats (160 total) and installing a deck area with round tables and misters, we can create a unique environment close to the action for the individual fan to purchase.
4. Replacement of video board
    a. Estimated Cost: $500,000
    b. Reason: The current videoboard was purchased and installed prior to the 2007 season. With proper maintenance, video boards have a lifespan of 8-10 years. The maintenance of the scoreboard has not been kept up and we will complete our 11th season with the video board. While the board is still currently operational, the franchise believes we are on borrowed time.
5. New fencing/gates around the perimeter of the facility
    a. Estimated Cost: TBD
    b. Reason: The fencing around the facility is weak, outdated and easy to climb. Trespassers can easily climb the fence or pull the bottom from the Municipal Golf course and enter the stadium with relative ease. This has subjected the franchise to numerous break-ins and losses.
6. Repainting of green steel throughout the facility
    a. Estimated Cost: $50,000
    b. Reason: The steel is stained, faded and gives an overall rundown impression throughout the stadium. This project can be broken up into smaller parts over time.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-414

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2) AND TO AUTHORIZE THE LEVY OF SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION #16)

WHEREAS, pursuant to Chapter 2.5 Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the annexation of territory to an existing community facilities district may, pursuant to Article 3.5 of the Act, be instituted by the adoption by the legislative body of a resolution of intention to annex such territory, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-199, adopted on April 6, 2004 (the "Resolution of Formation"), establish the City's Community Facilities District No. 2004-1 (Village One #2) (the "District"), and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004 ("Resolution of Creation of Tax Zone #2), create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, pursuant to California Streets and Highways Code Section 3113.5, this Council did, by its Resolution No. 2005-566, adopted on November 9, 2005, direct that all prior modifications, amendments and annexations to the District be consolidated into a single map of the District, specifically all prior boundary maps and amendments thereto related to formation of the District and Annexation Nos. 1 through 10 to the District, and

WHEREAS, on November 23, 2005, said boundary maps were consolidated into a single map entitled "Consolidation of Boundary Maps of Community Facilities District No. 2004-1 (Village One #2)" and recorded with the County Recorder of the County of Stanislaus at Book 4 of Maps of Assessments and Communities Facilities Districts, at Page 33 (the "Consolidated Boundary Map"), and

WHEREAS, subsequent to the recordation of the Consolidated Boundary Map, additional territory was annexed to the District through Annexations Nos. 11, 12, 13, 14, and 15, and

WHEREAS, this Council hereby determines that the public convenience and necessity require the annexation of additional certain territory to the District, and

WHEREAS, the territory to be annexed is within the City limits, and

WHEREAS, it is intended that the territory be annexed to Tax Zone #2.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto that the Council finds and orders the following:

1. The above recitals are true and correct.

2. The current boundaries of the District are shown on the Consolidated Boundary Map as supplemented by the map entitled "Annexation Map No. 11 of

Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 36, the map entitled "Annexation Map No. 12 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts, at Page 42, the map entitled "Annexation Map No. 13 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 57, the map entitled "Annexation Map No. 14 of Community Facilities District No. 2004-1 (Village One #2)" on file with the County Recorder at Book 4 of Maps of Assessment and Community Facilities Districts at Page 98 and the map entitled "Annexation Map No. 15 of Community Facilities District No. 2004-1 (Village One #2)" on file with the Count Recorder at Book 5 of Maps of Assessment and Community Facilities Districts at Page 52.

3. The territory proposed to be annexed to the District (the "Territory") is described in **Exhibit A, attached** hereto.

4. The boundaries of the Territory are also shown on the map thereof, entitled "Proposed Boundaries of Annexation No. 16 to the City of Modesto Community Facilities District No. 2004-1 (Village One #2)", City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk, which map is hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than fifteen (15) days after the adoption of this Resolution, file a

copy of the map with the County Recorder of the County of Stanislaus. The map shall contain the legends provided in Sections 3110 and 3110.5 of the California Streets and Highways Code; including a reference to the title, book, page and recording date of the original boundary map of the District.

5. The public facilities and services to be provided for the District are set forth in the Resolution of Formation. It is intended that these same facilities and services be provided to the Territory.

6. The special taxes to be levied in the District are set forth in the Resolution of Formation. It is intended that the same special taxes be levied in the Territory, except that the increase of the One-Time Facilities Special Tax component of the special taxes, as authorized by the Resolution of Creation of Tax Zone #2, shall be levied in the Territory.

7. A public hearing on this Resolution will be held at 5:30 p.m., or as soon thereafter as practicable, on Tuesday November 28, 2017, at the regular meeting place of the City Council, City Council Chambers, Basement Level, 1010 Tenth Street, Modesto, California 95353, such time being not less than 30 or more than 60 days following the adoption hereof.

8. At the hearing, any interested persons for or against the annexation of the Territory to the District, and the levy of the special taxes therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the

public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

9. The City Clerk is directed to publish, not later than seven days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

10. If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Territory, or the owners of one-half or more of the area of the land in the District and not exempt from the special tax, or the owners of one-half or more of the Territory, file written protests against the proposed annexation, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Territory to the District, or to levy in the Territory the special taxes to be levied in the District, shall be taken for a period of one year from the date of the decision of the Council on the issues discussed at the hearing.

11. At the conclusion of the hearing, if the Council determines to annex the Territory to the District, it will submit the levy of the special taxes to the qualified electors of the Territory in a special election.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

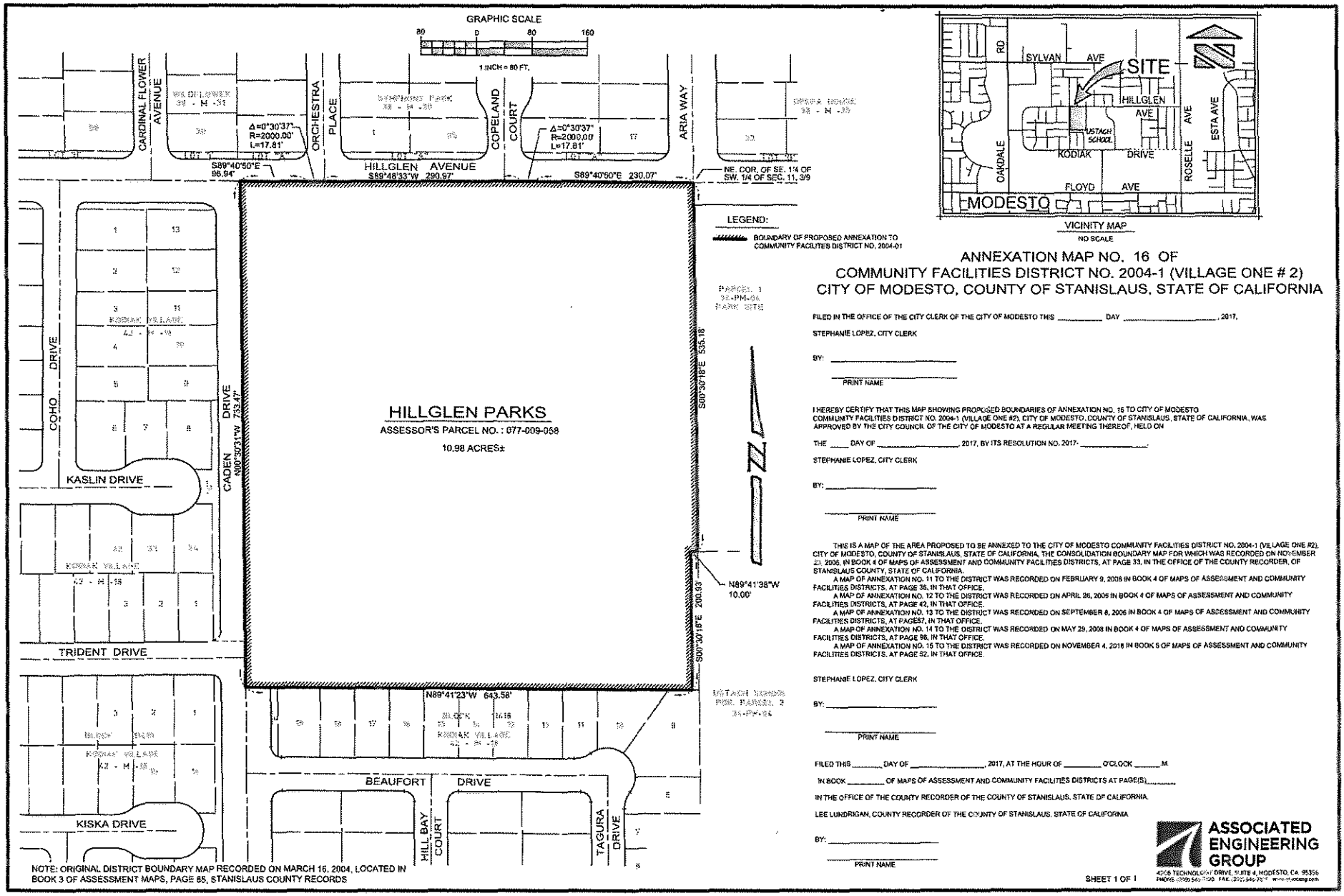
AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney



NOTE: ORIGINAL DISTRICT BOUNDARY MAP RECORDED ON MARCH 16, 2004, LOCATED IN BOOK 3 OF ASSESSMENT MAPS, PAGE 85, STANISLAUS COUNTY RECORDS

ANNEXATION MAP NO. 16 OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE # 2) CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS _____ DAY _____, 2017,

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

I HEREBY CERTIFY THAT THIS MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 16 TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AT A REGULAR MEETING THEREOF, HELD ON

THE ____ DAY OF _____, 2017, BY ITS RESOLUTION NO. 2017-_____.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

THIS IS A MAP OF THE AREA PROPOSED TO BE ANNEXED TO THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, THE CONSOLIDATION BOUNDARY MAP FOR WHICH WAS RECORDED ON NOVEMBER 23, 2005, IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 33, IN THE OFFICE OF THE COUNTY RECORDER, OF STANISLAUS COUNTY, STATE OF CALIFORNIA.

A MAP OF ANNEXATION NO. 11 TO THE DISTRICT WAS RECORDED ON FEBRUARY 9, 2008 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 36, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 12 TO THE DISTRICT WAS RECORDED ON APRIL 28, 2008 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 42, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 13 TO THE DISTRICT WAS RECORDED ON SEPTEMBER 8, 2008 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGES7, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 14 TO THE DISTRICT WAS RECORDED ON MAY 29, 2008 IN BOOK 4 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 56, IN THAT OFFICE.

A MAP OF ANNEXATION NO. 15 TO THE DISTRICT WAS RECORDED ON NOVEMBER 4, 2015 IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE 52, IN THAT OFFICE.

STEPHANIE LOPEZ, CITY CLERK

BY: _____

_____
PRINT NAME

FILED THIS _____ DAY OF _____, 2017, AT THE HOUR OF _____ O'CLOCK _____ M.

IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S)_____

IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

LEE LUNDRIGAN, COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY: _____

_____
PRINT NAME

ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356
PHONE: (209) 549-7100 FAX: (209) 549-7101 www.aegcorp.com

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-415

RESOLUTION APPROVING AN UPDATED ACQUISITION AND SHORTFALL AGREEMENT WITH BERBERIAN HOLDINGS, LP, MODESTO, CA, TO REDUCE PERFORMANCE AND PAYMENT SECURITIES TO 50% OF THE ESTIMATED COST OF THE IMPROVEMENTS; RESCINDING RESOLUTION NO. 2017-311; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT IN BOTH THE CAPACITY OF FORM OF INTERIM CITY MANAGER AND AS DISTRICT ADMINISTRATOR

WHEREAS, in January 2008, by Resolution No. 2008-024 City of Modesto adopted the Policies and Procedures for the Formation, Annexation, and Administration of Community Facilities Districts Created Pursuant to the Provisions of the Mello-Roos Community Facilities Act of 1982, and

WHEREAS, the policy allows developers to install public improvements which benefit properties within a proposed CFD, and be reimbursed for the work if certain parameters are met, and

WHEREAS, on April 6, 2004, the City of Modesto formed City of Modesto Community Facilities District No. 2004-1 (CFD No. 2004-1) to pay for various infrastructure improvements as well as the maintenance of parks, parkways and open space, storm drainage basin and related facilities that serve the Village One area, and

WHEREAS, a developer may construct identified improvements for CFD No. 2004-1 and be reimbursed, provided an agreement for such improvements is entered into with the City and CFD No. 2004-1 prior to commencement of work, and

WHEREAS, on April 26, 2017, Berberian Holdings, LP (Applicant) submitted an application to develop an 18-acre neighborhood shopping center known as The Marketplace on property located at the southwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, the proposed project will construct public improvements at the Sylvan Avenue and Oakdale Road intersection as well as on Oakdale Road between Sylvan Avenue and Post Office Drive and includes paving, curb, gutters, sidewalks, storm drainage, traffic signal modification and MID pole relocation, and

WHEREAS, the City's General Plan calls for Oakdale Road to be a six lane principal arterial, and for Sylvan Avenue to be constructed as a six lane principal arterial, and

WHEREAS, an Acquisition & Shortfall Agreement between the City of Modesto, City of Modesto Community Facilities District No. 2004-1 (Village One #2) and Berberian Holdings, LP, must be executed prior to commencement of work in order for Applicant to be reimbursed for certain public improvements, and

WHEREAS, the proposed Acquisition and Shortfall Agreement has a maximum reimbursement amount of $2,635,322; however, reimbursement will be based upon actual expenses incurred and in no event will exceed the maximum reimbursement amount, and

WHEREAS, reimbursement is strictly limited to funds from the City of Modesto Community Facilities District No. 2004-1 (Village One #2), and

WHEREAS, on August 8, 2017, by Resolution 2017-311, the Council approved an Acquisition and Shortfall Agreement with Applicant, and

WHEREAS, under the terms of the Acquisition & Shortfall Agreement, the Applicant is required to provide both payment and performance securities in an amount equal to 100% of the estimated cost of the improvements to be installed by the Applicant, and

WHEREAS, this is the standard language for Acquisition & Shortfall Agreements, and

WHEREAS, the Acquisition & Shortfall Agreement approved on August 8, 2017, was not signed by the Applicant, and

WHEREAS, the Applicant requested the security requirements in Section 3(g) of the Acquisition & Shortfall Agreement be amended to reflect a 50% performance security and a 50% security be provided in lieu of the current 100% performance and 100% payment security requirement, and

WHEREAS, at the 100% security requirement, the Applicant is required post two securities, each in the amount of $2,635,322, and

WHEREAS, if the security requirement is reduced to 50%, the Applicant will be required to post two securities, each in the amount of $1,317,661, and

WHEREAS, rather than providing bonds, the Applicant will assign two Certificates of Deposit, each in the amount of $1,317,661, to the City, and

WHEREAS, Certificates of Deposit are sounder securities than bonds as they are essentially "cash" the City can draw upon in the event Applicant breaches the Acquisition & Shortfall Agreement, and

WHEREAS, if the updated Acquisition & Shortfall Agreement to reduce the amount of the two securities is not approved, the developer would have to look into other options to provide the stated securities and it would delay construction on the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an updated Acquisition and Shortfall Agreement with Berberian

Holdings, LP, Modesto, CA, to reduce performance and payment securities to 50% of the estimated cost of the improvements.

BE IT FURTHER RESOLVED that Resolution No. 2017-311 is rescinded in its entirety.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in both the capacity of Interim City Manager and as District Administrator, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-416

RESOLUTION CLAIMING FISCAL YEAR 2016-2017 UNCLAIMED FUNDS OF $27,094 HELD IN THE CITY'S TRUST FUND FOR MORE THAN THREE YEARS AND AUTHORIZING THE TRANSFER TO THE GENERAL FUND

WHEREAS, the City issues checks from time to time that remain uncashed the payee, and such checks that are not cashed remain in the accounting records as Outstanding Checks; and

WHEREAS, California Government Code Sections 50050-50053 and 50055 establishes provisions for the escheatment of such unclaimed money to the City's General Fund; and

WHEREAS, State law requires unclaimed funds in the amount of $15 or more, held in the City's Trust fund, be published in a newspaper of general circulation in the City of Modesto, for two successive weeks; and

WHEREAS, after a forty-five day period from the date of the first publication any funds that are not claimed become the property of the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby claims the FY 2016-2017 unclaimed funds of $27,094 held in the City's trust fund for more than three years and authorizes the transfer to the General Fund.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-417

RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT WITH STANISLAUS COUNTY FOR A JOINT APPLICATION FOR FUNDING IN THE AMOUNT OF $169,479 THROUGH THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF AGREEMENT

WHEREAS, the allocation of Edward Byrne Memorial Justice Assistance Grant (JAG) is based on a formula of population and violent crime statistics, in combination with a minimum allocation to ensure that each state and territory received an appropriate share of funding, and

WHEREAS, the JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local need and conditions, and

WHEREAS, the City of Modesto Police Department is eligible to apply for $140,751 and Stanislaus County is eligible for $28,728, and

WHEREAS, the City of Modesto Police Department is considered "disparate" under the terms of this grant because the City is eligible to receive one and one-half times more than a County (150% more than the County with concurrent jurisdiction), and

WHEREAS, the Modesto Police Department and Stanislaus County are required to submit a joint application for the total eligible allocation of $169,479 and

WHEREAS, recommended distribution of the 2017 JAG funds are as follows:

Probation	$ 7,182
Sheriff	$ 21,546
Sheriff (Administrative Fee)	$ 4,223
Modesto Police Department	$136,528

WHEREAS, the City of Modesto will use its allocation to help fund the acquisition and implementation of License Plate Reader (LPR) equipment and analytical software, and

WHEREAS, there is no match required for this grant, and

WHEREAS, the awards are made in the first fiscal year of the appropriation and may be expended during the following three years for a total of four years, and

WHEREAS, Stanislaus County will be the fiscal agent for this grant, and

WHEREAS, the County will charge the City a three percent (3%) administrative fee in the amount of $4,223 to cover the reporting costs associated with the grant, and

WHEREAS, the administrative fee reduces the City's total projected grant award to $136,528 ($140,751 less the 3% administrative fee of $4,223), and

WHEREAS, the grant requires that a trust fund must be established for fund deposits, and funds cannot be commingled with funds from any other source, and

WHEREAS, the Memorandum of Agreement states that the City agrees to provide the County a quarterly financial and programmatic report not later than fifteen (15) calendar days after the end of the quarter, and

WHEREAS, grant requires a signed Memorandum of Agreement between the City and County for the application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Agreement with Stanislaus County for a joint application for funding in the amount of $169,479 through the Edward Byrne Justice Assistance Grant (JAG) Formula Program.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the grant application upon award.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-418

RESOLUTION ACCEPTING THE 2018 PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT IN THE AMOUNT OF $30,000 FROM THE OFFICE OF TRAFFIC SAFETY TO INCREASE AWARENESS AND EDUCATION FOR PEDESTRIAN AND BICYCLE SAFETY; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of Modesto Police Department desires to undertake a certain project designated as the Pedestrian and Bicycle Safety Program grant from the Office of Traffic Safety (OTS), and

WHEREAS, the Police Department was awarded a grant in the sum of $30,000 from OTS, and

WHEREAS, acceptance of said $30,000 grant will provide funding for pedestrian and bicycle safety presentations, equipment and resources to educate and bring awareness for safety of non-motorized travel on city roadways, and

WHEREAS, OTS will pay overtime for Police staff to participate in traffic safety fairs, community events and otherwise educate citizens through community-based organizations at both the neighborhood and community levels, and

WHEREAS, the term of this grant will be from October 1, 2017, through September 30, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Pedestrian and Bicycle Safety Program Grant in the amount of approximately $30,000 from the Office of Traffic Safety to increase awareness and education for pedestrian and bicycle safety.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the necessary award documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-419

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 MULTI-YEAR BUDGET TO APPROPRIATE REVENUE AND EXPENSES IN THE AMOUNT OF $30,000 RELATED TO THE PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT TO INCREASE AWARENESS AND EDUCATION FOR PEDESTRIAN AND BICYCLE SAFETY

WHEREAS, the Police Department acquired a grant award in the amount of approximately $30,000 from the Office of Traffic Safety (OTS) to increase awareness and education for pedestrian and bicycle safety, and

WHEREAS, the grant provide funding for pedestrian and bicycle safety presentations, equipment and resources to educate and bring awareness for safety of non-motorized travel on city roadways, and

WHEREAS, the grant will also pay overtime for Police staff to participate in traffic safety fairs, community events and otherwise educate citizens through community-based organizations at both the neighborhood and community levels, and

WHEREAS, there is no local match required for this grant, and

WHEREAS, the term of this grant will be from October 1, 2017, through September 30, 2018,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2017/2018 Multi-Year Budget is hereby adjusted as indicated on budget adjustment **attached.**

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Project Name: 2018 OTS Pedestrian and Bicycle Safety Program
Project Fund: 1342 – Grants – Police

The Multi-Year 2017/2018 Operating Budget will be amended as follows:

	Revenues	Increase/(Decrease)	Description
To:	MY-1342-19998-42141- 101056	$30,000	Intergov-State-Office of Traffic Safety
	Expenses		
To:	MY- 101056 - Appr. A - 51200	$ 25,363	Overtime
	MY- 101056 - Appr. C - 53025	$ 2,000	Training Expense
	MY- 101056 - Appr. C - 52300	$ 2,637	Tools & Field Supplies < $5,000
		$ 30,000	

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-420

RESOLUTION APPROVING AN AGREEMENT WITH BRASCO INTERNATIONAL, INC., MADISON HEIGHTS, MI, TO PROVIDE BUS STOP SHELTERS FOR THE MODESTO AREA EXPRESS (MAX) TRANSIT SYSTEM, AT A COST OF $95,615 FOR THE FIRST YEAR AND TOTALING $562,075 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, a Request for Bids (RFB) for bus stop shelters was issued soliciting bids from qualified firms on August 7, 2017, and

WHEREAS, Brasco International, Inc., Madison Heights, MI, submitted a bid that was determined to be reasonable and cost effective, and

WHEREAS, the RFB conformed to the formal bid procedures in Modesto Municipal Code section 8-3.203 and staff recommends awarding the contract to the lowest responsive and responsible proposal, which was submitted by Brasco International, Inc., Madison Heights, MI.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Brasco International, Inc., Madison Heights, MI, to provide bus stop shelters for the Modesto Area Express (MAX) Transit System, at a cost of $95,615 for the first year and totaling $562,075 over five years.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-421

RESOLUTION ACCEPTING THE AWARD FROM THE FEDERAL TRANSIT ADMINISTRATION (FTA) OF $5,172,318 IN FTA SECTION 5307 FUNDS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AND FILE THE ANNUAL CERTIFICATIONS AND ASSURANCES, AND ALL OTHER NECESSARY DOCUMENTS WITH THE FTA

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transportation related projects, and

WHEREAS, the City of Modesto has provided all annual certifications and assurances required by the FTA to be eligible for funding under 49 U.S.C Section 5307, and

WHEREAS, on September 26, 2017, Council approved the submittal of a grant application through Resolution No. 2017-379, and

WHEREAS, the projects are included in the 2017 Federal Transportation Improvement Program (FTIP) adopted by the Stanislaus Council of Governments (StanCOG), and

WHEREAS, Modesto is eligible to use federally approved Transportation Development Funds, formerly known as "State Toll Credits", in lieu of a local match, and

WHEREAS, these Section 5307 funds will be used for preventative maintenance, to fund the capital cost of contracting for Stanislaus County, and for employee education and training, bus stop shelters, and maintenance to the downtown Transit Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the award of $5,172,318 in FTA Section 5307 funds.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute and file the annual certifications and assurances and other documents the FTA requires for awarding a federal assistance grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-422

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE PROJECT TITLED, "NEW TRAFFIC SIGNALS" AT ROSELLE AVENUE AT BELHARBOUR DRIVE, FLOYD AVENUE AT MILLBROOK AVENUE AND PRESCOTT ROAD AT MOUNT VERNON DRIVE, ACCEPTING THE BID, AND AWARDING THE CONSTRUCTION CONTRACT TO TIM PAXIN'S PACIFIC EXCAVATION, INC. OF ELK GROVE, CA IN THE AMOUNT OF $878,860, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in April, 2010 City Staff applied for Congestion Mitigation and Air Quality (CMAQ) funds to construct a new traffic signal at the following three intersections in the City of Modesto: (1) Roselle Avenue at Belharbour Drive, (2) Floyd Avenue at Millbrook Avenue, and (3) Prescott Road at Mount Vernon Drive, and

WHEREAS, construction of this project would install new traffic signals including LED street lighting at the intersections and meeting current Americans with Disabilities Act (ADA) standards, and

WHEREAS, on December 18, 2015, City Council approved Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive as a Capital Improvement Project (CIP) project, and

WHEREAS, City staff has worked diligently with California Department of Transportation (Caltrans) for project funding and approval, and

WHEREAS, City staff worked with Stanislaus Council of Governments (StanCOG) staff to increase the amount of CMAQ funds for the New Traffic Signals project, and

WHEREAS, on July 6, 2017, City Council, by Resolution No. 2017-269 approved the addition of $160,000 in Measure L funds to the construction phase and match funding of this project, and

WHEREAS, on July 22, 2017, the project was advertised for bids, and

WHEREAS, on August 15, 2017, bids were publicly opened pursuant to Modesto Municipal Code Section 8-3.403 and later tabulated by the Public Works Director for the consideration of Council, and

WHEREAS, the Director of Community and Economic Development and the Interim City Manager have recommended that the bid of $878,860 received from Tim Paxin's Pacific Excavation, Inc. be accepted as the lowest responsive and responsible bid and the contract be awarded to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the project titled, "New Traffic Signals" at Roselle Avenue at Belharbour Drive, Floyd Avenue at Millbrook Avenue, and Prescott Road at Mount Vernon Drive, accepts the bid from Tim Paxin's Pacific Excavation, Inc., of Elk Grove, CA in the amount of $878,860 and awards Tim Paxin's Pacific Excavation, Inc. of Elk Grove, CA the contract for the "New Traffic Signals – 2013" project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-423

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET IN THE AMOUNTS AS SHOWN IN EXHIBIT A IN ORDER TO FULLY FUND CONSTRUCTION ADMINISTRATION, CONSTRUCTION, CONTINGENCY, AND ENGINEERING SUPPORT FOR TRAFFIC SIGNAL PROJECTS #100719 ROSELLE AT BELHARBOUR AND #100720 FLOYD AT MILLBROOK AND PRESCOTT AT MT. VERNON

WHEREAS, certain budgetary transactions are necessary in the amounts as shown in **Exhibit A**, in order to fully fund construction administration, construction, contingency and engineering support for projects #100719 and #100720, which would provide traffic signals for Prescott Road at Mt. Vernon Avenue, Roselle Avenue at Belharbour Drive, and Floyd Avenue at Millbrook Avenue, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program must be amended as shown in **Exhibit A**, which is **attached** hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Project #100719 - Traffic Signals 2013 (Roselle/Belharbour)			
Revenue	Current Budget	Increase/Decrease	Revised Budget
Intergov - State - Department of Transportation	$ 240,061	$ -	$ 240,061
Transfer in from Fund 1410 (Measure L Proceeds)	$ 160,000	$ (121,629)	$ 38,371
Village One #2 CFD Fund Reserves (Project resides in fund, comes from fund balance)	$ 25,272	$ 100,000	$ 125,272
Total	**$ 425,333**	**$ (21,629)**	**$ 403,704**
Expenditures	Current Budget	Increase/Decrease	Revised Budget
Construction Administration	$ 23,255	$ 15,177	$ 38,432
Construction	$ 339,192	$ (42,644)	$ 296,548
Contingency - CIP	$ 17,886	$ 5,838	$ 23,724
Eng/Design/Admin	$ 45,000	$ -	$ 45,000
Total	**$ 425,333**	**$ (21,629)**	**$ 403,704**

Project #100720 - Traffic Signals 2013 (Prescott/Mt. Vernon)			
Revenue	Current Budget	Increase/Decrease	Revised Budget
Intergov - State - Department of Transportation	$ 608,237	$ -	$ 608,237
Transfer in from Fund 1410 (Measure L Proceeds)	$ -	$ 121,629	$ 121,629
Transfer in from Fund 1700 (Surface Transportation Fund)	$ 50,430	$ -	$ 50,430
Total	**$ 658,667**	**$ 121,629**	**$ 780,296**
Expenditures	Current Budget	Increase/Decrease	Revised Budget
Construction Administration	$ 64,962	$ 10,506	$ 75,468
Construction	$ 480,633	$ 112,610	$ 593,243
Contingency - CIP	$ 48,072	$ (1,487)	$ 46,585
Eng/Design/Admin	$ 65,000	$ -	$ 65,000
Total	**$ 658,667**	**$ 121,629**	**$ 780,296**

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-424

RESOLUTION APPROVING THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY REGARDING THE RIGHT-OF-WAY ACQUISITIONS FOR THE STATE ROUTE 132 PROJECT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, State Route (SR) 132 is an east-west highway that extends from I-580 in the Central Valley, south of the City of Tracy, to SR 49 in the foothills of the Sierra Mountains, terminating in the town of Coulterville, and

WHEREAS, the SR 132 corridor is a vital link through the Central Valley, serving local traffic from these communities and providing for regional traffic between the Bay Area and the mountains for the movement of traffic and goods and services, and

WHEREAS, the SR 132 West Freeway/Expressway Project developed by Caltrans (Project) proposes to construct a four lane freeway/expressway on a new alignment south of Kansas Avenue from Dakota Avenue to east of SR 99 at Needham Street, and

WHEREAS, the purpose of the Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR 132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, Phase 1 of the Project is approximately four miles in length and will allow for construction of the ultimate multi-lane freeway. Phase 1 of the Project will replace the existing 2-lane highway segment of SR-132 along Maze Boulevard from SR-99 to Dakota Avenue, and

WHEREAS, the City will be primarily responsible for the implementation of Phase 1 of the Project.

WHEREAS, as part of Phase 1 of the Project, the City will need to acquire property that is within the geographic boundaries of the City as well as some parcels that are within the unincorporated areas of the County, and

WHEREAS, pursuant to the Joint Exercise of Powers Act and Code of Civil Procedure section 1240.140, the Joint Powers Agreement delegates the common powers to acquire and condemn real property for state highway purposes to the City, for right-of-way acquisition for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Joint Powers Agreement between the City of Modesto and Stanislaus County regarding the right-of-way acquisitions for the State Route 132 Project.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-425

RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH ABS DIRECT INC., MODESTO, CALIFORNIA, INCREASING THE CONTRACT AMOUNT FOR PRINTING SERVICES BY $257,579, FROM $731,350 TO $988,929, EXTENDING THE TERM OF THE AGREEMENT FROM SEPTEMBER 7, 2016 TO MAY 31, 2018; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AMENDMENT TO THE AGREEMENT

WHEREAS, in November, 2010 the City went through a formal bidding process, pursuant to Modesto Municipal Code 8-3.203, for the furnishing of forms, printing and mailing services used primarily for the mailing of City utility bills, and

WHEREAS, Council authorized the award of proposal to ABS Direct, Inc., through Resolution No. 2011-385, and

WHEREAS, the City executed a contract with ABS Direct, Inc. in September 2011 for the furnishings of Forms, Printing and Mailing services for an estimated annual cost of $146,270 totaling $731,350 over a five year period, and

WHEREAS, over the five year term of the agreement, postage costs of $3.1 million were approved and reimbursed to ABS Direct Inc., through the annual budget process, and

WHEREAS, the City required the continued use if its Forms, Printing and Mailing services in order to ensure it met its daily business needs such as sending utility bills or business licenses until a competitive bid process occurred, and

WHEREAS, due to exigent circumstances created by the ongoing mailing needs of the City, from September 7, 2016 to September 6, 2017, $113,554 was paid for the Forms, Printing and Mailing services and pass through postage costs of $426,452 were reimbursed to ABS Direct Inc., and

WHEREAS, $42,597 of outstanding invoices have been received from ABS Direct, Inc., which include $7,262 for printing and mailing services and $35,335 for postage costs , and

WHEREAS, it is estimated an additional $136,763 will be needed for Forms, Printing and Mailing services and an additional $326,802 in pass through postage costs for the period of September 7, 2017 through May 31, 2018, and

WHEREAS, the Finance Department has completed the competitive bid process and is scheduled to forward the results and recommendation of award to the Finance Committee on November 27, 2017 to request the Committee forward to Council for consideration on December 5, 2017, and

WHEREAS, Modesto Municipal Code Section 8-3.204(c), Exceptions to Formal Bidding Requirements, provides that the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in Modesto Municipal Code section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, Modesto Municipal Code 8-3.204(d) states that where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality, the purchase may be exempt from the formal bid process, and

WHEREAS, the Purchasing Manager has determined that the current situation is an exigent circumstance since the City cannot have any lapse in printing and mailing of utility bills and business licenses since this is a major source of revenue for the City. Due to the exigent circumstances, the Purchasing Manager has also determined that

continuing in the current contract with ABS until such time that the RFP process can be completed would prevent any lapse in mailing services and save the City from incurring additional costs relating to staff time, and

WHEREAS, the postage costs are an essential and implied cost of mailing utility bills and business licenses and it is more efficient for the vendor to pay the postage costs to the Postal Service with reimbursement of the vendor by the City, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it finds the foregoing recitals to be true and correct and hereby approves an amendment to the agreement with ABS Direct, Inc., Modesto, CA, increasing the contract amount for printing services by $257,579 from $731,350 to $988,929 and extending the term of the agreement from September 7, 2016 to May 31, 2018.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the amended Agreement, in a form approved by the City Attorney.

BE IT FURTHER RESOLVED that the City Council acknowledges the postage costs reimbursed to ABS Direct, Inc. since 2011 are a pass through cost of the Forms, Printing and Mailing services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-426

RESOLUTION ACCEPTING THE RESIGNATION OF CHARLES AUSTIN FROM THE CITY OF MODESTO HOUSING REHABILITATION LOAN COMMITTEE

WHEREAS, the City of Modesto's Housing Rehabilitation Loan Committee was established to develop administrative procedures and policies for the City's housing rehabilitation loans and grants and its down payment assistance program, and

WHEREAS, it also has the authority to review and approve housing rehabilitation loans, funded through the Community Development Block Grant – Revolving Loan Fund, in an amount up to $60,000, and

WHEREAS, on March 1, 2016 by Resolution No. 2016-66, Charles Austin was appointed to the City of Modesto Housing Rehabilitation Loan Committee, and

WHEREAS, Charles Austin submitted his resignation on October 12, 2017 as he will no longer be able to serve on the committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Charles Austin from the City of Modesto Housing Rehabilitation Loan Committee is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-427

RESOLUTION APPROVING AMENDMENTS TO SECTION 3 (COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS), SECTION 6 (HOUSING REHABILITATION PROGRAM), AND SECTION 13 (NEIGHBORHOOD STABILIZATION PROGRAM) OF THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS, on August 8, 2017, the Council, by Resolution No. 2017-312, added Section 13 (Neighborhood Stabilization Program Subrecipient Management) to the HUD Manual, and

WHEREAS, an amendment to Section 3 (Community Development Block Grant Program), Section 6 (Housing Rehabilitation Program), and Section 13 (Neighborhood Stabilization Program) of the HUD Policies & Procedures Manual is proposed to reflect updated policies, and

WHEREAS, on October 12, 2017, the City of Modesto's Citizen's Housing and Community Development Committee reviewed, approved and forwarded an amended Section 3 (Community Development Block Grant Program) Section 6 (Housing Rehabilitation Program), and Section 13 (Neighborhood Stabilization Program) of the HUD Policies & Procedures Manual, to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby amends Section 3 (Community Development Block Grant Program), Section 6 (Housing Rehabilitation Program), and Section 13 (Neighborhood Stabilization Program)

of the Housing and Urban Development Policies & Procedures Manual, as set forth in **Exhibit** A, which is attached hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

YES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Community Development Block Group Program

Policies & Procedures

CITY OF
MODESTO
CALIFORNIA

City of Modesto
Community Development Division
1010 10th Street, Suite 3100, Modesto, CA 95354
(209) 577-5211, TDD 209-
housing@modestogov.com

City of Modesto Citizen Housing and Community Development Committee (CH&CDC) Approved October 12, 2017
City of Modesto City Council Approved by Resolution 2016-425 on October 25, 2016

EQUAL HOUSING
OPPORTUNITY

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1. Introduction

1.1. The City of Modesto has been a participating jurisdiction in the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development (HUD) since the program was established by Congress in 1974.

1.1.1. HUD distributes federal CDBG funds to states, counties and urban cities to fulfill the goals of the program to:

1.1.1.1. Provide decent, safe, and sanitary housing

1.1.1.2. Provide a suitable living environment, and to

1.1.1.3. Expand economic opportunities principally for low and moderate-income persons.

1.2. Minimum requirements applicable to any CDBG funded activity are set forth in CDBG Program Regulations 24 CFR 570. CDBG regulations allow for local discretion as to the use and management of the CDBG program. Local community needs, resources, priorities and procedures for managing the CDBG program are approved by the City Council as part of the City's five-year Consolidated Plan (CP) process. In addition, each year the Modesto City Council reviews and considers approval of an Annual Action Plan (AAP) which includes objectives and outcomes, an evaluation of past performance, and activities to be undertaken in the next program year.

1.3. This document is intended to satisfy the requirement for a concise policy and procedures administrative manual in the administration and implementation of CDBG funded activities.

2. Background

2.1. **U.S. Department of Housing and Urban Development and Office of Community Planning and Development**

2.1.1. The mission of the U.S. Department of Housing and Urban Development (HUD) is "to create strong, sustainable, inclusive communities and quality, affordable homes for all."

2.1.2. The HUD Office of Community Planning and Development (CPD) seeks to develop viable communities by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded economic opportunities for low- and moderate-income persons. These goals come out of the mission of HUD to "create strong, sustainable, inclusive communities and quality, affordable homes for all." The primary means towards this end is the development of partnerships between all levels of government and the private sector, including for-profit and non-profit organizations.

2.2. City of Modesto Entitlement Programs

2.2.1. The City of Modesto is a participating jurisdiction in three (3) Community Planning and Development (CPD) entitlement programs:

2.2.1.1. The Community Development Block Grant (CDBG) program supports public services and improvements that benefit low- and moderate-income individuals, families and neighborhoods. Federal regulations governing the CDBG program are in Title 24 of the Code of Federal Regulations Part 570 (24 CFR 570).

2.2.1.2. The Emergency Solutions Grants Program provides funding to (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly re-house homeless individuals and families, and (6) prevent families/individuals from becoming homeless.

2.2.1.3. The HOME Investment Partnership (HOME) program supports affordable access to homeownership and development of affordable rental housing for low- and moderate-income families. Federal regulations governing the HOME program are in Title 24 of the Code of Federal Regulations Part 92 (24 CFR 92).

2.3. Federal Regulations (24 CRF Parte 570)

2.3.1. The City of Modesto will follow the regulations governing the CDBG program which are found in Title 24 of the Code of Federal Regulations (CFR) Part 570, Community Development Block Grants.

2.4. Subpart C – Basic Eligible Activities (24 CFR 570.201)

2.4.1. **24 CFR 570 Subpart C**

2.4.1.1. The City of Modesto may assist an activity in whole or in part with CDBG funds for activities which include, but are not limited to the following (all CDBG funded activities shall comply with 24 CFR Subpart C Eligible Activities requirements):

2.4.1.1.1. Acquisition of real property;

2.4.1.1.2. Disposition of real property acquired with CDBG funds

2.4.1.1.3. Construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes

2.4.1.1.4. Clearance and remediation of buildings and improvements;

2.4.1.1.5. Public Services within certain limits
- 2.4.1.1.5.1. Housing Services: Privately owned utilities
- 2.4.1.1.5.2. Construction of affordable housing
- 2.4.1.1.5.3. Homeownership assistance within certain limits
- 2.4.1.1.5.4. Technical Assistance
- 2.4.1.1.5.5. Rehabilitation of residential and non-residential structures
- 2.4.1.1.5.6. Special economic development activities

2.5. Ineligible Activities (24 CFR 570.207)

2.5.1. The general rule is that the City of Modesto's CDBG funds shall not be used for any activity that is not authorized under the provisions of 24 CFR Parts 570.201–570.206.

2.5.2. Generally, the following types of activities are ineligible:
- 2.5.2.1. acquisition, construction, or reconstruction of buildings for the general conduct of government
- 2.5.2.2. General government expenses
- 2.5.2.3. Political activities
- 2.5.2.4. Purchase of equipment
- 2.5.2.5. Construction equipment
- 2.5.2.6. Furnishings and personal property
- 2.5.2.7. Operating and maintenance expenses associated with public facilities
- 2.5.2.8. New housing construction
- 2.5.2.9. Subsistence payments made directly to an individual or family

2.6. Criteria for National Objectives – CDBG

2.6.1. In compliance with CDBG regulations, the City of Modesto strives to utilize the majority of funding in a manner that serves low- and moderate-income persons during each program year, but not less than fifty-one percent (51%) of CDBG funds shall be used for activities that benefit low- and moderate-income persons. When considering funding activities, the City of Modesto will ensure that each activity must meet one of the following National Objectives for the CDBG program.
- 2.6.1.1. Benefit low and moderate income individuals, families, or neighborhoods;
- 2.6.1.2. Prevention or elimination of slums or blight; or
- 2.6.1.3. Address community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the

health or welfare of the community for which other funding is not available.

2.7. Selecting Activities that Comply

2.7.1. While there are many aspects that must be considered in selecting activities to assist under the CDBG program, there are six (6) key steps that City of Modesto Community Development Division (CDD) staff will take into consideration during the early stages of the process of determining if CDBG funds may be used to assist a proposed activity:

2.7.1.1. Determine if the activity falls within a category of explicitly authorized activities in the CDBG statute. Generally, if an activity does not fall within a category of explicitly authorized activities in the statute, the activity is considered ineligible. *HUD's Guide to National Objectives and Eligible Activities* describes all categories of basic eligibility that were authorized at the time of publication:

https://www.hudexchange.info/resource/89/community-development-block-grant-program-cdbg-guide-to-national-objectives-and-eligible-activities-for-entitlement-communities/

2.7.1.2. Determine if a proposed activity does not appear to be included in the statute's list of eligible activities, but there is precedent indicating it has been interpreted as eligible under the statute by the CDBG Eligible Activity regulations.

2.7.1.3. Most importantly, determine if the proposed activity can meet one of the national objectives of the program as outlined in 24 CFR 570.208. If an activity cannot meet one of the national objectives, the activity shall be found to be ineligible.

2.7.1.4. Ensure that carrying out the activity with CDBG funds will not result in the City violating its certification that at least 51 percent of CDBG expenditures will be for activities that are considered to benefit Low/Moderate income persons over the one, two, or three consecutive program years specified by the City of Modesto.

2.7.1.5. Review proposed costs of the activity to determine if they appear to be necessary and reasonable and will otherwise conform with the requirements of the following:

2.7.1.5.1. OMB Circulars A-87, "Cost Principles for State, Local, and Indian Tribal Governments,"

2.7.1.5.2. A-122, "Cost Principles for Non-Profit Organizations,"

2.7.1.5.3. A-21, "Cost Principles for Educational Institutions,"

2.7.1.5.4. 24 CFR Part 84, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations;" or

2.7.1.5.5. 24 CFR Part 85, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," as applicable.

2.7.1.6. Complete the environmental review and clearance procedures for the project of which the activity is a part as required by 24 CFR Part 58. Federal law prohibits HUD from releasing funds for a CDBG activity until certification is made with respect to environmental review completion.

3. Subpart J – Grant Administration (24 CFR Part 570.501)

3.1. 24 CFR 570 Subpart J

3.2. Responsibility for Grant Administration

3.2.1. The City of Modesto Community and Economic Development Department (CEDD) has been designated to administer the activities assisted under the CDBG program. The City of Modesto CEDD is responsible for ensuring that CDBG funds are used in accordance with all program requirements. The City of Modesto will adhere to all administrative requirements covered by Subpart J (24 CFR 570.500-570.513), which includes general responsibilities for grant administration, including uniform administrative requirements, provisions of subrecipient agreements, program income, use of real property, recordkeeping and reporting, and closeout procedures.

3.2.2. Applicability of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards §570.502

3.2.3. The City of Modesto and its subrecipients shall follow Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (also known as the Super Circular) codified at 2 CFR 200. The Super Circular guidance superseded and consolidated the requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, A-133, and A-50.

3.2.4. The City will ensure that all subrecipients (agencies and organizations that receive grant funds from the City) are in compliance with *OMB Super Circular requirements.*

3.3. Agreements with Sub-recipients § 570.503

3.3.1. Before disbursing any CDBG funds to a sub-recipient, the City of Modesto will sign a written agreement with the sub-recipient. The agreement will remain in effect during any period that the sub-recipient has control over CDBG funds, including program income.

3.3.2. At a minimum, the written agreement with the sub-recipient will include provisions concerning the following:

3.3.2.1. **Statement of Work**: The agreement will include a description of the work to be performed, a schedule for completing the work, and a budget. These items will be in sufficient detail to provide a sound basis for the City of Modesto to effectively monitor performance under the agreement.

3.3.2.2. **Records and Reports**: The City of Modesto will specify in the agreement the particular records the sub-recipient must maintain and the particular reports the sub-recipient must submit in order to assist the City of Modesto in meeting its recordkeeping and reporting requirements.

3.3.2.3. **Program Income (PI)**: The agreement will include the PI requirements set forth in **§570.504(c).** The agreement will also specify that, at the end of the calendar year, the City of Modesto may require remittance of all or part of any PI balances (including investments thereof) held by the sub-recipient (except those needed for immediate cash needs, cash balances of a revolving loan fund, cash balances from a lump sum drawdown, or cash or investments held for section 108 security needs).

3.3.2.4. **Uniform Administrative Requirements**: The agreement will require the sub-recipient to comply with applicable uniform administrative requirements, as described in **§570.502.**

3.3.2.5. **Other Program Requirements**: The agreement will require the sub-recipient to carry out each activity in compliance with all Federal laws and regulations described in 24 CFR 570 Subpart K of the regulations, except that:

3.3.2.5.1. The sub-recipient does not assume the City of Modesto's environmental review (ER) responsibilities described at §**570.604**; and

3.3.2.5.2. The sub-recipient doesnot assume the City of Modesto's responsibility for initiating the review process under the provisions of 24 CFR part 52.

3.3.2.6. **Suspension and Termination**: The agreement will specify that, in accordance with 24 CFR 85.43, suspension or termination may occur if the sub-recipient materially fails to comply with any term of the award, and that the award may be terminated for convenience in accordance with 24 CFR 85.44.

3.3.2.7. **Reversion of Assets**: The agreement will specify that upon its expiration the sub-recipient shall transfer to the City of Modesto any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. It will also include provisions designed to ensure that any real property under the sub-recipient's control that was acquired or improved in whole or in part with CDBG funds (including CDBG funds provided to the sub-recipient in the form of a loan) in excess of $25,000 is either:

3.3.2.7.1. Used to meet one of the national objectives in §**570.208** (formerly §**570.901**) until five (5) years after expiration of the agreement, or for such longer period of time as determined to be appropriate by the City of Modesto; or

3.3.2.7.2. ot used in accordance with paragraph (b)(7)(i) of this section, in which event the subrecipient shall pay to the City of Modesto an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment is program income to the City of Modesto.

4. Program Income

4.1. Treatment of Program Income and Revolving Loan Funds (RLFs) Per the 24 CFR 570.500 definitions.

4.2. § 570.500 Definitions.

4.2.1. For the purposes of this subpart, the following terms shall apply:

4.2.1.1. **(a) *Program income*** means gross income received by the recipient or a subrecipient directly generated from the use of CDBG funds,

4.2.1.2. **(b) *Revolving fund*** means a separate fund (with a set of accounts that are independent of other program accounts) established for the purpose of carrying out specific activities which, in turn, generate payments to the fund for use in carrying out the same activities. Each revolving loan fund's cash balance must be held in an interest-bearing account, and any interest paid on CDBG funds held in this account shall be considered interest earned on grant advances and must be remitted to HUD for transmittal to the U.S. Treasury no less frequently than annually. [Interest paid by borrowers on eligible loans (e.g. – Homeowner Rehabilitation Loan Interest portion payments made from the revolving loan fund) shall be program income and treated accordingly. Receipted as program income, not as RLF.]

4.2.2. Beginning with FY 2015 formula allocations, it has been determined that First-In-First-Out (FIFO) accounting does not comply with federal financial standards *(May 9 2014 – Memorandum – System and Regulatory Changes to Eliminate First-In-First-Out Accounting in the Integrated Disbursement and Information System (IDIS))*. Funding is now tied to a grant specific year, and the related activities described within the respective Annual Action Plan (AAP) (e.g. Year 1 – 7/1/2015 – 6/30/2016; Year 2 – 7/1/2016 – 6/30/2017; Year 3 – 7/1/2017 – 6/30/2018).

4.2.3. Under the provision of this rule the City of Modesto Community Development Division (CDD) will accumulate program income, including interest paid by borrowers on eligible loans made from the Revolving Loan Fund, repaid funds, and recaptured funds it receives during the program year, rather than expending them for the next eligible draw.

4.2.4. Moving forward, at the conclusion of each calendar year (e.g. – Program Income accumulated through 12/31/2016; will be reflected in the next Annual Action Plan (AAP)). The City of Modesto will calculate any accumulated uncommitted program income to include interest paid by borrowers on eligible loans made from the Revolving Loan Fund(s),

repaid funds, and recaptured funds incorporating all into the upcoming AAP. This funding received during the previous program year(s) will be described as resources and assigned to eligible activities in the upcoming AAP (e.g. – AAP FY 2017-2018). Emergency Solutions Grants (ESG) is currently excluded from this requirement.

4.2.5. In prior years, this was not required, as the amounts in revolving loan funds (RLFs) were excluded from calculations related to the City of Modesto timeliness standards described in 24 CFR Part 570.902. On February, 22, 2017, HUD Headquarters clarified that with all formula grantees that this will no longer be allowable.

4.2.6. Program income still needs to be remitted to the U.S. treasury, if the calculation at the end of each program year (June 30th) is in access of the guidelines as outlined in the CDBG Manual (Chapter 11: Financial Management – page 11-13).

4.2.7. The receipt and expenditure of program income as defined in §**570**.500(a) will be recorded as part of the financial transactions of the City of Modesto CDBG grant program.

4.2.8. Program income (PI) received before grant closeout may be retained by the City of Modesto. PI will be treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds.

4.2.9. Program income retained by the City of Modesto will be disposed as follows:

4.2.10. Program income in the form of repayments to, or interest earned on, a revolving fund as defined in §570.500(b) tied to that specific grant year AAP shall be substantially disbursed from the fund before additional cash withdrawals are made from the U.S. Treasury for the same activity. (This rule does not prevent a lump sum disbursement to finance the rehabilitation of privately owned properties as provided for in §570.513.)

4.2.11. Substantially all other AAP program year program income shall be disbursed for eligible activities before additional cash withdrawals are made from the U.S. Treasury. If the calculation at the end of each program year (June 30th) is in access of the guidelines as outlined in the CDBG Manual (Chapter 11: Financial Management – page 11-13).

4.2.12. At the end of each program year, the aggregate amount of program income cash balances and any investment thereof (except those needed for immediate cash needs, cash balances of a revolving loan fund, cash balances from a lump-sum drawdown, or cash or investments held for section 108 loan guarantee security needs) that, as of the last day of the program year, exceeds one-twelfth of the most recent grant made pursuant to §570.304 shall be remitted to HUD as soon as practicable thereafter, to be placed in the City of Modesto's line of credit. This provision applies to program income cash balances and investments thereof held by the City of Modesto and its sub-recipients.

4.2.13. CDBG and HOME PI balance as of December 31 of each year will be budgeted for use in the following Fiscal Year Annual Action Plan. Program Income received after December 31, will be kept in account until the end of the following year to be budgeted for the following fiscal year; The City of Modesto may elect to use program income received after December 31 by conducting a substantial amendment to the respective year Annual Action Plan.

4.2.14. Under the provision of this rule the City of Modesto Community Development Division (CDD) will accumulate program income, including ***interest paid by borrowers on eligible loans made from the Revolving Loan Fund,*** repaid funds, and recaptured funds it receives during the program year, rather than expending them for the next eligible draw.

4.2.15. The City of Modesto will calculate any accumulated uncommitted program income to include interest paid by borrowers on eligible loans made from the Revolving Loan Fund(s), repaid funds, and recaptured funds incorporating all into the upcoming AAP. This funding received during the previous program year(s) will be described as resources and assigned to eligible activities in the upcoming AAP (e.g. – AAP FY 2017-2018). Emergency Solutions Grants (ESG) is currently excluded from this requirement.

4.2.16. In prior years, this was not required, as the amounts in revolving loan funds (RLFs) were excluded from calculations related to the City of Modesto timeliness standards described in 24 CFR Part 570.902. On February, 22, 2017, HUD Headquarters clarified that with all formula grantees that this will no longer be allowable.

5. Use of real property

5.1. Section 570.505

5.1.1. The City of Modesto will comply the standards described 24 CFR 570.505 with relation to the use of real property within the City of Modesto's control acquired or improved in whole or in part using CDBG funds in excess of $25,000.

6. Records to be maintained

6.1. Section 570.560

6.1.1. The City of Modesto will establish and maintain sufficient records to enable HUD to determine whether the City of Modesto has met the CDBG program requirements for activities administered by the City of Modesto under the CDBG program. At a minimum, the following records will be maintained:

6.1.2. Records providing a full description of each activity assisted (or being assisted) with CDBG funds, including its location (if the activity has a geographical locus), the amount of CDBG funds budgeted, obligated and expended for the activity, and the provision in subpart C under which it is eligible.

6.1.3. Records demonstrating that each activity undertaken meets one of the criteria set forth in §570.208 (Criteria for National Objectives).

6.1.4. Records that demonstrate that the City of Modesto has made the determinations required as a condition of eligibility of certain activities, as prescribed in §570.201(f)-interim assistance, 570.201(i)(2) - emergency, 570.201(p) - technical assistance, 570.201(q) - higher education institutions, 570.202(b)(3) - rehabilitation loans, 570.206(f) - Submission of applications for federal programs, 570.209 - economic development, 570.210 - prohibition employee relocation, and 570.309 - restriction on location.

6.1.5. Records which demonstrate compliance with §570.505 - regarding any change of use of real property acquired or improved with CDBG assistance.

6.1.6. Records that demonstrate compliance with the citizen participation requirements prescribed in 24 CFR part 91, subpart B, for entitlement recipients.

6.1.7. Records that demonstrate compliance with the requirements in §570.606 regarding acquisition, displacement, relocation, and replacement housing

6.1.8. Fair housing and equal opportunity records containing:

6.1.8.1. Documentation of the analysis of impediments and the actions the City of Modesto has carried out with its housing and community development and other resources to remedy or ameliorate any impediments to fair housing choice in the City of Modesto's community.

6.1.8.2. Data on the extent to which each racial and ethnic group and single headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with CDBG funds. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements. The City of Modesto is not required to attain or maintain any particular statistical measure by race, ethnicity, or gender in covered programs.

6.1.8.3. Data on employment in each of the City of Modesto's operating units funded in whole or in part with CDBG funds, with such data maintained in the categories prescribed on the Equal Employment Opportunity Commission's EEO-4 form; and documentation of any actions undertaken to assure equal employment opportunities to all persons regardless of race, color, national origin, sex or handicap in operating units funded in whole or in part under this part.

6.1.8.4. Data indicating the race and ethnicity of households (and gender of single heads of households) displaced as a result of CDBG funded activities, together with the address and census tract of the housing units to which each displaced household relocated. Such information shall be used only as a basis for further investigation as to compliance with nondiscrimination requirements. The City of Modesto is not required to attain or maintain any particular statistical measure by race, ethnicity, or gender in covered programs.

6.1.8.5. Documentation of actions undertaken to meet the requirements of §570.607(b) which implements Section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701U) relative to the hiring and training of low and moderate income persons and the use of local businesses.

6.1.8.6. Data indicating the racial/ethnic character of each business entity receiving a contract or subcontract of $25,000 or more paid, or to be paid, with CDBG funds, data indicating which of those entities are

women's business enterprises as defined in Executive Order 12138, the amount of the contract or subcontract, and documentation of recipient's affirmative steps to assure that minority business and women's business enterprises have an equal opportunity to obtain or compete for contracts and subcontracts as sources of supplies, equipment, construction and services. Such affirmative steps may include, but are not limited to, technical assistance open to all businesses but designed to enhance opportunities for these enterprises and special outreach efforts to inform them of contract opportunities. Such steps shall not include preferring any business in the award of any contract or subcontract solely or in part on the basis of race or gender.

6.1.8.7. Documentation of the affirmative action measures the City of Modesto has taken to overcome prior discrimination, where the courts or HUD have found that the City of Modesto has previously discriminated against persons on the ground of race, color, national origin or sex in administering a program or activity funded in whole or in part with CDBG funds.

6.1.8.8. Financial records, in accordance with the applicable requirements listed in§**570**.502 - uniform administrative requirements - including source documentation for entities not subject to parts 84 and 85 of the regulation. The City of Modesto will maintain evidence to support how the CDBG funds provided to such entities are expended. Such documentation will include, to the extent applicable, invoices, schedules containing comparisons of budgeted amounts and actual expenditures, construction progress schedules signed by appropriate parties (e.g., general contractor and/or a project architect), and/or other documentation appropriate to the nature of the activity.

6.1.9. Records required to be maintained in accordance with other applicable laws and regulations set forth in subpart K of 24 CFR Part 570.

6.1.10. Subrecipient record retention requirements will be established within subrecipient agreements.

7. Required Annual Reports

7.1. § 570.507

7.2. Preparation of Annual Action Plan

7.2.1. CDBG regulations at 24 CFR 91.15(a)(1) requires entitlement jurisdictions (City of Modesto) to submit its Consolidated Plan or Action Plan at least 45 days before the start of its program year. The City of Modesto will begin to plan for the development of the Annual Action Plan (AAP) as early as October of the year prior to the beginning of its next fiscal year – July 1. For purposes of planning the Annual Action Plan, an Annual Action Plan schedule may be developed in the month of October outlining all pertinent deadlines related to the development and adoption of the Annual Action Plan.

7.2.2. The following will be general milestone targets of the City of Modesto's Annual Action Plan tentative schedule (efforts will be made to follow the outlined schedule as close as possible, however, variables outside the City's control may contribute to changes on the actual schedule):

7.2.2.1. **Oct./Nov: Develop AAP schedule**

7.2.2.2. **December: Release CDBG/ESG Public Services Notice of Funding Availability (NOFA)**

7.2.2.2.1. Host Mandatory Technical Workshop and Open Public Service Application Period

7.2.2.2.2. Begin Draft AAP

7.2.2.3. **January: Continue Draft AAP**

7.2.2.3.1. CDBG/ESG Public Services Application Deadline

7.2.2.3.2. Application Technical Review Notifications (for ineligible applications)

7.2.2.3.3. Deadline for Appeals of Technical Review Determination

7.2.2.4. **February: RFP Presentations to CH&CDC and Application Evaluation**

7.2.2.5. **March/April: Finalize Draft AAP.**

7.2.2.5.1. If official entitlement amounts are not known, a Draft Annual Acton Plan using projected entitlement award amounts will be prepared.

7.2.2.5.2. Draft AAP with funding recommendations to CH&CDC

7.2.2.5.3. Draft AAP to CH&CDC; Open 30 day public comment period –

7.2.2.5.4. Conduct Citizen Participation outreach in compliance with Citizen Participation Plan

7.2.2.5.5. Update AAP with official HUD entitlement allocations for CDBG, ESG, and HOME programs.

7.2.2.5.6. Update Draft AAP during 30 day comment period as needed. Insert comments received during public comment period/citizen participation process.

7.2.2.6. Draft subrecipient agreements per activities identified in the Draft AAP. The City Attorney shall annually review the draft CDBG sub recipient and capital projects agreements to ensure compliance with federal, state and City codes and regulations, including non-discrimination clauses and City insurance requirements.

7.2.2.7. **May/June: Final AAP to City Council.**

7.2.2.7.1. Following the Citizen Participation process, the City of Modesto will submit the Annual Action Plan to the San Francisco Field Office no later than May 15 of each year (45 days prior to the start of the program year) if HUD has announced official program allocations.

7.2.2.7.2. Per HUD CPD Notice CPD-16-18, HUD has directed entitlement communities to not submit the Annual Action Plan until after the fiscal year allocations have been announced. Entitlement communities may delay submission of its action plan to HUD until 60 days after the date allocations are announced, or until August 16 of the respective fiscal year, whichever comes first. This delay will give the entitlement communities time to revise its Annual Action Plan to incorporate actual allocation amounts, and to conduct any additional citizen participation, if necessary.

7.2.2.7.3. For example, if HUD were to announce the FY allocation amounts to grantees on April 28: For grantees with July 1 and August 1 program year start dates, their normal plan submission date would be less than 60 days after HUD's announcement of allocation amounts. These grantees

would also be able to postpone submission of their consolidated plan/action plan until June 26.

7.2.2.7.4. Once HUD informs grantees of their fiscal year funding allocation amounts, the City of Modesto, prior to submission, will ensure that the fiscal year funding allocation amounts are reflected in the form SF-424, in the description of resources and objectives, and in the description of activities to be undertaken.

7.2.2.7.5. Upon City Council adoption, contracts will be prepared and executed.

7.2.2.8. **July 1** **Beginning of Program Year**

7.2.2.9. In no case may a Consolidated Plan/Action Plan be submitted to HUD later than August 16 of the respective fiscal year.

7.2.2.10. Throughout the development of the Annual Action Plan, the City of Modesto will comply with all Citizen Participation plan requirements to ensure proper public noticing, citizen participation, and public hearings are conducted. The City of Modesto's Citizen Participation Plan may be found at https://www.modestogov.com/1848/Publications-Reports.

8. Preparation of the Consolidated Annual Performance Evaluation Report (CAPER)

8.1. CDBG regulations at 24 CFR 91.520 requires entitlement jurisdictions (City of Modesto) to submit an Annual Performance Report within 90 days of the close of the entitlement jurisdiction's program year. This is in accordance with the Consolidated Plan regulations at 24 CFR Part 91.

8.2. The City of Modesto will begin to plan for the development of the Consolidated Annual Performance Evaluation Report (CAPER) in June of the year after the end of its next fiscal year – June 30. For purposes of planning the CAPER, a CAPER schedule may be developed in the month of June outlining all pertinent deadlines related to the development and adoption of the CAPER.

8.3. The following will be general milestone targets of the City of Modesto's CAPER tentative schedule (efforts will be made to follow the outlined schedule as close as possible, however, variables outside the City's control may contribute to changes on the actual schedule):

8.3.1. June - Develop AAP schedule

8.3.2. July - Compile Data for Draft CAPER

8.3.2.1. Begin Draft CAPER

8.3.3. August - Present Draft CAPER to CH&CDC

8.3.3.1.1. Open 15 day Public Comment Period

8.3.3.1.2. Conduct Citizen Participation Process

8.3.4. September Present CAPER to City Council

8.3.4.1.1. Submit CAPER to HUD

8.4. Throughout the development of the CAPER, the City of Modesto will comply with all Citizens' Participation Plan requirements to ensure proper public noticing, citizen participation, and public hearings are conducted. The City of Modesto's Citizen Participation Plan may be found at https://www.modestogov.com/1848/Publications-Reports.

9. Program and Financial Reporting

9.1. Throughout the fiscal year, the City of Modesto will comply with all reporting requirements. All attempts will be made to submit each report by the respective deadline. The following is a list of reports that the City of Modesto is required to submit as a recipient of HUD funds:

9.1.1. SF 425 – Federal Financial Report and SF 425-A – Federal Financial Report Attachment

9.1.2. HUD-92010 Equal Employment Opportunity Certification – if applicable (HUD/EEO-4)

9.1.3. Form HUD-60002-Section 3 Summary Report: Section 3 reports will be submitted in the SPEARS system on or before September 30 each year.

9.1.4. HUD-2516 Contract and Subcontract Activity (MBE Report) – Due to HUD by November 15 each year.

9.1.5. HUD-4710 Semi-Annual Labor Standards Enforcement Report – Due to HUD by April 15 and October 15

9.1.6. All other reports/information HUD determines necessary

9.2. The City of Modesto will work with all subrecipients to ensure that they understand reporting requirements, with the understanding that the City and subrecipients share joint

responsibility for carrying out permitted activities in conformance with federal requirements.

9.3. Subrecipients shall provide documentation that demonstrates the achievement of program goals and the completion of activities on quarterly basis at a minimum. All requests for reimbursement shall have adequate documentation, as determined by the City of Modesto, of how federal funds were used and that funds were used only for eligible activities. Complete records, and accurate and timely reporting, are essential to successful CDBG programs for the City and all subrecipients.

9.4. The City of Modesto Housing and Urban Development subdivision will ensure that expenditures of CDBG funds shall be drawn down using the Integrated Disbursement and Information System (IDIS) on a regular basis and not less than monthly.

10. Sub-recipient Application & Award Process

10.1. Public Services Application Release and Schedule

10.1.1. HUD allows the City of Modesto to procure, select, and fund activities in accordance with local community development goals and objectives. With respect to CDBG and ESG Public Services, the City of Modesto will annually release a Notice of Funding Availability (NOFA) to solicit public service program proposals that align with Consolidated Plan needs and objectives. The CDBG/ESG Public Services NOFA schedule will align with the development of each year's Annual Action Plan (see Section 7.2 above for information about each year's NOFA schedule).

10.1.2. With respect to Public Service funding, the City of Modesto will make available up to fifteen percent (15%) of the total CDBG allocation for the program year for Public Services.

10.1.3. For ESG award purposes, the City of Modesto will competitively award 82.5% of the ESG allocation for the program year to Homeless Service Providers and 10% to HMIS eligible activities. The remaining 7.5% of the ESG allocation will be used for ESG City of Modesto administrative purposes in accordance with ESG regulations.

10.2. Solicitation of Applications for CDBG Funds

10.2.1. In order to ensure maximum participation, the City of Modesto will issue a Notice of Funding Availability (NOFA) and distribute via email to established email groups, mail, and/or the City of Modesto's website. Whenever necessary, the

City of Modesto may publish notices in the local newspaper (The Modesto Bee/Vida en el Valle) and/or issue a press release to the local media.

10.2.2. Prospective applicants shall pay close attention to the NOFA Guidelines when preparing their project proposal/application. The NOFA Guidelines will include key information including but not limited to eligible activities, eligible applicants, organizational capacity, consistency with Consolidated Plan, and Evaluation Criteria. Further, the NOFA Guidelines will provide a calendar of events that will include the following information: Application Period, Mandatory Technical Workshop, Application Deadline, Proposal Presentations, Public Comment Period Opening, Public Comment Period Closing, and Annual Action Plan Submittal to HUD.

10.3. Application Requirements

10.3.1. Applicants must apply for funds during the open application period using a web-based application program (e.g. - ZoomGrants™) as indicated by the City of Modesto. All applicants must submit a Master application detailing the proposed program, goals, measurable objectives and agency/program finances.

10.3.2. As part of the application packet, all applicants must submit sufficient documentation within the various required exhibits to substantiate the applicant's ability to comply with the stringent CDBG requirements if an award is granted.

10.3.3. All applicants must submit all requested documents within the web-based system including but not limited to the documents listed in this section. Any application lacking the following documentation and/or the criteria described for each will be considered incomplete and may be disqualified from the application process:

10.3.3.1. **Completed Web-Based Application**: All questions must be completed in their entirety.

10.3.3.2. **Executive Summary**: Executive summary of project proposal. Must include detailed information about the project purpose, target population, service area, proposed objectives, performance indicators, proposed outcomes. The executive summary must discuss the level of involvement and agency's role within the Focus on Prevention efforts as well as the level of coordination with other service providers to reduce duplication of services.

10.3.3.3. **Board of Directors Agenda and Minutes:** Board of Directors minutes must specifically authorize applicant to submit an application to the City

of Modesto and specify application type (i.e. CDBG/ESG/HOME). In compliance with internal control requirements per 24 CFR 85.20(b)(3)to(b)(6) and 84.21(a)(3), Board of Directors must not include members acting as staff or in any other capacity that may be perceived as a conflict of interest.

10.3.3.4. **Articles of Incorporation:** Articles of Incorporation Stamped by the Secretary of State of the State of California.

10.3.3.5. **Organization By-Laws:** Organization By-Laws (with Secretary's Certificate/Signature).

10.3.3.6. **California Franchise Tax Board Tax Exempt Status Letter**

10.3.3.7. **Internal Revenue Service (IRS) Federal Tax-Exempt Status Letter**

10.3.3.8. **Certified Audit and/or Financial Statement (most recent):** Must be prepared by a Certified Public Accountant/Independent Auditor.

10.3.3.9. **IRS 990:** IRS 990 Tax Return for the most recently ended fiscal year. If the 990 Tax Return has not been completed by the time of the open Application Period, applicant can submit a copy of their extension form.

10.3.3.10. **City of Modesto Business License:** Business License must be current and its use must comply with City of Modesto Municipal Code of Ordinances.

10.3.3.11. **Organization Chart:** Most recent/updated organizational chart.

10.3.3.12. **Board of Directors Roster:** Most recent/updated Board of Directors roster.

10.3.3.13. **Certifications/Fingerprinting Clearance:** All CDBG/ESG funded staff working with children must be fingerprinted. Provide copies of applicable licenses, evidence of fingerprinting clearance, if applicable, and/or certifications pertaining to the project or component that will use CDBG/ESG funds.

10.3.3.14. **NEPA Environmental Review Form:** Completed NEPA environmental review form with original signature.

10.3.3.15. **Fee Schedule (if applicable):** Charging fees is generally discouraged when program is funded by CDBG/ESG. If fees are charged, provide a

copy of fee schedule. Failure to submit the fee schedule for a fee-based project will render application as disqualified.

10.3.3.16. **Site Control Documentation:** Documentation/evidence of site control (i.e. lease, MOU, or other form of legal agreement). Evidence of site control must be current and meet the current City business permitting guidelines.

10.3.3.17. **Service Area Map:** If the project provides service on an area basis, attach a map showing the area to be served that includes the eligible Census Tracts and Block Groups being served.

10.3.3.18. **Staff Resumes:** Copies of resumes for program staff who will be involved in operating/implementing the CDBG/ESG program.

10.3.3.19. **Proof of Insurance:** Copy of evidence of insurance as required by the City of Modesto. If awarded, insurance requirements must be met as outlined on the templates provided.

10.3.3.20. **Disclosure of City Relationships:** List any employees or board members of the applicant agency who are elected official, appointed members of a City of Modesto Commission/Committee, or a City employee if applicable. If not applicable, upload a note on company letterhead indicating "Not Applicable".

10.3.3.21. **Professional References:** Provide contact information of three (3) partner agencies, non-profits, service providers, or public/private agencies. Any letters of support must be dated within the last 30 days.

10.3.3.22. **Budget Detail and Support:** If needed, provide additional budget detail and supporting documentation for costs and sources of funds. This may be used to further support/explain the proposed program budget. If not applicable, upload a note on company letterhead indicating "Not Applicable".

10.4. Technical Assistance to Applicants

10.4.1. A mandatory Application Orientation/Technical Assistance workshop is held for all prospective applicants each year. The purpose of the workshop is to explain the NOFA Guidelines, any program changes, the application process, and answer any questions relating to funding requirements, criteria, and priorities.

10.4.2. Community Development Programs staff will present and answer questions on program guidelines, applicant and activity eligibility requirements, the National Objectives for the programs, local objectives and priority activities in the City's five-year Consolidated Plan, and application requirements.

10.4.3. Staff will be available for technical assistance from the beginning of the application period until 4:00 p.m. on the deadline date for submission.

10.5. Technical Review of Applications by City Staff

10.5.1. City of Modesto staff will conduct a technical review of all applications upon submission to ensure that:

10.5.1.1. Applications are complete;

10.5.1.2. Program proposal meets one of the CDBG National Objectives; and

10.5.1.3. Consistency with City of Modesto Consolidated Plan

10.5.2. The technical review will include a review of the applicant organization to ensure that the applicant is an eligible nonprofit organization. This will generally be determined by

10.5.2.1. Reviewing the documentation within the various required exhibits to substantiate the applicant's ability to comply with the stringent CDBG requirements if an award is granted.

10.5.2.2. Ensuring that the applicant is not excluded from conducting business with any federal agency by conducting a search on the federal System for Award Management website at www.sam.gov.

10.5.3. Upon technical review completion, City of Modesto staff will notify the applicant and provide an opportunity correct any errors or omissions on their application. Applicants will be given a specific timeframe to make corrections and finalize application. After the final deadline, further access to the application by the applicant will be blocked.

10.5.4. City staff will provide a technical review summary to the Application Review Committee that will reflect applicant responsiveness to application requirements.

10.6. Application Review Committee: Citizens Housing and Community Development Sub-Committee (CHCDC)

10.6.1. A subcommittee composed of five (5) members of the Citizens Housing and Community Development Committee (CHCDC) will act as the Application Review

Committee. The Application Review Committee will review and score all application submissions.

10.6.2. CHCDC members may volunteer or be appointed by the Chairperson of the CHCDC to the Application Review Committee.

10.6.3. The Application Review Committee shall review applications thoroughly and shall evaluate the proposals on the basis of:

10.6.4. Past Performance, if funded in previous years. City Staff will provide past performance reports to the Application Review Committee which will include but will not be limited to:

10.6.4.1. The amount of CDBG/ESG funds received by an applicant organization from the City in the past three (3) years, if any;

10.6.4.2. The extent to which previously-funded organizations have met program objectives, satisfied contract obligations, and expended allocated funds in an efficient, appropriate and timely manner;

10.6.4.3. Information provided in the application;

10.6.4.4. Information provided in the applicant presentation/interview;

10.6.4.5. Rating Criteria;

10.6.5. Application Review Committee members judge applications solely on the merits of the application and the objective criteria. Members should not be influenced by their personal convictions or viewpoints. If a member feels that she/he cannot judge an application fairly and impartially, conflict of interest provisions as discussed in this manual shall apply.

10.7. Conflict of Interest Declarations

10.7.1. Before discussion of applicant organizations and agencies, Application Review Committee members shall declare relationships, if any, with applicant organizations or persons associated with the applicants.

10.7.2. This may include:

10.7.2.1. Serving as a Board member of or volunteer in an applicant agency or organization;

10.7.2.2. Membership or participant in activities of an applicant agency or organization;

10.7.2.3. Direct contributor to an applicant agency or program;

10.7.2.4. Beneficiary of the activities or services of an application agency or program; and

10.7.2.5. Any connection with the applicant that would constitute or that could be perceived to constitute a conflict of interest.

10.7.3. When a member has a perceived or real conflict of interest with an applicant organization, the member shall refrain from ranking the application and shall withdraw from the interview with the applicant and any discussion of the merits of the application.

10.7.4. Members shall also declare any personal interest in an organization that is in direct competition with an applicant organization that may cause them to rank the application other than strictly on the merits of the application.

10.7.5. Committee members who have been involved with the preparation of an application shall withdraw from consideration of that application.

10.8. Applicant Presentation/Interviews

10.8.1. Applicants will have the opportunity to provide a 10-minute presentation before the Application Review Committee to explain their proposed program and funding request.

10.8.2. Following the applicant presentation, there will be a five (5) minute question and answer period. While questions will be primarily driven by the Application Review Committee, City program staff may also ask clarifying questions relevant to the application proposal to further assist the Application Review Committee in the proposal evaluation.

10.8.3. Following the five (5) minute question and answer period, the Application Review Committee will have 5 minutest to score the proposal and prepare for the following presentation.

10.8.4. Time will be strictly enforced as feasibly possible to be fair to all participants and to stay on schedule.

10.9. Rating Criteria

10.9.1. Upon reviewing and conducting application presentation and interview, the Application Review Committee will use an application scoring sheet prepared by CEDD staff that include the following rating factors to objectively evaluate and score each application proposal

10.9.1.1. URGENCY/PERSISTENCE OF NEED

10.9.1.2. DESIGN

10.9.1.3. BUDGET/FINANCIAL MANAGEMENT CAPACITY

10.9.1.4. FUND DEVELOPMENT

10.9.1.5. COLLABORATION

10.9.2. Specific criteria definitions will be provided within the Notice of Funding Availability Guidelines released annually.

10.9.3. From time to time, there may be a need to incorporate additional application scoring criteria corresponding to local initiatives or special programs (i.e. bonus points for applicant willingness to carry out special program components). In every case, the NOFA Guidelines will specify if additional criteria applies and will be disclosed during the Mandatory Technical Workshop.

10.10. Application Review Committee Funding Recommendations

10.10.1. At the conclusion of Application Review Committee's rating of all applications, City staff will compile scoring results and will share scoring results with the Application Review Committee on the same day.

10.10.2. All applications with a score of 70 points or greater will be funded by multiplying the amount requested times the application score, as a percent [i.e. Amount requested = $30,000; Score = 92.2 ($30,000 x 92.2% = $27,660)]. This method will be applied beginning with the highest score down to the 70 point mark or until funds are exhausted.

10.10.3. Any remaining funds after the 70 point score threshold will be used to fund Community Based Public Service needs identified by community groups and relayed to City staff during community meetings/ Citizen Participation outreach process.

10.10.4. Draft scoring and funding results will be presented to the CHCDC at the monthly meeting following the Applicant Presentations/Interviews.

10.10.5. The CHCDC will deliberate on the Subcommittee's recommendations. Final recommendations will be approved by majority vote. City staff will present these CHCDC recommendations to Modesto City Council, which will ultimately determine funding awards.

10.10.6. In years when CDBG entitlement amount is not known, an estimated amount will be used. The amount of funds awarded may be adjusted per City Council-approved contingency plan. This plan will be utilized when the CDBG entitlement differs from the estimate. The plan ensures the City does not exceed the fifteen percent (15%) public services cap.

10.11. CDBG/ESG Public Service Award and Denial Notification and Appeal Process

10.11.1. CDBG/ESG applicants will be notified in writing of the Application Review Committee funding recommendations upon release of the Draft Annual Action Plan. The written notification will provide each applicant application rank and score information and whether or not application will be recommended for funding.

10.11.2. Appeal Process

10.11.2.1. Any applicant that maintains its proposal has been wrongly determined to be ineligible may submit a written response to the Community Development Manager within seven (7) business days of notification. The written response must include specific details that address/cure the ineligibility determination(s) issued.

10.11.2.2. City Staff will schedule an in person meeting (Technical Assistance) with applicant representatives to discuss the factors/compliance issues that have deemed the application ineligible in the view of the Application Review Committee. City Staff will use this opportunity to provide technical assistance to be considered by the applicant in future funding cycles. After meeting with the applicant, staff will confirm the discussion in writing by sending a follow up letter outlining the Technical Assistance points of discussion.

10.11.2.3. This appeal process does not provide an opportunity to revise proposals, nor does it guarantee that determinations will be overturned.

10.12. Public Participation and City Council Action

10.12.1. Responsibility for the appropriation of all CDBG/ESG funds resides with the City Council, which considers the advisory input of the CHCDC, however HUD regulations require a certain level of public participation. Public participation will be accomplished through a series of public meetings and an opportunity for public comment on the annual Action Plan prior to the submission of the plan to HUD. The City will follow its Citizen Participation Plan to comply with HUD Citizen Participation requirements.

11. Subpart K – Other Program Requirements

11.1. Subpart K sets forth certain additional program requirements which are determined to be applicable to CDBG grants provided as a matter of administrative discretion. The Community Development Programs Staff shall incorporate the following additional program requirements as per § 570.600 through § 570.614 as applicable.

11.2. Affirmatively Furthering Fair Housing/Non-discrimination

11.2.1. § 570.601

11.2.2. The City as a recipient of CDBG funds shall ensure that subrecipients comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education and training programs), the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services), and a variety of program-specific statutes with nondiscrimination requirements.

11.2.3. Programs may target particular groups for services without violating guidelines regarding equal access to services, so long as any member of the particular group - e.g., any senior for a senior services program, any school-age child for a neighborhood-based afterschool program - is able to participate in the program.

11.2.4. The City shall ensure that provisions of Executive Order No. 11246 of September 24, 1965, as amended, regarding Equal Employment Opportunity are carried out on all CDBG funded projects or activities, and that subrecipients agree to and abide by federal (FHEO) and state (CA DFEH) fair housing and equal opportunity requirements for non-discrimination with regard to access to services or housing provided by a subrecipient.

11.2.5. The City will further ensure that provisions of Executive Order 13166, "Improving Access to Services by Persons with Limited English Proficiency," are carried out by subrecipients to improve access to CPD programs and activities by eligible persons with limited English proficiency (LEP).

11.3. Section 109 - Prohibitions against Discrimination

11.3.1. § 570.602

11.3.2. The City and all subrecipients shall adhere to Section 109 of the Act which requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section

109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions against discrimination on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title I programs.

11.4. Labor Standards

11.4.1. § 570.603

11.4.2. Whenever CDBG funds in excess of $2,000 are allocated for construction projects (excluding homeowner occupied residential rehabilitation and first-time homebuyer activities), the City, subrecipient and any contractor(s) shall abide by requirements of Davis Bacon and Related Acts (DBRA) for prevailing wages and of Section 3 economic opportunities for low and very low-income persons. The City shall provide appropriate guidance to both subrecipient and contractor regarding DBRA requirements, including wage determinations, and Section 3 requirements as applicable to all CDBG-funded projects.

11.4.3. Labor Standards Enforcement

11.4.3.1. The City of Modesto Community Development Division has developed Federal Labor Standards Enforcement Guidelines. These guidelines will be provided to the respective City Department, subrecipient, or contractor responsible for contract oversight. The Federal Labor Standards Enforcement Guidelines will be enforced throughout the implementation of any applicable HUD funded activities by City of Modesto Community Development Division staff.

11.5. Environmental Review

11.5.1. 24 CFR part 58 § 570.605 § 570.604

11.5.1.1. The environmental review procedures set forth at 24 CFR part 58 must be completed for each activity (or project as defined in 24 CFR part 58), as applicable. Contracts will not be executed with subrecipients and expenditures for City-managed projects will not be approved until environmental review is complete. State (CEQA) environmental regulations requirements will also be considered. Environmental review forms and documents must be signed by the appropriate staff preparing the environmental review and the Certifying Officer.

11.5.1.2. The City will ensure that all *Finding of No Significant Impact* (FONSI) and *Request for Release of Funds* (RROF) requirements are completed for

capital improvement projects and housing rehabilitation projects prior to initiation of project activities.

11.6. Citizen Participation

11.6.1. Throughout the implementation of HUD grant programs, the City of Modesto will comply with all Citizen Participation plan requirements to ensure proper public noticing, citizen participation, and public hearings are conducted. The City of Modesto's Citizen Participation Plan may be found at https://www.modestogov.com/1848/Publications-Reports.

11.7. Relocation

11.7.1. §570.606

11.7.1.1. In the event of any temporary or permanent relocation of residents or businesses as a result of CDBG-funded activity, the City will follow § 570.606 - Displacement, relocation, acquisition, and replacement of housing as applicable and/or its Relocation Plan as set forth in the Citizen Participation Plan. The Plan shall be updated as needed to adhere to HUD Handbook 1378, *Real Estate Acquisition and Relocation Policy and Guidance.*

11.8. ADA Requirements

11.8.1. The City will abide by HUD regulations in Section 504, HUD's implementation of the American with Disabilities Act, to ensure that no qualified individual with a disability should, only by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving CDBG funds. The City will include monitoring for Section 504 compliance as part of the annual monitoring of HUD Entitlement funded programs/projects. Monitoring will include inspection of facilities in which CDBG- funded program are offered to ensure that the facilities are accessible to persons with disabilities.

11.9. Financial Management

11.9.1. Subrecipients will be paid on a reimbursement basis upon receipt of a Request for Funds reimbursement form with all supporting documentation.

11.9.2. Reimbursement of funds to contractors for capital projects will be paid directly to the contractor or vendor.

11.9.3. Reimbursement payments will be made only upon presentation of invoices from the contractor or vendor and approved for payment by the Community Development Program Staff responsible for Labor Standards review.

11.9.4. Final payments to subrecipients will be made only upon submission of final program reports that document the achievement of program goals and satisfactory completion of the CDBG-funded activity.

11.9.5. Each request for payment must have adequate documentation for the costs incurred such as payroll records, purchase orders, copies of canceled checks, timesheets reflecting time spent directly on CDBG activities, etc. Requests must be only for costs directly related to the approved activity and included in the approved budget attached to the contract.

11.9.6. Subrecipients may not use CDBG funds for general administrative costs or "overhead" costs, unless the subrecipient has established a cost allocation for such costs, applicable to all subrecipient activities regardless of funding source.

11.9.7. Subrecipients will be required to submit requests for reimbursement on a quarterly basis, unless otherwise approved by Community Development Division staff.

11.9.8. The City will not request CDBG funds in advance or as "float" funds from the U.S. Treasury.

11.10. HMIS Participation

11.10.1. CDBG/ESG-funded projects designed to assist persons experiencing homelessness or designed to prevent homelessness are required to participate in the Homeless Management Information System (HMIS) of the Stanislaus County Continuum of Care (CoC) and regularly attend CoC meetings and participate in CoC related matters. Furthermore, subrecipients are required to execute an HMIS Data Sharing Agreement to share HMIS Universal Data Elements to more effectively utilize and enhance HMIS data quality.

11.11. CDBG Sponsored Identification Requirement

11.11.1. Sub-recipients and subcontractors receiving CDBG funds from the City of Modesto shall ensure that all CDBG-funded programs and activities are clearly identified to participants and the public as those of the CDBG program, and that these programs and activities do not appear to be an extension of the programs and activities of any private organization or public institution. To comply with this requirement, a notification to be worded as follows shall be clearly posted or otherwise displayed: "This project is funded in whole or in part with Community Development Block Grant (CDBG) Program funds provided by the U.S. Department of Housing and Urban Development (HUD).

11.12. Section 3 Compliance

11.12.1. The requirements for Section 3 of the Housing and Urban Development Act of 1968, as amended (Section 3) applies to capital projects and housing development projects that exceed $200,000 in HUD funding. Subcontractors receiving an excess of $100,000 from projects required to comply with Section 3 shall also be required to comply with Section 3 requirements. These requirements are listed in the CDBG Agreement.

11.13. Single Audit Report (SAR) compliance

11.13.1. The City of Modesto will ensure any corrective action plans identified as a result of any Single Audits are carried out in accordance with the Single Audit Act.

11.13.1.1. To comply with corrective action plans, the City will develop a table listing of corrective actions identified with the respective finding number, list of planned corrective actions, identify an anticipated completion date, and identify a responsible contact person.

12. Monitoring of Subrecipients

12.1. The City of Modesto (the recipient) and its subrecipients must have written policies and procedures to ensure that CDBG, HOME, and ESG funds are used in accordance with HUD requirements and sufficient records to enable HUD, and the recipient to determine whether ESG requirements are being met. [24 CFR 576.500(a)]

12.2. As the lead agency for HUD Entitlement funds, the City of Modesto will monitor all subrecipients on a regular basis through written contacts, phone conversations, electronic information transfers, face-to-face monitoring visits (at least once annually), and project file review, pursuant to applicable regulation.

12.3. Monitoring will be conducted to ensure statutory and regulatory requirements are being met and that information submitted to City of Modesto is accurate and complete.

12.4. Monitoring will normally be conducted utilizing a three (3) tiered approach, depending upon the risk involved:

12.4.1. Limited Review

12.4.1.1. A limited review will be conducted of all subrecipients and projects on an annual basis. The timing of this monitoring will be in alignment with an

organization's submittal of a Quarterly Performance Report and an Invoice for Payment for expenses incurred against their City grant over the previous 90 days.

12.4.1.2. At least one quarter review will focus on the year-end financial statement or audit, and where applicable, the Single Audit. If the Single Audit contains audit findings or contains a management letter, the subrecipient will be selected for an in depth review. The goal of a Limited Review is to provide clarification to a specific unknown submission that cannot be determined from the subrecipient reports, and to identify areas of technical assistance needed by each subrecipient.

12.4.2. On-Site Monitoring Review

12.4.2.1. An on-site monitoring review will be a site visit to a subrecipient program assisted with HUD funds and will achieve a balance between programmatic and fiscal reviews, and much documentation review can be done prior to the on-site visit. The on-site monitoring includes a tour of the program facilities as appropriate, an explanation of the services provided, discussions with program and administrative staff, and introduction to one or more actual beneficiaries, if possible. As a result of this visit, staff will determine whether an in-depth review is needed for further clarification of one or more issues identified during the on-site visit.

12.4.2.2. ***A Program review*** will focus on the specific subrecipient program activities. Program staff may be asked to define the strategic plans for the related programs and, as applicable, how those plans are used to help clients in those programs.

12.4.2.3. ***A Financial review*** will make the connections between the program budget, expenditures and actual beneficiaries assisted, including evidence of case managers time in client files, reviewing payroll documents for the period clients are reported, determining eligibility of clients based on income documentation in client files, the general relationship between the contents of client files (excluding Attorney Client or HIPAA confidential data) and benefit data reported by the subrecipient on the same clients.

12.4.2.4. ***The number of case files*** to be reviewed will reflect approximately 10% of

the total clients served in the program, or more if there appear to be any systemic issues that need to be addressed.

12.4.2.5. ***Invoices*** may be randomly selected for review and traced back from City reimbursement to the original organization's advance expenditure and client assisted (if appropriate). For example, exact dollars billed for housing accessibility modifications can be traced directly to one client. Conversely, a different review model is required when dollars billed provided case management for multiple homeless individuals. It is expected that staff will review original invoices, cancelled checks, and other such documentation evidencing the expenditure, the relationship to the CDBG program objective, the appropriate proportion of CDBG expenditure in comparison to other funding, and accounting receipt of the federal grant funds.

12.4.3. In-Depth Review

12.4.4. An in-depth review will be a concentrated and focused review around a particular activity or program area. This will typically be a concentrated review of a known high-risk area or critical function, such as but not limited to:

12.4.4.1.1. Financial review for expenditures for ineligible activities,

12.4.4.1.2. Financial review for expenditures that cannot be traced through supporting documentation,

12.4.4.1.3. A program which requires donations as a condition of receiving service,

12.4.4.1.4. Management practices in affordable housing,

12.4.4.1.5. Section 504 and ADA compliance reviews upon receipt of a complaint from a person with disabilities,

12.4.4.1.6. A fair housing complaint from a home seeker treated differently while trying to obtain housing from the subrecipient,

12.4.4.1.7. Denial of services for no valid reason, or

12.4.4.1.8. Failure to meet prevailing wage requirements in construction activities subject to Davis Bacon, etc.

12.5. Administrative Process for Monitoring

12.5.1. Monitoring will be conducted in two phases. File review will generally confirm compliance with reporting requirements, financial submittals, and contract provisions and much of it will be completed prior to the onsite visit. On-site reviews will focus more on the beneficiary documentation and services provided,

including quantitative performance outcomes to local and federal objectives, and financial processes and documentation only available at the program site.

12.5.2. Staff will use the risk analysis criteria identified in Section 12.4 to determine the type of monitoring approach for each subrecipient. Upon the arrangement of mutual date and time with the subrecipient, staff will send letters at least two (2) weeks in advance of the date the monitoring is to be held. The monitoring policies and checklist may be provided to the subrecipient and the letter may emphasize any specific areas of compliance to be reviewed and how files will be selected for review, as applicable.

12.5.3. At the conclusion of the monitoring visit, staff will send each subrecipient written documentation of the site visit, summarizing what was reviewed, and indicating any findings of regulatory non-compliance or concerns of program weaknesses. Additionally, staff will provide technical assistance to correct any deficiencies noted, and will acknowledge the performance level of the program, and whether they will either meet or fall short of contract goals.

12.6. Findings, Concerns & Noncompliance

12.6.1. Findings

12.6.1.1. Where an identified deficiency results in a finding of non-compliance with CDBG/ESG rules, the finding will be communicated to the subrecipient citing the finding/violation, regulatory or statutory requirement not met, and the corrective action with a deadline.

12.6.1.2. The monitoring letter should also provide timelines for response and corrections, as well as actions the City may take if the subrecipient fails to make corrections in a timely manner.

12.6.2. Concerns

12.6.2.1. Monitoring concerns will be brought to the subrecipient's attention. City staff will suggest or recommend actions that the subrecipient may take to address a concern, based on sound management principles or other guidelines. Corrective actions are not ***required*** for concerns; however City staff may offer specific recommendations and/or requests for improvement. Non-responsiveness to these concerns may impact current and future funding recommendations.

12.6.3. Actions for Non-Compliance

12.6.3.1. Subrecipients who are found to be in non-compliance and receive a finding as a result of their monitoring will be provided with technical assistance towards resolution, and actions taken by the City to achieve compliance may include, but not be limited to, withholding further disbursements of CDBG funds until satisfactory compliance with applicable regulations are achieved.

12.6.3.2. City staff will offer technical assistance to subrecipients when monitoring indicates less than complete compliance with CDBG regulations or contract requirements. Such assistance may include, but is not limited to, providing applicable copies of Office of Management and Budget (OMB) circulars, in particular OMB Circular No. A-122 *Cost Principles for Nonprofit Organizations.* In addition, the latest edition of *Playing by the Rules* guidance for CDBG subrecipients may be provided.

13. CDBG Timeliness

13.1. Entitlement jurisdictions that receive CDBG funds, such as the City of Modesto, are required to use CDBG funds in a timely manner. Per 24 CFR 570.902, the HUD standard requires that entitlement jurisdictions not have more than 1.5 of its annual grant in its line of credit 60 days prior to the close of the program year. That date is April 30th for the City of Modesto.

13.2. The penalty for noncompliance may include sanctions, such as the loss of future CDBG funding. As such, CDBG funds are subject to reprogramming by the City if a City Project or sub-recipient activity is no longer feasible and/or there is lack of activity and expenses within the first six months of the date of the allocation.

14. Playing by the Rules Handbook

14.1. Sub-recipients receiving CDBG funds shall adhere to all other requirements set forth in the Playing by Rules Handbook, as provided through the City of Modesto's CDBG Program: https://www.hudexchange.info/resource/687/playing-by-the-rules-a-handbook-for-cdbg-subrecipients-on-administrative-systems/

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-428

RESOLUTION APPROVING THE ADDITION OF SECTION 16 TO THE HOUSING AND URBAN DEVELOPMENT POLICIES & PROCEDURES MANUAL (FOUR FACTOR ANALYSIS FOR LIMITED ENGLISH PROFICIENT PERSONS- LANGUAGE ASSISTANCE PLAN POLICY)

WHEREAS, on October 25, 2016, by Resolution No. 2016-425, the City Council consolidated all Housing and Urban Development policies & procedures into one comprehensive manual entitled Housing and Urban Development Policies & Procedures Manual (HUD Policies & Procedures Manual), and

WHEREAS The City is an entitlement jurisdiction and receives various grants funds from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, in May 2014, the HUD Office of Fair Housing an Equal Opportunity (HUD FHEO) conducted an on-site review of the City's Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Neighborhood Stabilization (NSP) programs to determine if the programs were administered in compliance with the nondiscrimination provisions of Section 109; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; and Title VIII of the Civil Rights Act of 1968, as amended (Federal Regulations), and

WHEREAS, the review disclosed that while the City was administering the program in general compliance with Federal Regulations, it was in preliminary non-compliance with several Federal Requirements including, but not limited, to citizen participation requirements relating to meeting the needs of Limited English Proficient persons, and

WHEREAS, On June 24, 2015, the City and HUD FHEO entered into a Voluntary Compliance Agreement which outlined items the City needed to address to be

in compliance with the Federal Regulations. Many of the concerns outlined in the Voluntary Compliance Agreement have been resolved through amendments to existing policies & procedures or through administrative procedural changes, and

WHEREAS, HUD FHEO requested the City develop a Language Assistance Plan Policy which sets forth an outreach plan to notify Limited English Proficient persons of public hearings and comment periods, the availability of interpreter services and the availability of translation of vital documents necessary for applying to and participating in HUD-funded programs, and

WHEREAS, to address these concerns, staff has prepared a Four Factor Analysis for Limited English Proficient Persons -Language Assistance Plan Policy (LAP Policy), which is attached hereto as **Exhibit** A, and

WHEREAS, Staff will forward the LAP Policy to the HUD FHEO for review and comment, and

WHEREAS, any minor/non-substantial changes recommended by the HUD FHEO will be considered administrative changes and will not require further Council approval, however any substantial recommended by the HUD FHEO will require additional committee and Council consideration, and

WHEREAS, on October 12, 2017, the Citizen's Housing and Community Development Committee reviewed, approved and forwarded the proposed amended Section 16 (Four Factor Analysis for Limited English Proficient Persons and Language Assistance Plan) to the City Council for review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto hereby approves the addition of Section 16 of the Housing and Urban Development

Policies & Procedures Manual (Four Factor Analysis for Limited English Proficient Persons and Language Assistance Plan) as set forth in **Exhibit A**, which is attached hereto and incorporated by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FOUR FACTOR ANALYSIS FOR LIMITED ENGLISH PROFICIENT PERSONS AND LANGUAGE ASSISTANCE PLAN

CITY OF
MODESTO
CALIFORNIA

City of Modesto
Community Development Division
1010 10th Street, Suite 3100, Modesto, CA 95354
(209) 577-5211, TDD 209-
housing@modestogov.com

City of Modesto Citizen Housing and Community Development Committee (CH&CDC) Approved October 12, 2017
City of Modesto City Council Approved by Resolution 2016-425 on October 25, 2016

EQUAL HOUSING OPPORTUNITY

CITY OF MODESTO
FOUR FACTOR ANALYSIS FOR LIMITED ENGLISH PROFICIENT PERSONS
AND
LANGUAGE ASSISTANCE PLAN

(October 2017)

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1. FOUR FACTOR ANALYSIS FOR LIMITED ENGLISH PROFICIENT PERSONS

1.1. In order to determine the needs of Limited English Proficient (LEP) persons in the jurisdiction of the City of Modesto (the City), the City conducted the following analysis defined by the U.S. Department of Housing and Urban Department (HUD):

2. Factor 1: Number or proportion of LEP persons served or encountered in the eligible service area:

2.1. The City obtained information from the U.S. Census Bureau's American Factfinder website, as recommended by HUD, to gather data about the City's overall population, as well as the population of LEP persons within the City and the primary languages spoken. The following results were obtained from the American Factfinder 2011-2015 American Community Survey 5-Year Estimates.

2.2.

Total Population 5 years and Over:	192,811
Total LEP Population 18 Years and Over:	23,121
Spanish Speaking LEP Population 18 Years and Over:	15,347
Asian and Pacific Island Languages 18 Years and Over:	3,488
Other Indo-European Language Speaking LEP Population 18 Years and Over:	2,347
Other LEP Speaking Population 18 Years and Over:	1,939

2.3. The above data demonstrates that approximately 66% (15,347) of the City's LEP population is Spanish Speaking. This language group is the only one that meets the 1,000 or 5% requirement for written translation services as described in the Language Assistance Plan (LAP).

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2.4. The next largest LEP population group is Asian and Pacific Island Languages which constitutes approximately 15% (3,488) of the City's LEP population. The Asian and Pacific Islander group consists of a combination of many different languages including, but not limited to, Chinese, Vietnamese, Hmong, Urdu, Bengali, and Korean. According to the U.S. Department of Education, the 3 most common Asian and Pacific Islander languages in the U.S., for which data was collected and reported, are Chinese, Vietnamese, and Hmong. According to the Statistical Atlas, in 2015 there were 962 Chinese LEP persons, 385 Vietnamese LEP persons, and 164 Hmong LEP persons in the City.

2.5. The next LEP population constitutes 10% (2,347) which consists of Indo-European language speakers. This population includes, but is not limited to, Albanian, Armenian, Baltic, Slavic, Germanic, and Greek.

2.6. It is not known what languages were categorized under the "Other LEP speaking population."

3. **Factor 2: Frequency with which LEP persons come into contact with the program:**

3.1. A review of the frequency of LEP persons contacting the City for the covered HUD housing programs revealed that approximately 4 out of 10 persons contacting the City were Spanish speaking. There were no records of any other language group contacting the City for the same programs.

3.2. The City's Community Development Division includes staff who speak Spanish and regularly provide oral interpretation services to customers who access the City's housing programs.

4. **Factor 3: Nature and importance of the program, activity, or service provided by the program:**

4.1. The services provided by the City's Community Development Division provide affordable housing opportunities via homebuyer assistance and owner occupied housing rehabilitation. These programs directly address General Plan/Housing Element goals as well as state and federal housing requirements.

5. **Factor 4: Available resources and costs to the City:**

5.1. Because the City has Spanish speaking staff, it is cost effective for the City to provide Spanish language translation of vital documents.

5.2. The City will utilize any documents provided by HUD in languages other than English.

5.3. The City will consider professional interpretation services to provide oral interpretation in languages other than Spanish, as needed.

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6. LANGUAGE ASSISTANCE PLAN

6.1. Introduction

6.1.1. The City is committed to providing equal opportunity housing in a non-discriminatory manner, and to fully comply with all Federal, State and local nondiscrimination laws as well as with regulations governing Fair Housing and Equal Opportunity in housing and employment. This includes complying with Title VI of the Civil Rights Act of 1964 to ensure meaningful access to programs and activities by Limited English Proficient (LEP) persons.

6.1.2. The purpose of this LAP is to identify how the City will ensure its methods of administration will not have the effect of subjecting LEP persons to discrimination because of their national origin, and to ensure LEP persons have full access to City programs and services.

6.2. Who is LEP?

6.2.1. For purposes of this LAP, anyone whose primary language is not English, and has a limited ability to read, write, speak or understand English may be an LEP person.

6.2.2. The City will not identify anyone as an LEP person; the beneficiaries of the services and activities must identify themselves as an LEP person (Federal Register Vol. 72, No. 13, January 22, 2007).

6.3. Safe Harbor

6.3.1. "Safe Harbor" guidance provided by HUD states that written translations of vital documents should be provided for each eligible LEP language group that constitutes 1,000 or more of the eligible population in the market area or 5% of the eligible population.

6.3.2. It is important to note that the "Safe Harbor" concept only applies to the translation of documents. Failure to provide translation does not mean there is non-compliance. Oral interpretation may be an acceptable way of providing access when the translation of documents becomes so burdensome as to defeat the legitimate objectives of a program. Other considerations will be the importance of the service, benefit or activity, the nature of the information sought, and whether the proportion of the LEP persons served calls for written translations.

6.4. Service Area

6.4.1. The Service Area shall mean the Modesto City limits.

6.4.2. When considering written translations, the "Safe Harbor" evaluation will differ depending on the population the City is considering as follows:

6.4.3. When conducting outreach to the eligible population in the service area, the number and percentage of the eligible LEP population in the service area will be evaluated.

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6.4.4. When working with program beneficiaries (i.e. applicants to City's housing programs), the number and percentage of LEP persons accessing the program will be evaluated.

6.5. Identification of Language Needs within the City

6.5.1. It was determined through review of the U.S. Census Bureau's American Fact Finder 2011-2015 American Community Survey 5-Year Estimates data, that the total LEP population 18 years of age and over in the City is 23,121.

6.5.2. Of the total LEP population, the largest LEP population is Spanish speaking with 15,347 (66% of LEP population) Spanish Speaking LEP persons.

6.5.3. A review of the frequency of LEP persons contacting the City for the covered HUD Housing programs revealed that approximately 4 out of 10 persons contacting the City within any given week were Spanish speaking. There were no records of any other language group contacting the City for the same programs.

6.5.4. To comply with the "Safe Harbor" rule, the City has determined that because there are more than 1,000 Spanish-speakers in the City who speak English less than very well, the City will translate vital documents into Spanish.

6.5.5. The next largest LEP population were persons who speak Asian and Pacific Islander languages (which consist of Chinese, Vietnamese, Hmong, Urdu, Bengali, and Korean among others) and identified themselves as speaking English "less than very well." This is a population of 3,488 or 15% of the overall LEP population. According to the U.S. Department of Education, the 3 most common Asian/Pacific Islander languages in the U.S. are Chinese, Vietnamese, and Hmong. According to the Statistical Atlas, in 2015 there were 962 Chinese LEP persons, 385 Vietnamese LEP persons and 164 Hmong LEP persons. The City has determined that because there are less than 1,000 people in each of the major Asian/Pacific Islander languages, the City will not translate vital documents into these languages. However, the City will provide oral interpretation as needed to LEP persons requesting such services.

6.5.6. The remaining LEP population consists of Indo-European language speaking and other LEP speaking populations for which data was not available. Written translation of vital documents into these languages will not be provided. The City will provide oral interpretation, as needed, to LEP persons requesting such services.

6.6. Written Translation

6.6.1. As stated above in Section V, the City has determined that because there are more than 1,000 *Spanish-speakers in the City who speak English less than very well, the City will translate vital documents into Spanish. As of the date of the adoption of this LAP, Spanish is the only language into which vital documents will be translated. This may subject to change upon updates of the LAP.

6.7. Vital Documents

6.7.1. HUD has defined "Vital Documents" to be those documents that are critical for ensuring meaningful access to the City's major activities and programs by beneficiaries generally and LEP persons specifically.

6.7.2. In general, the City will attempt to translate all letters sent to Spanish speaking program applicants who are identified as LEP. However, the following is a list of documents the City has determined to be Vital Documents and has committed to translating into or providing HUD-approved versions in Spanish:

6.8. Vital Documents

6.8.1. Public Hearing Notices related to Consolidated Plan, Annual Action Plan, Consolidated Annual Performance Evaluation Report, and Assessment of Fair Housing.

6.8.2. Homebuyer Assistance Program Application

6.8.3. Homebuyer Assistance Program Brochure

6.8.4. Homeowner Rehabilitation Program Application

6.8.5. Homeowner Rehabilitation Program Brochure

6.8.6. Annual Monitoring Notices

6.9. Oral Interpretation

6.9.1. The City will make every effort to provide oral interpretation for all its clients who have identified themselves as LEP persons and request services.

6.10. Bilingual Staff

6.10.1. The City's Community Development Division employs bilingual, Spanish-speaking staff in several positions, including program management. Currently, the City's Community Development Division has four full-time Spanish-speaking staff.

6.10.2. In addition, the City has access to other bilingual City employees, including numerous Spanish-speaking staff, as well as staff members who speak: Hindi, Laotian, Hmong, French, Khmer, and Cambodian.

6.10.3. Bilingual employees must pass a competency test in the respective language in order to be designated as a bilingual person. This test consists of an oral question and answer session conducted in an oral panel interview setting by Certified City employees.

6.11. Interpreter Services

6.11.1. When there is not a City staff person who speaks the LEP person's primary language, the City will seek interpretation through a professional interpreter service.

6.11.2. In the event the LEP person's primary language is not widely spoken and the City is unable to locate a suitable interpreter through a professional interpreter service, the City may resort to other methods such as seeking community volunteers.

6.11.3. As a last resort in cases where the City is unable to find an acceptable interpreter within a time frame to effectively assist the client, the City may use an online translation website in order to communicate via an in-office computer.

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6.12. Informal Interpreters

6.12.1. The City will generally discourage the use of family members or other informal interpreters, but will allow the use of an interpreter of the LEP person's choosing (including family members or a professional interpreter at the LEP person's own expense) when the LEP person rejects the City's free language assistance services. The City will document the offer and the LEP person's subsequent rejection.

6.13. Staff Training

6.13.1. The City will provide a copy of this LAP to all existing and incoming staff, and will also provide training as to its contents and what is required under the policy.

6.14. Monitoring and Updating of This LAP

6.14.1. The City will review/revise this LAP on an as needed basis, but no less than every five years to ensure the populations of the various language groups within the jurisdiction and their needs are reflected in the provision of primary-language services.

Draft

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-429

RESOLUTION APPROVING AN AGREEMENT WITH EMA, INC., TUCSON, AZ FOR CONSULTANT SERVICES FOR THE SCADA SYSTEM REPLACEMENT, IN AN AMOUNT NOT TO EXCEED $217,186 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $21,178.60 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $238,364.60 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City uses a Supervisory Control and Data Acquisition (SCADA) System to operate over 200 water, wastewater, and stormwater facilities (including groundwater wells, tanks, wastewater treatment plant equipment, and lift stations), and

WHEREAS, the SCADA System is comprised of computer hardware, software and a telemetry system that is critical in controlling and delivering a safe drinking water supply to customers and helps in controlling the conveyance and treatment of the City's wastewater, and

WHEREAS, the SCADA system is over 20 years old and is at the end of its life-cycle, and

WHEREAS, SCADA improvements can be costly, prior to making any management decisions to upgrade or replace portions of the SCADA System, an independent review of its current capabilities, and a thorough assessment of current and anticipated SCADA needs is required, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Qualifications was sent out on July 31, 2015, and

WHEREAS, three non-local firms responded, but only two were deemed qualified to perform this type of specialized work. A Request for Proposals was sent out to the two qualified firms on October 9, 2015, and

WHEREAS, two proposals were received, and EMA, Inc., was selected as the most qualified firm to perform the work, and

WHEREAS, on June 7, 2016, by Resolution No. 2016-236, Council approved an agreement with EMA, Inc., to conduct a SCADA Upgrade Study, which was intended to independently review the existing SCADA system and recommend if the City needs to continue with the HSQ system or migrate to another SCADA system, and

WHEREAS, this study concluded that it is necessary for the City to migrate to another system to achieve the performance requirements of a functional, modern, and reliable SCADA system, and

WHEREAS, the remaining planning level work is generally within the scope of the original Request for Proposal, staff recommends retaining EMA, Inc., who was the most qualified consultant after solicitation per Administrative Directive 3.1, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with EMA, Inc., Tucson, AZ, for engineering services for the SCADA Master Plan project, in an amount not to exceed $217,186.00 for the identified scope of services, plus $21,178.60 for additional services, if needed, for a maximum total amount of $238,364.60.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-430

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE LA LOMA PHASE 2B STRENGTHEN AND REPLACE WATER MAINS PROJECT, ACCEPTING THE BID, APPROVING A CONTRACT WITH D.A. WOOD CONSTRUCTION, INC., OF MODESTO, CA IN THE AMOUNT OF $3,749,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the La Loma Phase 2B Strengthen and Replace Water Mains Project , and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the La Loma Phase 2B Strengthen and Replace Water Mains Project were opened at 11:00 a.m. on October 3, 2017 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $3,749,000 received from D.A. Wood Construction, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to D.A. Wood Construction, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for La Loma Phase 2B Strengthen and Replace Water Mains Project, accepts the bid of $3,749,000, and awards D.A. Wood Construction, Inc., the contract for the La Loma Phase 2B Strengthen and Replace Water Mains Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-431

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,058,140 TO BE TRANSFERRED INTO WATER FUND RESERVES FROM 100797-UPP, ENGINEERING DESIGN "LA LOMA PHASE 2B STRENGTHEN AND REPLACE WATER MAINS"

WHEREAS, certain budgetary transactions are necessary in the amount of **$2,058,140.00** to be transferred into Water Fund Reserves, in order to fully fund the construction, contingency, construction administration, City construction forces and design support during construction for the project., and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**, attached hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

FY	Project	Task	Expenditure Type	Current Budget	Increase (Decrease)	Revised Budget	Project Organization
Expenses							
FROM							
	100797	CA	Construction Administration	$400,000	($97,179)	$302,821	UPP.Engineering Design
	100797	CON	Construction	$5,500,000	($1,751,000)	$3,749,000	UPP.Engineering Design
	100797	CTGY	Contingency	$550,000	($250,080)	$299,920	UPP.Engineering Design
	100797	EDA	Engineering Design Administration	$480,000	($37,071)	$442,929	UPP.Engineering Design
					($2,135,330)		
TO							
	100797	CCF	City Construction Forces	$25,000	$77,190	$102,190	UPP.Engineering Design
	101057	CA	Construction Administration	$0	$75,000	$75,000	UPP.Engineering Design
	101057	CCF	City Construction Forces	$0	$40,000	$40,000	UPP.Engineering Design
	101057	CON	Construction	$0	$1,751,000	$1,751,000	UPP.Engineering Design
	101057	EDA	Engineering Design Administration	$0	$192,140	$192,140	UPP.Engineering Design
					$77,190		
					$2,058,140		
					($2,058,140)	100797	
					$2,058,140	101057	
					$0	Net Effect to Water Fund Reserves	

To account for the different phases of this CIP project, costs associated with La Loma Phase 2B will be tracked separately. A separate CIP has been created: 101057 – UPP.Engineering Design – "La Loma Phase 2C Strengthen and Replace Water Mains" for these improvements.

Thus, a budget adjustment is necessary to amend the Fiscal Year 2017-18 Capital Improvement Program (CIP) Budget. First, upon Council approval, $2,058,140 will be returned to Water Fund Reserves from CIP 100797. Second, $2,058,140 from Water Fund Reserves will be used to establish the budget for CIP 101057 to fund engineering design, bidding and future construction.

The net effect of which to the Water Fund Reserves will be $0.00.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-432

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,058,140 TO ESTABLISH THE BUDGET OF 101057 – UPP ENGINEERING DESIGN "LA LOMA PHASE 2C STRENGTHEN AND REPLACE WATER MAINS" FROM WATER FUND RESERVES IN ORDER TO FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND ENGINEERING DESIGN AND ADMINISTRATION

WHEREAS, certain budgetary transactions are necessary in the amount of **$2,058,140**, in order to fund engineering design, bidding, and future construction for the La Loma Phase 2C Strengthen and Replace Water Mains Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**, attached hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

FY	Project	Task	Expenditure Type	Current Budget	Increase (Decrease)	Revised Budget	Project Organization
Expenses							
FROM							
	100797	CA	Construction Administration	$400,000	($97,179)	$302,821	UPP.Engineering Design
	100797	CON	Construction	$5,500,000	($1,751,000)	$3,749,000	UPP.Engineering Design
	100797	CTGY	Contingency	$550,000	($250,080)	$299,920	UPP.Engineering Design
	100797	EDA	Engineering Design Administation	$480,000	($37,071)	$442,929	UPP.Engineering Design
					($2,135,330)		
TO							
	100797	CCF	City Construction Forces	$25,000	$77,190	$102,190	UPP.Engineering Design
	101057	CA	Construction Administration	$0	$75,000	$75,000	UPP.Engineering Design
	101057	CCF	City Construction Forces	$0	$40,000	$40,000	UPP.Engineering Design
	101057	CON	Construction	$0	$1,751,000	$1,751,000	UPP.Engineering Design
	101057	EDA	Engineering Design Administation	$0	$192,140	$192,140	UPP.Engineering Design
					$77,190		
					$2,058,140		
					($2,058,140)	100797	
					$2,058,140	101057	
					$0	Net Effect to Water Fund Reserves	

To account for the different phases of this CIP project, costs associated with La Loma Phase 2B will be tracked separately. A separate CIP has been created: 101057 – UPP.Engineering Design – "La Loma Phase 2C Strengthen and Replace Water Mains" for these improvements.

Thus, a budget adjustment is necessary to amend the Fiscal Year 2017-18 Capital Improvement Program (CIP) Budget. First, upon Council approval, $2,058,140 will be returned to Water Fund Reserves from CIP 100797. Second, $2,058,140 from Water Fund Reserves will be used to establish the budget for CIP 101057 to fund engineering design, bidding and future construction.

The net effect of which to the Water Fund Reserves will be $0.00.

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-433

RESOLUTION ACCEPTING THE STRENGTHEN & REPLACE WATER SYSTEM SOUTH 9TH STREET INDUSTRIAL AREA PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, AND RELEASING SECURITIES AND PAYMENTS TOTALING $2,483,590 TO DSS COMPANY DBA KNIFE RIVER CONSTRUCTION OF STOCKTON, CA

WHEREAS, the S. 9th Street Industrial Water Project has been completed by DSS Company DBA Knife River Construction, Inc. of Stockton, CA in accordance with the contract agreement dated December 8, 2015,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the S. 9th Street Industrial Water Project is hereby accepted as complete from said contractor, DSS Company DBA Knife River Construction, Inc. of Stockton, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,483,590, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-434

RESOLUTION ACCEPTING THE SANTA ROSA SEWER TRUNK LINE EMERGENCY REPLACEMENT PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, AND RELEASING SECURITIES AND PAYMENTS TOTALING $439,555 TO D.A. WOOD CONSTRUCTION, INC., OF MODESTO, CA

WHEREAS, the Santa Rosa Sewer Trunk Line Emergency Project has been completed by D.A Wood Construction, Inc., of Modesto, CA in accordance with the contract agreement dated May 24, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Santa Rosa Sewer Trunk Line Emergency Project is hereby accepted as complete from said contractor, D.A Wood Construction, Inc., of Modesto, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $439,555, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8h day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-435

RESOLUTION APPROVING AN AGREEMENT WITH RMC, A WOODARD CURRAN COMPANY, FOR CLEAN WATER STATE REVOLVING FUND APPLICATION SERVICES FOR RIVER TRUNK REALIGNMENT PROJECT IN AN AMOUNT NOT TO EXCEED $49,546 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $4,955 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $54,501 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the River Trunk consists of a pipeline that ranges from 24 inches to 60 inches in diameter that conveys flow from the Beard Industrial Park to the Sutter Avenue Wastewater Treatment Plant, and

WHEREAS, the total length of the River Trunk is approximately five miles and conveys approximately 24 percent of the City's domestic wastewater flow, and

WHEREAS, the current location of the River Trunk, adjacent to the Tuolumne River, poses access limitations to operations staff and could be subject to catastrophic damage in the event of elevated river flows, and

WHEREAS, on April 1, 2014, by Resolution No. 2014-121, the City Council approved an agreement with Carollo Engineers, Inc. for preparation of a Preliminary Design Report, which serves as the basis of design for this project, and

WHEREAS, on March 22, 2016, by Resolution No. 2016-125, the City Council approved an agreement with Carollo Engineers, Inc. for preparation of Final Design Services to complete the design and construction documents for the project, and

WHEREAS, City staff has been researching funding options for wastewater projects, and

WHEREAS, the Clean Water State Revolving Fund is a loan assistance authority for water quality improvement projects and is administered by the State Water Resources Control Board, and

WHEREAS, Clean Water State Revolving Fund program is desirable because of its flexible term and low interest rate, and

WHEREAS, RMC a Woodard Curran Company is a well-respected firm that has a thorough understanding of the funding process, and

WHEREAS, RMC a Woodard Curran Company has successfully obtained over $180 million of state revolving fund loans for the City, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, however, staff still went through a RFP process pursuant to Administrative Directive 3.1., and

WHEREAS, staff recommends approval of the agreement with RMC a Woodard Curran Company for application services for the River Trunk Realignment project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with RMC a Woodard Curran Company, Sacramento, CA, for application services for the River Trunk Realignment project, in an amount not to exceed $49,546 for the identified scope of services, plus $4,955 for additional services, if needed, for a maximum total amount of $54,501.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-436

RESOLUTION APPROVING THE APPLICATION OF MURPHY MEDICAL TRANSPORTATION, INC. AND ISSUING A PERMIT TO OPERATE AS A NON-EMERGENCY MEDICAL TRANSPORT COMPANY IN THE CITY OF MODESTO

WHEREAS, Murphy Medical Transportation, Inc. has submitted an application to provide non-emergency medical transport within the City of Modesto, and

WHEREAS, Murphy Medical Transportation, Inc. has paid the required $1,000 filing fee and has provided all necessary information as outlined in Modesto Municipal Code Section 3-9.03-3-9.04, and

WHEREAS, the Modesto Police Department has completed a background investigation regarding Murphy Medical Transportation, Inc., per Modesto Municipal Code Section 3-9.05, and

WHEREAS, on September 11, 2017, the Great Safe Neighborhoods Committee reviewed this item and recommended scheduling a public hearing for Council consideration.

WHEREAS, Council approval is required for Murphy Medical Transportation, Inc. to function as a non-emergency medical transport service within the City of Modesto, and

WHEREAS, a duly noticed public hearing was held by the City Council of the City of Modesto on November 8, 2017, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider authorizing the issuance of a permit to US Medical Transportation, Inc. for a non-emergency medical transport within the City of Modesto, and

WHEREAS, Modesto City Council finds that Murphy Medical Transportation, Inc. will serve the public convenience and necessity requirements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the application of Murphy Medical Transportation, Inc. and issues a permit to operate as a non-emergency medical transport company within the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of November, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-437

RESOLUTION ACCEPTING THE RESIGNATION OF BRIAN VELTHOEN FROM THE COMMERCIAL BROKER SEAT ON THE COMPREHENSIVE FEES TASK FORCE

WHEREAS, on June 28, 2016, by Resolution No. 2016-277 Council approved reconvening the Comprehensive Fees Task Force, and

WHEREAS, the Comprehensive Fees Task Force was reconvened to review development-related fees and provide policy direction for a comprehensive Capital Facilities Fees program update, and

WHEREAS, Resolution No. 2016-277 approved the following voting membership: Healthy Economy Committee Member, Effective Government Committee Member, Representative of the Manufacturer's Council, Representative of the Building Industry Association, Representative of the Chamber of Commerce, four Citizen-at-Large, one Commercial Broker, and one Affordable Housing Representative, and

WHEREAS, on November 1, 2016 by Resolution No. 2016-440, Brian Velthoen was appointed to the Commercial Broker seat on the Comprehensive Fees Task Force, and

WHEREAS, on September 29, 2017 Mr. Velthoen advised City staff of his resignation and will no longer be able to serve on the Task Force.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto it hereby accepts the resignation of Brian Velthoen from the Commercial Broker Seat on the Comprehensive Fees Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attpfney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-438

PRINT

RESOLUTION APPROVING AMENDING AGREEMENTS WITH 4LEAF INC., BUREAU VERITAS, CSG CONSULTANTS INC., AND INTERWEST CONSULTING GROUP TO EXTEND SERVICES FOR PLAN REVIEW, BUILDING INSPECTION, CHIEF BUILDING OFFICIAL AND CODE ENFORCEMENT SERVICES FOR ONE YEAR AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENTS

WHEREAS, by Resolution No. 2012-486, Council approved the award of proposal and contracts for professional assistance with plan review and inspection services to 4LEAF Inc., Bureau Veritas, CSG Consultants and Interwest Consulting Group, and

WHEREAS, on August 19, 2014, an amendment to the Interwest Consulting Group contract was made to provide for Chief Building Official services, and

WHEREAS, by Resolution No. 2014-354, Council approved an amendment to the standard agreement for consultant services with Interwest Consulting Group for Building Official and Code Enforcement services in an amount not to exceed $180,000, and

WHEREAS, by Resolution No. 2015-364, Council approved an amendment to the standard agreement for consultant services with Interwest Consulting Group for Building Official and Code Enforcement services in an amount not to exceed $200,000, and

WHEREAS, by Resolution No. 2015-363, Council approved an amendment to the standard agreement for consultant services with 4LEAF Inc., Bureau Veritas, and CSG Consultants Inc., for plan review and inspection services to increase annual compensation for each contract in an amount not to exceed $50,000, and

WHEREAS, the City has exhausted all extensions provided through the Agreements which are set to expire December 3, 2017 and a formal Request for Proposals (RFP) cannot be accomplished prior to the expiration of these agreements, and

WHEREAS, staff is requesting a one-year extension to 4LEAF Inc., Bureau Veritas, CSG Consultants Inc., and Interwest Consulting Group agreements to prevent regulatory or compliance issues that may impact the safety of the community,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the following Agreements:

1. A Second Amendment with 4LEAF Inc., for a one year extension of the term only

2. A Second Amendment with Bureau Veritas, for a one year extension of the term only

3. A Second Amendment with CSG Consultants Inc., for a one year extension of the term only

4. A Fourth Amendment with Interwest Consulting Group, for a one year extension of the term and to increase the agreement amount by an additional $200,000

to extend services for Plan Review, Building Inspection, Chief Building Official and Code Enforcement Services.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Amendments to the Agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-439

PRINT

RESOLUTION APPROVING THE PRE-QUAL1FIED CONSULTANT LIST, CONSISTING OF ALTA DESIGN + DESIGN, OAKLAND, CA, DRAKE HAGLAN AND ASSOCIATES, MODESTO, CA, MARK THOMAS, FRESNO, CA, AND O'DELL ENGINEERING, MODESTO, CA FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECTS FOR A PERIOD OF TWO YEARS, WITH TWO ADDITIONAL ONE-YEAR EXTENSIONS AT THE WRITTEN APPROVAL OF THE INTERIM CITY MANAGER

WHEREAS, the Community and Economic Development Department anticipates developing several Capital Improvement Projects that require civil engineering services that are beyond the City's current staffing levels and workload to accomplish in a timely manner, and

WHEREAS, Community and Economic Development Department has found it necessary to utilize a vendor list for civil engineering services, and

WHEREAS, retaining pre-qualified consultants allows the division to have quick access to specific civil engineering services when needed, and

WHEREAS, using experienced consultants provides a quick turnaround, which is essential for an efficient response to the large undertaking of projects, and

WHEREAS, all four consultant firms are familiar with the layout of the City as well as City Standards, and

WHEREAS, all four consultant firms have established experience and were the most qualified consultants from those who submitted Statement of Qualifications, and

WHEREAS, the selected consultant will be determined on a project basis once a scope of work and contract have been negotiated with the most qualified firm(s) from the vendor list, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural & Engineering Services for Capital Projects, which is in compliance with State of California Government Code, Sections 4526-4529, staff solicited and formally advertised an RFQ through Planet Bids for civil design and drafting services, and

WHEREAS, staff received ten (10) Statements of Qualifications (SOQs), five (5) which were considered local firms, and

WHEREAS, after careful review of the SOQs by the Community and Economic Development Department staff, the following local firms were selected as the four most qualified: 1) Alta Planning + Design, Oakland, CA; 2) Drake Haglan and Associates, Modesto, CA; 3) Mark Thomas, Fresno, CA; and 4) O'Dell Engineering, Modesto, CA, and

WHEREAS, when as-needed civil design or drafting services are required for CIP projects with a total budget of $2 million or less, a Request for Proposals (RFP) with a specific scope of work may be issued to these firms, and

WHEREAS, a department director may eliminate the State of Qualifications portion of the process for major projects and secure a firm or firms directly from the professional consultant list, and

WHEREAS, an agreement for engineering design services will then be presented to City Council for approval and

WHEREAS, this prequalified local consultant list will be active for two years from the date of Council approval, at which time the City may extend the list for two additional one-year extensions at the written approval of the City Manager, and

WHEREAS, in the event the firms listed on the pre-qualified list are deemed to lack experience or expertise for specific projects, the City retains the right to recruit consultants for individual projects and not be restricted to only using the approved list, and

WHEREAS, a formal bidding process will be conducted should this situation occur.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the prequalified consultant list, consisting of Alta Planning + Design, Oakland, CA, Drake Haglan and Associates, Modesto, CA, Mark Thomas, Fresno, CA and O'Dell Engineering, Modesto, CA for Civil Engineering Services for various Capital Improvement Program (CIP) projects for a period of two years, with the two one-year extensions at the written approval of the Interim City Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-440

PRINT

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

WHEREAS, a financial analysis has been completed and it has been determined that a budget adjustment is required to the Annual and Capital Improvement Budgets of the City of Modesto for Fiscal Year 2017-18,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2017-18 Annual Operating and Capital Improvement budget as shown in Exhibit A, which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following votes:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

FISCAL YEAR 2017-18

COMMUNITY & ECONOMIC DEVELOPMENT

A budget adjustment is necessary to recognize $1,584,493 of unbudgeted revenue from the State Department of Transportation in the Capital Grants – Streets CIP Fund, Fund 3160, and reallocate to Capital Improvement Project #100806, 2016 Pavement Rehabilitation Project, discretionary task accounts.

A budget adjustment is necessary to recognize $4,000,000 of unbudgeted revenue from the Regional Measure L funds in the Streets Capital Facility Fee Fund, Fund 3410, and reallocate to Capital Improvement Project #100614 – State Route 132 West Expressway, discretionary task accounts.

A budget adjustment is necessary to appropriate $60,000 in the Abatement Fund for costs associated with the relocation benefits for tenants of the property located at 624 9th Street, Modesto, CA. The action to have these funds available was approved on August 2, 2017 by Council Resolution No. 2017-307, but this action did not include a resolution to amend the budget to appropriate funds for these costs. These costs were temporarily absorbed within existing department budgets outside of the Abatement Fund. However, their ultimate funding needs to be adjusted to the Abatement Fund via the budget adjustment presented in this action. The $60,000 will be appropriated in the Abatement Fund in the following account (4910-14225-53074).

FIRE DEPARTMENT

A budget adjustment is necessary to increase the expense and revenue budget in the Fire Department's Training division by $295,704 to account for the reimbursement of expenses paid for the agreement with the California Governor's Office of Emergency Services (CalOES). The revenue account being increased is 42191 (Intergov – State – CalEMA/CalOES). This agreement was entered into to allow for Modesto Fire Department staff to attend hazardous material training required by CalOES. The agreement covers the costs of backfilling positions while they attend training. While this adjustment will increase the revenue and expense budgets of the Fire Department it is strictly for reimbursement of costs associated with this agreement.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-441

PRINT

RESOLUTION APPROVING THE ACCOUNTS RECEIVABLE WRITE-OFF REPORTS THROUGH JUNE 30, 2017 TOTALING $746,193, AND DIRECTING A REPORT OF DISPOSITION BE FILED WITH THE CITY CLERK

WHEREAS, the Finance Department maintains a billing system to track monies owed to the City, and

WHEREAS, occasionally the responsible party does not pay the City as required, and

WHEREAS, it is the City's policy to actively pursue collection of past-due accounts and write off amounts deemed to be uncollectible, and

WHEREAS, the City employs various different means of trying to collect past-due accounts, and

WHEREAS, collection efforts continue until the legal statute restricts the City's collections actions, and

WHEREAS, the City's Write-off of Uncollectible Accounts Receivable policy, as allowed under by Section 2-3.406 of Article 4 of Title 2 of the Municipal Code, requires the following approval authority: the Director of Finance is authorized to approve the write-off of accounts with an outstanding balance due of up to $5,000, and the City Manager is authorized to approve the write-off of accounts with an outstanding balance due in excess of $5,000 and up to $25,000; and

WHEREAS, the following amounts with an outstanding balance less than $5,000 have been approved for write-off by the Director of Finance for the Fiscal Year 2016-2017 and as such all available collection remedies have been exhausted: (1) Utilities Accounts - $356,350 and (2) Miscellaneous Receivables - $252,057, and

WHEREAS, the following amounts with an outstanding balance less than $25,000 have been approved for write-off by the City Manager for the Fiscal Year 2016-2017 and as such all available collection remedies have been exhausted: Miscellaneous Receivables - $104,959, and

WHEREAS, for the write off amount in excess of $25,000 for $32,827, Section 2-3.406 of Article 4 of Title 2 of the Municipal Code requires the City Manager to report the accounts to the City Council with his recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the City Manager's and Director of Finance reports of uncollectible utility and accounts receivable in the total amount of $746,193, and approve a report of disposition be filled with the City Clerk,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-442

PRINT

RESOLUTION APPROVING THE SOLE SOURCE PROCUREMENT WITH T2 SYSTEMS, INC., INDIANAPOLIS, IN TO SECURE THE COST FOR SOFTWARE MAINTENANCE AND SUPPORT OF THE T2 PARKING CITATION MANAGEMENT SYSTEM OVER FIVE YEARS FOR A TWO (2) YEAR AGREEMENT WITH THREE (3) ONE YEAR EXTENSION OPTIONS FOR AN ANNUAL ESTIMATED COST OF $21,667 AND OVER FIVE YEARS OF $103,038, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, on September 25, 2007, Council approved Resolution No. 2007-548, to execute an agreement with T2 Systems, Inc. for the purchase of a Parking Citation Management System (PCMS) for the Customer Services Division of the Finance Department, and

WHEREAS, this system is utilized by the Parking Citation Processing Division in coordination with the Modesto Police Department to manage ticket issuance, Informal and Formal Administrative Hearing process, Residential Parking Permit program, fines and revenue collection, and

WHEREAS, the Finance Department requires the regular use of its T2 Systems, Inc. module in order to meet its daily business needs including but not limited to overseeing the collection of parking citations and managing the administrative review process for contested parking citations for the Modesto Police Department, and

WHEREAS, this module includes an online payment and appeals module managed through a cloud-based system providing a more efficient and convenient avenue for our citizens while also ensuring compliance with the Payment Card Industry Data Security Standard (PCI DSS),and

WHEREAS, the City currently has an agreement with T2 for software maintenance support that expires November 1, 2017, and

WHEREAS, the owner and operator of the PCMS, T2 Systems, Inc. is uniquely qualified to provide maintenance for their software, and

WHEREAS, staff recommends the City enter into a sole source agreement with T2 Systems, Inc. to secure the cost for maintenance over five years, for a two (2) year agreement with three (3) one year extension options for an annual estimated cost of $21,667 and over five (5) years at an estimated cost of $103,038 based on annual maintenance cost, and

WHEREAS, Modesto Municipal Code Section 8-3.203, generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the Modesto Municipal Code. One exception, MMC Section 8-3.204(d), allows for the Purchasing Manager, in his or her discretion, to determine if a process other than the usual fonnal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality, and

WHEREAS, the Purchasing Manager has invoked that exception for this purchase due to cost savings of staff time, and

WHEREAS, the fact that T2 is the only vendor who could maintain the T2 software, the sole source award of an agreement to T2 Systems, Inc. will conform to MMC Section 8-3.204(d), and

WHEREAS, in November 2016 a system upgrade was approved at a cost of $35,574 which included maintenance costs for Fiscal Year 2016-17 of $13,524, and

WHEREAS, maintenance costs for Fiscal Year 2016-17 were pro-rated based on changes to the timeline for implementation of the new online payment and appeals module, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2017-18 in appropriation unit 0100-12450-53100 to cover the first year of the agreement in the amount of $21,667 which includes a test environment for one year in the amount of $4,350.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an agreement for a sole source procurement with T2 Systems, Inc., Indianapolis, IN for software maintenance and support of the T2 Parking Citation Management System for a total estimated cost of $103,083 over five (5) years, and

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-443

PRINT

RESOLUTION AUTHORIZING A MERIT INCREASE OF $6,176 FOR THE CITY CLERK, EFFECTIVE OCTOBER 24, 2037

WHEREAS, salaries for Charter Officers appointed by the City Council are subject to periodic review and adjustment, and

WHEREAS, on June 9, 2015 the Council approved an merit increase in salary to STEPHANIE LOPEZ, City Clerk, effective June 29, 2015, after a performance evaluation concluded outstanding performance, which increase was within the range established in Resolution 2012-369, and

WHEREAS, on September 5, 2017 a subsequent annual performance evaluation was conducted, a performance evaluation that concluded outstanding performance; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a merit increase in salary, which increase is within the range established in Resolution 2014-520, to STEPHANIE LOPEZ, City Clerk, effective October 24, 2017, as follows:

Title	Hourly	**Bi-Weekly**	Monthly
City Clerk	62.35	4,987.90	10,805.05

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-444

RESOLUTION APPROVING AMENDMENT NUMBER THREE TO THE EMPLOYMENT AGREEMENT WITH STEPHANIE LOPEZ, CITY CLERK, DATED APRIL 8, 2008

WHEREAS on May 13, 2008, the City Council, by Resolution No. 2008-268, approved an Employment Agreement with Stephanie Lopez, and

WHEREAS, on June 9, 2015, the City Council, by Resolution No. 2015-187, approved Amendment Number Two, amending Section 4 of the Employment Agreement with Stephanie Lopez, and

WHEREAS, on September 5, 2017 a subsequent annual performance evaluation was conducted, a performance evaluation that concluded outstanding performance; and

WHEREAS, the City Council and Stephanie Lopez desire to amend Section 4 of the Employment Agreement to reflect a monthly salary of ten thousand eight hundred and five dollars and five cents ($10,805.05) effective October 24, 2017 .

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Third Amendment to the Employment Agreement between the City of Modesto and Stephanie Lopez to reflect a monthly salary of ten thousand eight hundred and five dollars and five cents ($10,805.05) effective October 24, 2017, and authorizes the Mayor to execute the Amendment.

The foregoing resolution was introduced at regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-445

PRINT

RESOLUTION APPROVING THE EXTENSION OF THE AGREEMENT WITH FINAL CUT MEDIA FOR ONE YEAR IN THE AMOUNT OF $202,070 FOR THE MANAGEMENT SERVICES OF THE EDUCATION AND GOVERNMENT TELEVISION MASTER CONTROL ROOM AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, Final Cut Media will provide management of the daily operations of an Education and Government (EG) television control room facility including scheduling of multi-media programming , and

WHEREAS, Final Cut Media will provide production and management of the Education and Government master control room operations as stated in Exhibit "A" and Exhibit "B" included in the Final Cut Media agreement, and

WHEREAS, the expenditures for maintenance contracts/support agreements have been approved by Council through the budget process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the extension of the agreement with Final Cut Media for a period of one year in the amount of $202,070 for the continued management of the Education and Government television master control room.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Oerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT "A"
SCOPE OF SERVICES
FOR
MANAGEMENT SERVICES OF
EDUCATION & GOVERNMENT PROGRAMMING

Final Cut Media shall provide the following services to the City:

A. Management of the Education, and Government television master control room facility. Scheduling of all programming on the Education and Government channels, including live web casting via the Internet.

B. Consultant shall report solely to the Director of the Information Technology Department (IT) or to designated IT staff regarding the management of the Education and Government Channels and master control facility.

C. Production and Broadcasting Services – Consultant will provide camera crew to produce, broadcast and/or video tape the following meetings originating from the basement chambers of Tenth Street Place, Modesto Centre Plaza, Modesto Police Department, Stanislaus County Office of Education and/or any other City of Modesto sites identified in exhibit "B":

a. All regularly or specially scheduled Modesto City Council Meetings
b. All regularly or specially scheduled Modesto City Council Committee Meetings (upon request)
c. All regularly or specially scheduled Modesto City Planning Commission Meetings
d. Specially scheduled City of Modesto Department and/or Citizen Advisory Committee Meetings (upon request).
e. All regularly or specially scheduled Stanislaus County Board of Supervisors Meetings
f. All regularly or specially scheduled Stanislaus County Board of Supervisors Committee Meetings (upon Request).
g. All regularly or specially scheduled Stanislaus County Planning Commission Meetings.
h. Specially scheduled Stanislaus County Department Meetings.
i. Regularly scheduled "Making the Grade" programs of the Stanislaus County Office of Education.
j. Specially scheduled Stanislaus County Office of Education meetings.
k. Government Youth Commission Meetings.
l. Yearly City and County Budget Meetings.

D. The City's site locations have been identified in exhibit "B. Consultant shall be equipped and capable of broadcasting at any of the listed sites in exhibit "B".
E. Media Duplication – Consultant staff will duplicate media of all Modesto City Council and Stanislaus County Board of Supervisors, meetings, providing copies of said meetings to the City of Modesto Clerk's Office and the Stanislaus County Clerk of the Board's

Office and storing master copies of all meetings in the Master Control Room library. Master copies shall not be discarded or destroyed without the prior written consent from the City Clerk or Clerk of the Board.

F. Create Video bulletin boards that appear between taped or live programming. Information will be submitted to Consultant at least five (5) days prior to the requested start date.

G. Any new programming airing on the Government and Education must be pre-approved by IT staff.

H. Consultant will provide ongoing recommendations to IT staff for the effective management of the Master Control Room facility. All final decisions pertaining to the Master Control Room facility shall be made by IT staff, unless upon emergency and IT staff is unavailable for direction.

I. Consultant will work with IT staff and contracted broadcast engineers to ensure the proper maintenance and installation of new equipment at the Master Control Room location of 1100 H Street, Modesto, California.

J. Consultant agrees that any commercial use of equipment is prohibited. Consultant may not rent City-owned equipment to other parties. Consultant also may not profit from programs produced with City equipment and facilities. Any questions regarding commercial use should be directed to the IT staff.

K. Additional production or equipment setup that is not listed on the Scope of Services shall be compensated at a rate of $75.00 per hour.

L. Consultant shall provide staff possessing a qualified skill-level and working knowledge of operating and maintaining broadcast equipment for the transmission of Education and Government programming.

M. Consultant agrees to maintain the Regular Hours of Operation as:

a. Monday through Friday 10 am – 5 pm for Master Control Room Operation
b. Monday through Saturday as needed for Education & Government programming
c. Saturday and Sunday – Open only for Master Control Room Operation
d. On-Call – 24 hours per day and 365 days per year to oversee the use of the facility and provide technical management as needed
e. Master Control Room access is available by appointment only.

N. City and Consultant shall perform quarterly inspections of the basement chambers of Tenth Street Place and the Master Control Room location of 1100 H Street, Modesto, California. Consultant agrees to respond and correct deficiencies as identified.

O. Consultant shall provide a comprehensive inventory, drawings, diagrams, flow chart and other related material of all equipment and communications that are utilized in conducting broadcast services. Material shall be provided at signing of agreement and updated bi-annually.

CITY OF MODESTO Locations (Exhibit "B")

Site	Address	Comments
City/County Chambers	1010 10th Street	
Modesto Police Department	600 10th Street	
New Command Center	Sutter and Chicago	
Northeast Area Command (C W Center)	3705 Oakdale Road	
iorthwest Area CMD	3401 Dale Road	
roperty Evidence Bldg	1124 F Street	
dice Dept. Evidence	11th and G Streets	
Fire		
Fire Administration	600 11th Street	
Station 1	610 11th Street	
Station 2	629 2nd Street	
Station 3	637 El Vista Ave	
Station 4	1505 Blue Gum Ave	
Station 5	200 W. Briggsmore Ave	
Station 6	2700 Standiford Ave	
Station 7	1800 Mable Ave	
Station 8	737 Airport Ave	
Station 9	4025 Fara Buindo Drive	
Station 10	148 Imperial Ave	
Fire Prevention	1010 10th Street	
Station 11 (Proposed)	Carver and Pelandale	
Station 2A (Proposed)	Sutter and Chicago	
Training Center	1220 Fire Science Lane	
Other City Facilities		
Recreation Center	720 Coldwell Ave.	
Senior Opportunity Services	416 Downey Ave.	
King Kennedy Memorial	601 Martin Luther King	
Modesto Centre Plaza	1000 L Street	
Boy Scout Clubhouse	400 Enslen Ave	
Senior Citizens Center	211 Bodem Street	
McHenry Mansion	906 15th Street	
cHenry Museum	1402 I Street	
merican Legion Hall	1021 S. Santa Cruz Ave	
...addux Youth Center	615 Sierra Drive	
Graceda Park/Mancini Bowl	410 Needham (Needham and Sycamore)	
John Thurman Field	601 Neece Drive	Added (May 2003)
Modesto Municipal Golf Course	400 Toulumne Boulevard	Added (March 2004)
Corporation Yard	501 N. Jefferson Street	
Portable Bldg	115 Elm Street	
Transportation Center	9th Street & J Street	
Airport Terminal	617 Airport Way	
Airport General Aviation	700 Tioga Drive	
Sanitation Plant	1221 Sutter Ave	
Amtrak Station	1700 Held Drive	
Intersection of Hatch and Morgan	Hatch and Morgan	

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-446

PRINT

RESOLUTION ACCEPTING THE GROGAN PARK WELL TIVOLI PROJECT AS COMPLETE AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES AND PAYMENTS TOTALING $496,222 TO HYDRO-RESOURCES, INC., OF WINNEMUCCA, NEVADA

WHEREAS, the Grogan Park Well Tivoli Project has been completed by Hydro-Resources, Inc., of Winnemucca, NV in accordance with the contract agreement dated March 1, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grogan Park Well Tivoli Project is hereby accepted as complete from said contractor, Hydro-Resources, Inc., of Winnemucca, NV, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $496,222, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-447

PRINT

RESOLUTION APPROVING PAYMENT OF INVOICE 1019-17 FROM WASTEWATER SOLIDS MANAGEMENT COMPANY OF YACHATS, OR, IN THE AMOUNT OF $41,700 FOR ADDITIONAL CLEANING OF DIGESTER OUTSIDE THE CONTRACTED AMOUNT

WHEREAS, on June 13, 2017, by Resolution No. 2017-235, Council authorized the award of bid for the furnishing of digester cleaning services to Wastewater Solids Management Company (Wastewater Solids), Yachats, OR, and

WHEREAS, on July 26, 2017, Wastewater Solids started the process of cleaning Digester #1, and

WHEREAS, the current contract requires staff to reduce the liquid volume in the two million gallon digester to 50% prior to the contractor beginning work, and

WHEREAS, staff took operational steps to remove the digester tank from service and reduce the volume in the tank to one million gallons several weeks prior to the contractor coming on site, and

WHEREAS, once the contractor was mobilized, set up and ready to pump and clean the digester tank, it was discovered that the tank level had increased back to 80% of capacity, and

WHEREAS, the contractor informed staff that additional pumping days would be required to complete the job, and

WHEREAS, the additional pumping and delay costs from cleaning Digester #1 was $58,082 and exceeds the initial project annual cost of digester cleaning, and

WHEREAS, as a courtesy, Wastewater Solids gave the City a discount of $16,382, thereby reducing the total costs to $41,700, and the costs are in addition to the annual $36,350 for Digester #1 cleaning, and

WHEREAS, staff investigated the cause of the "slow leak" and determined one of the large 24–inch isolation valves to the digester tank was not completely sealing, and

WHEREAS, the sealing failure was due to foreign material lodged in the valve and the valve is an isolation valve and is only used when the Digester is shut down for cleaning, and

WHEREAS, staff is unable to anticipate the problem prior to removing the digester from service and it is impossible to disassemble and repair the valve while the digester is full, and

WHEREAS, the contractor was directed to continue with the cleaning of the digester with the understanding there would be additional pumping costs, and

WHEREAS, this extra pumping cost was due to the leakage that occurred into the tank from the faulty valve as the contractor was reducing and cleaning the tank, which was not within the contracted scope of work, and resulted with the contractor having to be on site more than twice as long as anticipated, and

WHEREAS, staff has since excavated, removed the lodged debris, and repaired the faulty valve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the payment of Invoice 1019-17, from Wastewater Solids Management Company of Yachats, OR, in the amount of $41,700 for additional cleaning of Digester outside of contracted amount.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-448

PRINT

RESOLUTION APPROVING AN AMENDMENT TO THE ANNUAL PURCHASING AGREEMENT FOR HOT PATCH WORK WITH GARRETT THOMPSON CONSTRUCTION, INC., MODESTO, CA, TO INCREASE THE AMOUNT BY $2,533,893 FOR AN AGREEMENT TOTAL OF $9,061,000; AND AN AMENDMENT INCREASE OF $9,504 TO THE ANNUAL PURCHASING AGREEMENT FOR HOT PATCH WORK WITH UNITED PAVEMENT MAINTENANCE, HUGHSON, CA, FOR AN AGREEMENT TOTAL OF $256,517, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO INCREASE THE ANNUAL PURCHASE AGREEMENT

WHEREAS, the Utilities Department uses contracted services to perform hot patch work throughout Modesto and the outlying areas which are included in the City's regional water system, and

WHEREAS, in 2012 the City performed a competitive bid process for hot patch services as required by the Modesto Municipal Code (MMC), and on September 25, 2012 by Resolution 2012-386 City Council approved the award of bid to Garrett Thompson Construction, Inc. as the primary contractor, United Pavement Maintenance as the secondary, and Patch Crew as the third contractor for an estimated annual cost of $749,700, which equals $3,748,500 over five years, and

WHEREAS, during 2013 and 2014, work demands for contracted hot patch work exceeded staff estimates which increased the costs of hot patch work by Garrett Thompson Construction, and

WHEREAS, on December 9, 2014 by Resolution 2014-538, Council approved an increase in funds for $3.1 million to annual agreements issued to Garret Thompson Construction, United Pavement Maintenance, and Patch Crew which expired on September 24, 2017 and were for a total of $6,848,500, and

WHEREAS, during the summer of 2017, staff determined clerical errors were made by the Finance Department when the original agreements were established in 2012 and again in 2015 which caused an larger than authorized agreement amount to be entered into the system, and

WHEREAS, City staff is in the process of re-engineering the Purchasing Division and changing procedures to prevent this type of situation from reoccurring again in the future, and

WHEREAS, staff is seeking Council authority to increase the funds available under the purchasing agreement with Garrett Thompson Construction by $2,533,893 and with United Pavement Maintenance by $9,504 for a total of $2,538,397.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the annual purchasing agreement for hot patch work with Garrett Thompson Construction, Inc., Modesto, CA, to increase the amount by $2,533,893 for an agreement total of $9,061,000; and an amendment increase of $9,504 to the annual purchasing agreement for hot patch work with United Pavement Maintenance, Hughson, CA, for an agreement total of $256,517.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to amend the annual purchase agreements with Garrett Thomson Construction Inc., and United Pavement Maintenance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-449

RESOLUTION ACCEPTING THE STATE SUPPLEMENTAL LAW ENFORCEMENT GRANT, IN THE AMOUNT OF AT LEAST 5100,000, FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND TO BE USED FOR POLICE OVERTIME, TRAINING, TECHNOLOGY, AND EQUIPMENT AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, the monies in any other fund except that monies may be transferred from the SLESF to the City's General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto, for Fiscal Year (FY) 2017/2018, of at least $100,000, to be made in four installments of $25,000 each.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the State Supplemental Law Enforcement Grant, in the amount of at

least $100,000, from the State Supplemental Law Enforcement Services Fund for police overtime, training, technology, and equipment,

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is authorized to execute the necessary program documents accepting the State Supplemental Law Enforcement Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-450

PRINT

RESOLUTION APPROVING THE EXPENDITURE PLAN AND AUTHORIZING THE INTERIM CITY MANGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2017/2018 MULTI-YEAR OPERATING BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES OF AT LEAST $100,000 FOR THE CITY OF MODESTO'S ALLOCATION FROM THE STATE SUPPLEMENTAL LAW ENFORCEMENT SERVIVES FUND

WHEREAS, in 1996, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, the purpose of the law is to provide additional resources for local law enforcement, and

WHEREAS, Supplemental Law Enforcement Services Fund (SLESF) monies cannot be transferred to, or intermingled with, monies in any other fund except that monies may be transferred from the SLESF to the City's General Fund to the extent necessary to facilitate the appropriation and expenditure of funds, and

WHEREAS, SLESF monies cannot be used to supplant existing budgeted funds, and

WHEREAS, a SLESF has been established in each county, and

WHEREAS, the funding for each county and city is based upon proportionate population, and

WHEREAS, the allocation to the City of Modesto for Fiscal Year (FY) 2017/2018 of at least $100,000, to be made in four installments of $25,000 each, and

WHEREAS, the adopted FY 2017/2018 Police SLESF allocation in the amount of at least $100,000 will be applied to account number 1342-19998-42140-101059,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the expenditure plan and authorizes the Interim City Manager, or his designee, to amend the Fiscal Year 2017/2018 Multi-Year Budget to appropriate revenues and expenditures of at least $100,000 for the City of Modesto's allocation from the State Supplemental Law Enforcement Services Fund as shown in **Exhibit A attached** hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. L DGREFfatyAt

Exhibit A

The SLESF allocation for Fiscal Year 2017/18 will be applied to:

FUND 1342 – Police Grants

	Revenue	Increase/fDecrease)	Description
To:			
	MY-13402-19998-42140-101059	$100,000	Intergov. – State – SLESF Revenue
	Expense		
To:			
	MY-101059-Appr A-51200	$ 5,000	Overtime
	MY-101059-Appr C-52301	$ 60,000	Computer Equip. < $5K
	MY-101059-Appr C-53025	$ 9,000	Training Expenses
	MY-101059-Appr C-52300	$ 5,000	Tools & Field Supplies <5K
	MY-101059-Appr C-52304	$ 16,000	Communication Equip. <$5K
	MY-101059-Appr C-52305	$ 5,000	Office Equipment <$5K
		$100,000	

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-451

PRINT

RESOLUTION APPROVING ADJUSTMENTS TO VARIOUS AIRPORT RATES AND FEES FOR SPECIFIC ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT (AIRPORT), EFFECTIVE JANUARY 1, 2018, AND RESCINDING RESOLUTION NO. 2016-213

WHEREAS, the Modesto City-County Airport (Airport) is an enterprise fund and is expected to be self-supporting. The Airport has conducted a Local Airports Rate and Fee Market Analysis, and

WHEREAS, the Local Airports Rate and Fee Market Analysis revealed a deficiency in pricing of the Modesto City-County Airport rates and fees, and

WHEREAS, adjusting Airport Rates and Fees will increase revenue that will allow the airport to recover growing operational expenses, and

WHEREAS, on July 20, 2017, the Airport Advisory Committee (AAC) recommended this increase of various rates and fees be forwarded on to City Council for its consideration, and

WHEREAS, on September 13, 2017, the Healthy Economy Committee (HEC) recommended this increase of various rates and fees be forwarded on to City Council for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adjustments to various Airport Rates and Fees for specific activities and services at the Modesto City-County Airport as noted in **Attachment A, attached** hereto.

BE IT FURTHER RESOLVED that Resolution 2016-213 shall be rescinded on January 1, 2018 at 12 am.

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2019-217 ON MAY 7, 2019

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation on January 1, 2018.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmember:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmember:	None
ABSENT:	Councilmember:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clgrk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGItEfr, City Attorney

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Hairy Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars and Storage Units as of July 2017

Small T-Hangars (no electricity provided) Hangar A Units 2-12 Hangar B Units 2-9 Hangar C Units 2, 3, 7 Hangar D Units 2-5 & 7-9	$178.50 per month
Small T-Hangars (electricity provided) Hangar A Unit 1 Hangar C Units 4-6 Hangar D Unit 6	$209.00 per month
Medium T-Hangars (no electricity provided) Hangar B Units 1, 10 Hangar C Unit 8 Hangar D Unit 10	$222.25 per month
Medium T-Hangars (electricity provided) Hangar C Unit 1 Hangar D Unit 1 Hangar E Units 1-10 Hangar F Units 1-10 Hangar G Units 1-8, 10 Hangar H Units 1-8, 10 Hangar J Units 1-10 Hangar L Units 1-10	$279.90 per month
Large T-Hangars (electricity provided) Hangar G Unit 9 Hangar H Unit 9 Hangar K Units 2-6, 8-11	$328.88 per month
Large Modified Box Hangar (electricity provided) Hangar K Unit 1	$400.00 per month

Extra Large T-Hangars (electricity provided) Hangar I Units 1-8 Hangar K Unit 7	$328.88 per month
Storage Units	
Hangar I Storage Unit	$129.92 per month
Hangar J Storage Unit	$49.42 per month
Hangar L Storage Unit	$49.42 per month

All T-Hangars leased under Section 1 subparagraphs (a) with no electricity which later have electricity installed will increase to the electricity provided rate with corresponding T-Hangar size.

(b) Corporate Executive Commercial Box Hangars

Hangar 1	$1,718.54 per month
Hangar 2	$1,399.60 per month
Hangar 3	$767.82 per month
Hangar 4	$1,307.89 per month
Hangar 5	$1,301.26 per month
Hangar 6	$762.21 per month
Hangar 7	$87.07 per month (ground lease)

(c) Portable Hangars and Ground Lease

Portable Hangars 1-14	$70.31 per month
Ground Lease (per sq. ft.)	$.057 per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid in advance.

SECTION 2. AIRPORT KEYS

(a) Two (2) hangar keys and one (1) gate proximity card are included in initial lease

(b) $20.00 for each additional proximity card

(c) $45.00 for each additional hangar key

(d) $45 for each gate key

SECTION 3. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Aircraft less than 12,500 lbs. maximum certificated gross landing weight

Permanent	$46.38 per month
Transient	$7.64 per day

(b) Aircraft greater than 12,501 lbs. maximum certificated gross landing weight

Permanent	$78.25 per month
Transient	$15.16 per day

A five-percent (5%) discount will be made in the rental charges set forth in Section 1 subparagraphs (a), (b), and (c), when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (less than 12,500 lbs. of maximum certificated gross landing weight) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 4. OFFICE SPACE. The monthly charge for office space(s) at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

Old Administration Building Utilities furnished by Airport	$.97 per sq. ft.
Office Building(s) 1 & 2 Utilities furnished by Tenant	$.97 per sq. ft.

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL. Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket counter ..... $.0.97 per square foot

(b) Other areas ..... $.0.97 per square foot

SECTION 6. AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All aircraft weighing greater than 12,501 lbs. maximum certificated gross landing weight – $1.10 per 1,000 pounds per landing

(b) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(c) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding "frequent flyers" or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplaned passenger by airline - $4.50 per ticketed passenger.

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

Display Size	Display Only	Display & Telephone
7.5" x 9.5"	$20.00	$30.00
7.5" x 21"	$40.00	$60.00
19" x 21"	$50.00	$70.00

SECTION 9. MODESTO CITY-COUNTY AIRPORT BASED COMMERCIAL SERVICES Any person engaging in a commercial enterprise based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of seven cents ($.07357) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by

the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of two hundred and no/lOOths ($200.00) dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of ninety and no/lOOths ($90.00) dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto ten percent (10%) of gross receipt for each vehicle rental. Additionally, the operators will be assessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle in Terminal Building Parking Lots at the Modesto City-County Airport/Harry Sham Field shall pay seven and no/lOOths ($7.00) dollars per day or forty-two and no/1lOths ($42.00) dollars per week.

SECTION 14. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ADJUSTMENT OF RENTS, FEES AND CHARGES.

Rates and fees for the Airport may be adjusted from time to time by Resolution of the City Council.

For other than fair market value adjustments, said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for All Urban Consumers, West Urban Area, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), with a base year of 1982 – 1984 = 100 ("Beginning Index"). In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges.

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-452

PRINT

RESOLUTION REJECTING ALL BIDS RECEIVED TO REQUEST FOR BID NO. 1718-05 FOR HOT PATCH WORK

WHEREAS, the Utilities Department uses contracted services to perform hot patch work throughout Modesto and the outlying areas which are included in the City's regional water system; and

WHEREAS, the Interim City Manager authorized the Purchasing Department to issue Request for Bid (RFB) No. 1718-05 for Hot Patch Work on July 21, 2017; and

WHEREAS, after reviewing the bids received and bid package, it was determined that staff needed to amend the original Scope of Service to ensure a more competitive process and eliminate ambiguity in the original scope; this determination was based on the significant price variances between vendors; and

WHEREAS, the Utilities Department, Water Division, will work with the Finance Department to amend the Scope of Services to better define the project and Purchasing will work on updating the bid process; and

WHEREAS, until a new agreement is awarded by Council, the Public Works Department will be handling all Hot Patch Work for the Utility Division.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves rejecting all bids received to Request for Bid No. 1718-05 for Hot Patch work.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-453

PRINT

RESOLUTION APPROVING THE AWARD FOR PROPOSAL FOR POLYGRAPH SCREENINGS TO TTI POLYGRAPH, BENICIA, CA, FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENISION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ANNUAL COST NOT TO EXCEED $93,750, AND $468,750 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING AGREEMENT

WHEREAS, the Modesto Police Department has a need for polygraph services as part of the recruitment process, and

WHEREAS, the Police Department expects to need no more than 250 polygraph screenings per year for an annual cost of $93,750, and

WHEREAS, the Interim City Manager authorizes the Purchasing Manager to issue formal Requests for Proposal (RFP) for polygraph services, and

WHEREAS, the Purchasing Division issued RFP No. 1617-06 Polygraph Examination Services on the City's website under commodity codes for polygraph screening services and polygraph screening equipment and supplies, and three companies chose to download the RFP document, and

WHEREAS, bids were formally opened in the City Clerk's Office and three companies chose to respond, none of which were a local vendor. All companies provided responsive and responsible bids, and

WHEREAS, based on the responsive and responsible bids received, City staff recommends the award for proposal for polygraph services to TTI Polygraph, Benicia, CA, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services

to be formally proposed. The award for proposal for polygraph screenings to TTI Polygraph, Benicia, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, the cost for this purchase agreement will be covered through the existing budget in 0100-19420-53300.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby approves the award for proposal for polygraph services to TTI Polygraph, Benicia, CA, for a two-year purchase agreement with three one-year extension options at the sole discretion of the City, for an annual cost not to exceed $93,750 or a total of up to $468,750 over five years.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to issue the purchasing agreement.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-454

PRINT

RESOLUTION RETROACTIVELY APPROVING PURCHASING AGREEMENTS WITH NOONAN AND HART INVESTIGATIVE SERVICES, INC., PLEASANTON, CA, AND STI INVESTIGATIONS, BENICIA, CA, FOR $184,136 AND $116,377, RESPECTIVELY, FOR A TERM OF 5 YEARS ENDING SEPTEMBER 22, 2019; AND RETROACTIVELY INCREASING PURCHASING AGREEMENT WITH SIMPSON INVESTIGATIVE SERVICES GROUP, PLEASANT HILL, CA, BY $150,353, FOR TOTAL AGREEMENTS OF $800,866 OVER 5 YEARS WITH ALL FOUR COMPANIES, INCLUDING RANK INVESTIGATIONS WITH WHOM NO CHANGE IS REQUIRED, AND AUTHORIZING THE FINANCE DIRECTOR, OR DESIGNEE, TO ADJUST AGREEMENT TOTALS BASED ON THE WORK CAPACITY FOR THE VENDORS, ENSURING THE OVERALL AGREEMENT TOTAL BETWEEN THE FOUR VENDORS WILL NOT CHANGE.

WHEREAS, the City of Modesto entered into a contract with Simpson Investigative Services Group, Inc. as 'primary' contractor, and with Rank Investigations and Protection, Inc. as 'secondary' contractor, by Resolution No. 2014-359 in 2014 for an estimated annual cost of $35,000 or a total cost of $175,000 each , which equals $350,000 over a five year period, and

WHEREAS, the City entered into agreements with Noonan and Hart Investigative Services Inc. in February, 2015, in the amount of $345,000 without Council approval, and

WHEREAS, the City entered into agreements with STI Investigations in June, 2015, in the amount of $45,000; and

WHEREAS, the Purchasing staff in the Finance Department increased the agreement amount in the accounting system with Simpson Investigative Services from the Council approved amount of $175,000 to $500,000 without Council authorization, and

WHEREAS, these agreements expire on September 22, 2019, and

WHEREAS, since 2014, the City has continued to see an increased need for background investigations related to the recruitment process in order to find viable sworn and non-swom candidates, and

WHEREAS, this demand significantly exceeded staff estimates in 2014 when the original agreement was competitively bid and has resulted in the need to increase the amount of the annual agreement with the four background investigation vendors, and

WHEREAS, the four background investigation vendors have successfully been able to meet the demands by the City for background investigations in conjunction with in-house background investigators who are retired law enforcement personnel, and

WHEREAS, Finance staff created purchasing authority under agreements Nos. 69596, 72942, 79675 and 67751 for a combined total authority of $1,065,000, and

WHEREAS, expenditures to date for background investigations total $379,278, and

WHEREAS, the background investigations agreements were accessed by the Modesto Fire Department and the IT Department, and

WHEREAS, staff anticipates it will continue to need background investigations from Noonan and Hart Investigative Services, Inc., Rank Investigation and Protection, Inc., Simpson Investigative Services Group, and STI Investigations in order to continue the recruitment process to fill the growing vacancies in the Police, Fire and Information and Technology Departments, and

WHEREAS, staff is seeking Council authority to retroactively increase the funds available under the purchasing agreements with the four background investigation vendors by $450,866 to $800,866 from $350,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby retroactively approves purchasing agreements with Noonan and Hart Investigative Services, Inc., and STI Investigations, for $184,136 and $116,377 respectively, for a term of 5 years ending September 22, 2019, and

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby retroactively approves increasing purchasing agreement with Simpson Investigative Services Group by $150,353, for a total of $325,353, and

BE IT FURTHER RESOLVED that the Finance Director, or designee, is authorized to adjust agreement totals based on the work capacity of the vendors, provided that the total cost the four agreements (Noonan and Hart Investigative Services, STI Investigation, Simpson Investigative Services Group and Rank Investigation and Protection) does not exceed $800,866 over 5 years, and

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to increase and execute the annual purchasing agreements and prepare and execute consultant services agreement amendments, in a fonn approved by the City Attorney and consistent with this resolution, with Noonan and Hart Investigative Services, STI Investigation, Simpson Investigative Services Group and Rank Investigation and Protection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of November, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-455

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 7, 2017, AND DECLARING THE RESULTS OF SAID ELECTION

WHEREAS, on Tuesday, November 7, 2017, a Regular Municipal Election was held in the City of Modesto (herein called "City") and in the Modesto City Schools District (herein called "District") of Stanislaus County to elect the following:

1. One City Councilmember to District 2 for a four year term;
2. One City Councilmember to District 4 for a four year term;
3. One City Councilmember to District 5 for a four year term;
4. One District Board of Education Member to Trustee Area 1 for a four year term;
5. One District Board of Education Member to Trustee Area 3 for a four year term;
6. One District Board of Education Member to Trustee Area 5 for a four year term; and
7. One District Board of Education Member to Trustee Area 7 for a four year term;

WHEREAS, as set forth in Section 5 hereof, the following ballot measure was submitted to the qualified electors in the November 7, 2017, City of Modesto election: Measure T was a cannabis business tax measure; and

WHEREAS, said election was held on Tuesday, November 7, 2017, in accordance with law and the proceedings of this Council, and the votes thereat received and canvassed, and the returns thereof ascertained, determined, and declared in all respects as required by law, and

WHEREAS, the Stanislaus County Registrar of Voters, at the request of the City Council, canvassed the returns of said regular municipal election in accordance with law, and reported the results of the election of the City Clerk, which the City Clerk certified to the Council by a Certificate of Canvass and Statement of Votes dated November 28, 2017, a copy of which is **attached** hereto marked **Exhibit "A"** and made a part hereof,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto as follows:

SECTION 1. Said election results as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed, approved, and declared.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is **attached** hereto marked as **Exhibit "A"** and made a part hereof, shows a complete tabulation of the following:

(A) The whole number of votes cast for Districts 2, 4 and 5, in the City of Modesto.

(B) The whole number of votes cast for Trustee Areas 5 and 7 in the Modesto City Schools District (Trustee Areas 1 and 3 incumbents ran unopposed).

(C) The names of the persons voted for.

(D) For what office each person was voted for.

(E) The number of votes given in the City and in the Modesto City Schools District to each person.

(F) The number of votes given in the City for and against each Measure.

SECTION 3. That, at said Regular Municipal Election, the following named persons having received a majority of the votes cast for the elective offices, as designated on **Exhibit "A",** are hereby declared to be duly and regularly elected to such office, and the City Clerk is hereby directed to issue a Certificate of election to each such persons, certifying his/her election to the office appearing after his/her name, and to administer to each of said persons the oath of office prescribed by the Constitution and laws of the State of California and the Charter of the City, to wit:

Tony Madrigal	Councilmember for a term of four years, District 2, Modesto City Council.
Bill Zoslocki	Councilmember for a term of four years, District 4, Modesto City Council.
Jenny Kenoyer	Councilmember for a term of four years, District 5, Modesto City Council.
Cindy Marks	Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 1.
Chad Brown	Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 3.
Charlene G. West	Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 5.
Adolfo Lopez	Member, Modesto City Schools District Board of Education, for a term of four years, Trustee Area 7.

SECTION 4. The following votes were cast for Measure T:

Measure	Total Votes For	Total Votes Against
Measure T: **Cannabis Business Tax** Shall the City of Modesto adopt an ordinance establishing a cannabis business tax on all cannabis businesses within the City, up to 10% of gross receipts of each business, potentially generating approximately one million dollars or more in revenues annually for general City services, including neighborhood safety, maintaining parks and recreation, and job creation, with all revenues remaining local, and which continues until repealed by the City Council or the voters?	**19,832**	**4,214**

Measure T. More than a majority of all the votes cast at the election for Measure T were in favor of said proposed Measure, and said Measure did carry and was approved by a majority of the qualified voters voting on said Measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017 by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, City Attorney

EXHIBIT A

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO REGULAR MUNICIPAL ELECTION
November 7, 2017

I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on November 7, 2017, to publicly canvass the returns of the City of Modesto Regular Municipal Election held on November 7, 2017, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
District 2, Modesto City Council		
Tony Madrigal	1,405	68.87%
Homero Mejia	511	25.05%
Jon Rodriguez	107	5.25%
Non-Qualified Write-in Candidates	17	.83%
Total Votes Cast for District 2	2,040	
District 4, Modesto City Council		
Bill Zoslocki	3,267	79.01%
Tyler Ray	841	20.34%
Non-Qualified Write-in Candidates	27	.65%
Total Votes Cast for District 4	4,135	
District 5, Modesto City Council		
Jenny Kenoyer	3,011	65.07%
Joseph P. Day	1,585	34.26%
Non-Qualified Write-in Candidates	31	.67%
Total Votes Cast for District 5	4,627	

MEASURES	NUMBER OF VOTES		PERCENTAGE OF VOTE
Measure T			
Cannabis Business Tax			
Shall the City of Modesto adopt an ordinance establishing a cannabis business tax on all cannabis businesses within the City, up to 10% of gross receipts of each business, potentially generating approximately one million dollars or more in revenues annually for general City services, including neighborhood safety, maintaining parks and recreation, and job creation, with all revenues remaining local, and which continues until repealed by the City Council or the voters?			
	19,832	**YES**	**82.48%**
	4,214	No	17.52%

CANDIDATES	NUMBER OF VOTES	PERCENTAGE OF VOTE
Area 5, Modesto City Schools District		
Charlene G. West	2,365	58.05%
Rickey McGill	915	22.46%
Michael D. Scheid	776	19.05%
Non-Qualified Write-in Candidates	18	.44%
Total Votes Cast for Area 5	4,074	
Area 7, Modesto City Schools District		
Adolfo Lopez	932	65.08%
Ryan Schambers	281	19.62%
Matthew J. Harrington	215	15.01%
Non-Qualified Write-in Candidates	4	.28%
Total Votes Cast for Area 7	1,432	

	TOTAL REGISTERED VOTERS	TOTAL TURNOUT	TURNOUT PERCENTAGE
*City of Modesto Council District 2	11,768	2,078	17.66%
*City of Modesto Council District 4	17,481	4,387	25.10%
*City of Modesto Council District 5	18,365	5,060	27.55%
*Measure T	100,127	24,383	24.35%
*Modesto City Schools District Trustee Area 5	19,314	4,482	23.21%
*Modesto City Schools District Trustee Area 7	11,850	1,479	12.48%

STEPHANIE LOPEZ
City Clerk
City of Modesto

November 28, 2017

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-456

RESOLUTION APPOINTING DUKE LEFFLER TO THE COMMERCIAL BROKER SEAT ON THE COMPREHENSIVE FEES TASK FORCE

WHEREAS, on June 28, 2016, the City Council, by Resolution No. 2016-277 approved reconvening the Comprehensive Fees Task Force, and

WHEREAS, the Comprehensive Fees Task Force was reconvened to review development-related fees and provide policy direction for a comprehensive Capital Facilities Fees program update, and

WHEREAS, Resolution No. 2016-277 approved the following voting membership: Healthy Economy Committee Member, Effective Government Committee Member, Representative of the Manufacturer's Council, Representative of the Building Industry Association, Representative of the Chamber of Commerce, four Citizen-at-Large, one Commercial Broker, and one Affordable Housing Representative, and

WHEREAS, on November 14, 2017 Brian Velthoen resigned as the Commercial Broker seat on the Comprehensive Fees Task Force leaving a vacancy, and

WHEREAS, Duke Leffler was on the last Comprehensive Fees Task Force in 2011 and applied to be a part of the Comprehensive Fees Task Force when it reconvened, and

WHEREAS, Duke has over thirty-eight years of experience in the commercial real estate industry in Stanislaus County, and

WHEREAS, the Appointments Committee met on November 2, 2017 and recommended the appointment of Duke Leffler to the Comprehensive Fees Task Force.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto it hereby appoints Duke Leffler to the Commercial Broker Seat on the Comprehensive Fees Task Force.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-457

RESOLUTION APPROVING THE AUDIT REPORT ISSUED BY THE STATE CONTROLLER'S OFFICE ON THEIR EXAMINATION OF CITY INDIRECT COST RATES CHARGED TO FEDERALLY FUNDED PROJECTS FOR FISCAL YEARS 2008-09 THROUGH 2014-15

WHEREAS, the City submits an Indirect Cost Rate Proposal (ICRP) to our cognizant agency which allows the City to claim indirect cost reimbursement for federal grants which is outlined under the Uniform Guidance 2 CPR 200.19, and

WHEREAS, the cognizant agency is the federal agency responsible for reviewing, negotiating and approving the City's proposal. During the time period of this audit, the California Department of Transportation (CalTrans) was the City's cognizant agency and provided the approval for the ICRP for Community Economic Development Department (CEDD) Street Engineering, CEDD Engineering Design, Utilities Department (UD) Construction Administration and UD Engineering Design, and

WHEREAS, the State Controller's Office (SCO) and CalTrans entered into Interagency Agreement No. 77A0044 for the period of June 1, 2014 through May 31, 2018 wherein the SCO was to perform audits of indirect cost allocation plans submitted to CalTrans from local government entities, and

WHEREAS, on February 10, 2016, the City was informed that the SCO would be conducting an audit on the ICRP for CEDD Street Engineering, CEDD Engineering Design, UD Construction Administration and UD Engineering Design for Fiscal Years 2008-09 through 2014-15, and

WHEREAS, this audit is required by Government Code 12410, which grants the Controller authority to review our financial records to verify all indirect expenses claimed are allowable under the federal guidelines, and

WHEREAS, the objective of the audit is to ensure the City is in compliance with the following: 1. The cost principles prescribed in Title 2 of the Code of Federal Regulations, Part 225 (2 CFR 225); 2. the City's ICRP are in compliance with the requirements for the ICRP preparation and application identified in the CalTrans Local Program Procedures Manual, Chapter 5; 3.The City has a sufficient financial management system to properly manager federal and State funded projects; 4. The City has procurement policies and procedures that are in compliance with 49 CFR, Part 18.36., and

WHEREAS, the following findings were reported which will result in repayment of funds to CalTrans due to identified unallowable cost:

1. Indirect Salaries and Benefits not chargeable to any direct projects and charged to the employees home cost center were not tracked as to what was performed during these hours; due to the lack of support for these work hours, the SCO determined the labor charged to their home cost center did not comply with 2 CFR 225. 2 CFR 225 Appendix B, Section 8 Part H (4) (c) which states, "such documentary support will be required where employees work on an indirect cost activity and direct cost activity.", and

WHEREAS, SCO did allow these labor charges for employees who supervised based on the assumption these hours were spent on supervisory duties but any staff in non-supervisory duties were considered unallowable costs; These unallowable costs lowered the allowable indirect rate per hour.

a. The total unallowable cost due to this finding has been provided below:

i. Utilities Engineering Design - $585,452

ii. Utilities Construction Administration - $384,891

iii. CED Street Engineering - $74,815, and

WHEREAS, the second finding is associated with the City's Liability insurance fund cost category allocated to all City departments included a surcharge that related to civil suits brought due to alleged discrimination in the workplace, and

WHEREAS, this is an unallowable cost under the Uniform Guidance 2 CPR 225, Appendix B, Section 10. (a) (1), which states all cost are unallowable for all cost incurred in defense of any civil or criminal fraud or similar proceeding, and

WHEREAS, City staff has attempted to identify any tracking of the indirect salaries and benefits considered to be ineligible by reviewing prior emails or project notes, and

WHEREAS, based on the research, staff has concluded that the City has no additional support to address this finding, and

WHEREAS, the City has already issued a response to the finding and based on CalTrans response we must proceed with adjusting our rates based on these unallowable cost, and

WHEREAS, the General Fund is responsible for covering a portion of the amount due since these are unallowable cost under the Federal Regulations which means any other restricted funding source would also be considered unallowable, and

WHEREAS, the unallowable cost identified under the two findings reflect the indirect cost amount that must be revised in calculating the ICRP and based on the rate change then determines what is due to CalTrans, and

WHEREAS, City staff has implemented procedures in our Oracle Time and Labor system to ensure all indirect time not billed out to Projects must be documented as to what this time was spent on

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the audit report issued by the State Controller's Office on their examination of City Indirect Cost Rates charged to federally funded projects for Fiscal Years 2008-09 through 2014-15.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-458

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE AND TRANSFER $28,821 FROM THE STREETS CAPITAL FACILITY FEES FUND AND $162,837 FROM THE GENERAL FUND TO VARIOUS CAPITAL IMPROVEMENT PROJECTS IN ORDER TO FULLY REPAY THE DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE DIFFERENCE BETWEEN THE PROPOSED AND AUDITED INDIRECT RATES FROM FISCAL YEAR 2008-09 THROUGH 2014-15

WHEREAS, the Department of Transportation (Caltrans) conducted an audit for the difference between the proposed and audited indirect rates from Fiscal Year 2008-09 through 2014-15, and

WHEREAS, the Department of Transportation (Caltrans) had two findings the first being related to indirect salaries and benefits not chargeable to any direct projects and charged to the employees home cost center and the second being the surcharge related to civil suits allocated as part of the liability internal service fund charge, and

WHEREAS, based on these two findings the City's Indirect Cost Rate Proposal was revised for Fiscal Year 2008-09 through 2014-15 and the impact requires repayment to the Department of Transportation (Caltrans), and

WHEREAS, the General Fund is responsible for covering a portion of the amount due since these are unallowable cost under the Federal Regulations in which any other restricted funding source would also be considered unallowable, and

WHEREAS, the Fiscal Year 2017-2018 Operating and Capital Improvement Program budget must be amended to appropriate and transfer $28,821 from the Streets Capital Facility Fee Fund and $162,837 from the General Fund to various capital improvement projects in order to fully repay the Department of Transportation (Caltrans).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2017-2018 operating and capital improvement budget to appropriate and transfer $28,821 from the Streets Capital Facility Fee Fund and $162,837 from the General Fund to various capital improvement projects in order to fully repay the Department of Transportation (Caltrans) for the difference between the proposed and audited indirect rates from fiscal year 2008-09 through 2014-15.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-459

RESOLUTION APPROVING DEFERRAL OF FIRE PREVENTION DEVELOPMENT USER FEES FOR S1 AND S2 OCCUPANCIES IN THE CATEGORIES OF COMPLETE BUILDING; SHELL BUILDING; TENANT IMPROVEMENTS; FIRE SPRINKLER SYSTEMS AND FIRE ALARM SYSTEMS UNTIL EITHER AN OCCUPANCY PERMIT IS ISSUED BY THE BUILDING OFFICIAL OR UNTIL NEW PLAN CHECK FEES ARE ESTABLISHED

WHEREAS, on May 15, 1990, Council by Resolution No. 90-521A, adopted Plan Check Fees for the Fire Prevention Division of the City's Fire Department, and

WHEREAS, in 2014 by Resolution No. 2014-286, Council reviewed and updated the Fire Prevention User Fees to, among other things, adjust the fees for inflation, and

WHEREAS, the fees are categorized by type which include: Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems; Care Facility; Annual Inspection of Jails and Detention Facilities; and Annual Inspection of High Rise Structures, and

WHEREAS, the Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems are calculated by multiplying a recommended fee of between $60-$145 for every 1,000 square feet of construction, and

WHEREAS, the fees are typically imposed at the time of submittal, and

WHEREAS, the current methodology for calculating Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems can result in prohibitively high fees for the plan review process which ultimately deters development, and

WHEREAS, the current Plan Check Fees do not include a category for warehouses (S1 and S2 Building Occupancy), which are large structures but not complex construction which would require a more in-depth plan review, and

WHEREAS, the Fire Department is in the process of conducting an analysis of various factors to determine the appropriate fees for the Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems to create a new category for "Warehouse (S1 and S2 Occupancies)" which will be calculated using an appropriate hourly rate rather than square footage, and

WHEREAS, the Fire Department expects to complete its analysis by May 30, 2018;

WHEREAS, the Fire Department recommends that Plan Check Fees for Complete Building, Shell Building and Tenant Improvement, Fire Sprinkler Systems and Fire Alarm Systems be deferred in S1 and S2 occupancies until either an Occupancy Permit is issued by the Building Official or until new fees are established.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the deferral of Fire Prevention User Fees for S1 and S2 occupancies in the categories of Complete Building; Shell Building; Tenant Improvements; Fire Sprinkler Systems and Fire Alarm Systems until either an Occupancy Permit is issued by the Building Official or until new Plan Check Fees are established.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-460

PRINT

RESOLUTION APPROVING A FOURTH FIRE PREVENTION INSPECTOR II POSITION ALLOCATION FOR THE FIRE DEPARTMENT

WHEREAS, the Fire Department includes a Fire Prevention Division, which is responsible for State mandated annual inspections, new development and tenant improvement inspections, plan reviews, public education presentations, and follow-up on citizen complaints, and

WHEREAS, there are currently approximately 870 State regulated occupancies with State mandated inspections and over 500 assembly occupancies, that do not have State mandated inspections but are considered high risk occupancies necessitating inspection, and

WHEREAS, the Fire Prevention Division has not had a fourth inspector position since September 2008, and

WHEREAS, an increase in the volume of activities and the loss of a Fire Prevention Inspector II have caused staff to be unable to complete mandated inspections on a timely basis, and

WHEREAS, one Fire Prevention Inspector II has been dedicated to performing only construction related inspections due to the significant increase in construction activity within the City's jurisdiction, and

WHEREAS, establishing an additional Fire Prevention Inspector II position would allow the Fire Prevention Division to increase the number and types of mandated inspections performed within the City each year, which will lead to improved safety within the community, and

WHEREAS, with the addition of another Fire Prevention Inspector II and holding the existing Administrative Assistant III position vacant will result in approximately $185 in cost savings annually.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a fourth Fire Prevention Inspector II position for the Fire Department.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-461

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 POSITION ALLOCATION FOR THE FIRE DEPARTMENT

WHEREAS, a Position Allocation for the City of Modesto was adopted by Modesto City Council on June 27, 2017, as part of the Annual Budget of the City of Modesto for Fiscal Year 2017-2018, and

WHEREAS, classification studies are conducted to ensure that a classification system is equitable and consistent within an organization and that positions are correctly classified, and

WHEREAS, per Personnel Administrative Order 2.2-87-12, a classification study may be conducted in response to a reclassification request, to develop/revise a classification specification, or to assist in a reorganization, and

WHEREAS, classification studies were conducted by Human Resources to determine appropriate classification, and

WHEREAS, position changes will be effective the first full pay period following Council adoption, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2017-18 Position Allocation for the Fire Department as follows:

1. Reallocate one (1) Administrative Officer Assistant III to one (1) Fire Prevention Inspector II in the Fire Prevention Division of the Fire Department.

The foregoing resolution was adopted at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-462

PRINT

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 OPERATING EXPENSE BUDGET FOR THE FIRE DEPARTMENT IN THE AMOUNT OF $83,118 FOR THE CREATION OF A FOURTH FIRE PREVENTION INSPECTOR II POSITION IN THE FIRE PREVENTION DIVISION AS WELL AS AN INCREASE TO THE REVENUE BUDGET FOR FIRE INSPECTION FEES IN THE AMOUNT OF $24,198

WHEREAS, the Fire Department includes a Fire Prevention Division, which is responsible for State mandated annual inspections, new development and tenant improvement inspections, plan reviews, public education presentations, and follow-up on citizen complaints, and

WHEREAS, an increase in the volume of activities and the loss of a Fire Prevention Inspector II have caused staff to be unable to complete mandated inspections on a timely basis, and

WHEREAS, establishing an additional Fire Prevention Inspector II position would allow the Fire Prevention Division to increase the number and types of mandated inspections performed within the City each year which will lead to improved safety within the community, and

WHEREAS, with the addition of another Fire Prevention Inspector II position there would be an increase in revenues from inspection fees in an estimated amount of $24,198 which would offset the additional costs of the requested position, and

WHEREAS, staff is seeking Council authority to increase the Fiscal Year 2017-18 General Fund Operating Expense Budget in the Fire Prevention Division (18510) by $83,118 to account for the increased costs of adding 1.0 additional Fire Prevention Inspector II position which will in turn be offset by an increase in the Fiscal Year 2017-

18 General Fund Operating Revenue Budget in the Fire Prevention Division for Fire Inspection Fees (0100-18510-43342) by $24,198.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase of $83,118 to the Fiscal Year 2017-18 Operating Expense Budget in the Fire Department Fire Prevention Division budget for the addition of one Fire Prevention Inspector II position as well as an increase of $24,198 in Operating Revenue Budget for Fire Inspection Fees.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-463

RESOLUTION AUTHORIZING AWARD OF BID FOR THE PURCHSE OF MOBILE DATA COMPUTERS (MDCs) FOR THE MODESTO FIRE DEPARTMENT FROM DELL INC., SANTA CLARA, CA, FOR AN ESTIMATED TOTAL COST OF $113,900 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A PURCHASE ORDER

WHEREAS, Robovu, the manufacturer of the Fire Department's existing MDCs no longer supports the units currently being utilized in the field during emergency responses, and

WHEREAS, the Modesto Police Department recently replaced their MDCs with the Dell Latitude 12 Rugged Extreme 7214 and this is the same model of MDC the Fire Department has bid out, and

WHEREAS, having the same MDC units for both Police and Fire makes service and support more efficient and cost effective from an information technology perspective, and

WHEREAS, the City Manager authorized the issuing of a formal Request for Bid (RFB) and the Purchasing Division issued RFB 1718-09 Mobile Data Computers, and

WHEREAS, two companies chose to respond and Dell Inc., Santa Clara, CA was the overall lowest responsive and responsible bidder, and

WHEREAS, the bid for the purchase of mobile data computers to Dell Inc., Santa Clara, CA, conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2017-18 in the Fleet Replacement Fund/Fleet Replacement Expenses budget, and

WHEREAS, the Fire Department and Fleet Services will enter into an MOU for the repayment of these costs and future replacement costs to mirror how the Police Department replaces their MDC units.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes award of proposal for the purchase of mobile data computers (MDCs) for the Modesto Fire Department from Dell Inc., Santa Clara, CA for an estimated total cost of $113,900.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute a purchase order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-464

RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH YOSEMITE COMMUNITY COLLEGE DISTRICT AND THE COUNTY OF STANISLAUS FOR THE CONTINUED OPERATIONS OF THE REGIONAL FIRE SCIENCE TRAINING CENTER IN FISCAL YEAR 2017-18 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the Regional Fire Science Training Center (RFTC) operates under a joint use and management agreement between the City, County of Stanislaus (County), and the Yosemite Community College District (District), and

WHEREAS, the original 20-year agreement was for the construction, maintenance and operation of the facility and expired in 2012 and the 2014 agreement encompassed the maintenance and operation of the facility and expired in June of 2017, and

WHEREAS, the participating agencies are seeking approval of an amendment to the agreement that will enable the local network to continue use of the RFTC for the remainder of the 2017-18 year with an expiration of June 30, 2018, and

WHEREAS, there is currently a liability exposure for all involved parties without such an amendment in place, and

WHEREAS, sufficient funds are budgeted in the Fiscal Year 2017-18 department operating budget, and

WHEREAS, the amendment will enable participating agencies to continue normal operations of the facility while also discussing the future of the partnerships and the facility, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the agreement with Yosemite Community College District and the County of Stanislaus for the continued operations of the Regional Fire Science Training Center in Fiscal Year 2017-18.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-465

RESOLUTION APPROVING THE ESTABLISHMENT OF A CAPITAL IMPROVEMENT PROJECT FOR THE ROOF REPLACEMENT AND EXTERIOR PAINTING OF STATION 1, AND APPROPRIATING $337,850 TO SAID PROJECT FROM THE FIRE DEPARTMENT GENERAL FUND OPERATING BUDGET

WHEREAS, Modesto Fire Department's Station 1 was built in 1939, and

WHEREAS, several layers of roofing material have deteriorated over the years due to water damage causing the roof to need immediate replacement, and

WHEREAS, the scope of work for this project exceeds what can be accommodated in the Fire Department's existing operating budget without significant impact to the operations of the department, and

WHEREAS, the Fire Department has identified a total of $337,850 from its existing General Fund Operating Budget in order to establish a Capital Improvement Project for the work to be completed at Station 1, and

WHEREAS, the funds will come from the Suppression Cost center (18210) account 51403 (Budget Only-Salary Adjustment (Decrease)), and

WHEREAS, once the audited financial statements are finalized, it is anticipated that there will be sufficient money to cover these expenses, and

WHEREAS, staff will be seeking a budget adjustment to reallocate the funds to cover the expenses from the department budget, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the establishment of a Capital Improvement Project for the roof replacement and exterior painting at Station1, and appropriates $337,850 to said project from the Fire Department General Fund Operating Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-466

RESOLUTION ACCEPTING THE CALIFORNIA STATE PARK - YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM GRANT FUNDS TO FUND THE CARPENTER ROAD AREA SOCCER COMPLEX IN AN AMOUNT OF $1 MILLION AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ACCEPT AND UTILIZE THE GRANT AWARD

WHEREAS, Bellenita Park was constructed more than 60 years ago and a grant was awarded from the California State Parks - Youth Soccer and Recreation Development Program in an amount of $1 million dollars to fund the Carpenter Road Area Soccer Complex, and

WHEREAS, the Carpenter Road Area Soccer Complex is part of the TRRP system. The portion of the Carpenter Road Area Soccer Complex that this grant is expected to develop is located south of John Street, east of Bellenita Park and northwest of the Sutter Wastewater Treatment Facility, and

WHEREAS, on October 11, 2016, the City Council approved resolution 2016-411 authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program. City Staff submitted an application for this grant program on November 1, 2016, and

WHEREAS, due to a technical issue, on February 28, 2017, the City Council rescinded resolution 2016-411 and approved resolution 2017-82 once again authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program, and

WHEREAS, the City of Modesto has received notice of a grant award from the Youth Soccer and Recreation Development Program in an amount of $1 million to fund

development and construction of a portion of the Carpenter Road Area Soccer Complex, and

WHEREAS, the City will be responsible for contributing $35,000 to the construction of the Soccer Complex.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it accepts the Youth Soccer and Recreation Development Program Grant Funds in an amount of $1 million to fund development and construction of a portion of the Carpenter Road Area Soccer Complex.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to accept and utilize the grant award from the Youth Soccer and Recreation Development Program for the development and construction of a portion of the Carpenter Road Area Soccer Complex adjacent to Bellenita Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-467

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE FISCAL YEAR 2017/2018 CAPITAL IMPROVEMENT PROGRAM BUDGET TO ESTABLISH A NEW CAPITAL PROJECT #101061 FOR THE CARPENTER ROAD AREA SOCCER COMPLEX IN AN AMOUNT NOT TO EXCEED $1,035,000 IN REVENUE AND TO BUDGET EXPENDITURES AS OUTLINED IN ATTACHMENT A TO FULLY FUND THE PROJECT

WHEREAS, a grant was awarded from the California State Parks - Youth Soccer and Recreation Development Program in an amount of $1 million to fund the Carpenter Road Area Soccer Complex, and

WHEREAS, the Carpenter Road Area Soccer Complex is part of the TRRP system. The portion of the Carpenter Road Area Soccer Complex that this grant is expected to develop is located south of John Street, east of Bellenita Park and northwest of the Sutter Wastewater Treatment Facility, and

WHEREAS, on October 11, 2016, the City Council approved resolution 2016-411 authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program. City Staff submitted an application for this grant program on November 1, 2016, and

WHEREAS, due to a technical issue, on February 28, 2017, the City Council rescinded resolution 2016-411 and approved resolution 2017-82 once again authorizing the submittal of an application to the Youth Soccer and Recreation Grant Program, and

WHEREAS, the City of Modesto has received notice of a grant award from the Youth Soccer and Recreation Development Program in an amount of $1 million to fund development and construction of a portion of the Carpenter Road Area Soccer Complex.

WHEREAS, the City Council has considered amending the 2017/2018 Capital Improvement Program Budget to establish a new Capital project with the grant award to fund the development and construction of a portion of the Carpenter Road Area Soccer Complex in an amount not to exceed $1,035,000 as outlined in **Attachment A**.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Interim City Manager, or his designee, to amend the Fiscal Year 2017/2018 Capital Improvement Program Budget to establish a new capital project #101061 in an amount not to exceed $1,035,000 in revenue.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to budget expenditures as outlined in **Attachment A** to fully fund the development and construction of a portion of the Carpenter Road Area Soccer Complex.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Attachment A

Budget Adjustment for Capital Project 101061 (Carpenter Road Area Soccer)

Fund 6710 – TRRP CIP:

Expense:	Increase/ (Decrease)
From:	
3130-14999-100911 – Bellenita Soccer-EDA	($8,000)
3130-14999-100911 – Bellenita Soccer-ENV	($10,000)
3130-14999-100911 – Gen. Parks Partners-CTGY	($17,000)
To:	
6710-89999-101061 – Construction Admin	$45,500
6710-89999-101061 – Construction	$909,000
6710-89999-101061 – Contingency - CIP	$45,500
6710-89999-101061 – Eng/Design/Admin	$25,000
6710-89999-101061 – Environmental	$10,000
3130-73130-76710 – Transfer Out to Fund 6710	$35,000

Revenue:	Increase/ (Decrease)	Description of Account
To:		
6710-89999-42201-101061	$1,000,000	Intergov - State – Natural Resources Agency
6710-89999-63130-101061	$ 35,000	Transfer In from Parks Fund 3130

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-468

RESOLUTION APPROVING THE GRANT OF AN EASEMENT DEED TO PACIFIC GAS & ELECTRIC COMPANY FOR A FIFTEEN FEET (15') WIDE GAS PIPELINE EASEMENT LOCATED AT 400 SOUTH MORTON BOULEVARD, MODESTO, CA (BEARDBROOK PARK, APN 106-034-001), CONTAINING APPROXIMATELY 5,829 SQUARE FEET AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE EASEMENT DEED

WHEREAS, the City of Modesto maintains a public park known as Beardbrook Park located on South Morton Blvd. (APN 106-034-001), and

WHEREAS, Pacific Gas & Electric Company (PG&E) has installed a gas pipeline within Beard Brook Park, and

WHEREAS, the gas pipeline was installed in 1952 according to an agreement between the City and PG&E, and

WHEREAS, an easement is required at this time to more formally record the gas pipeline easement, and

WHEREAS, this is a part of PG&E's Community Pipeline Safety Initiative, and

WHEREAS, staff recommends the gas pipeline easement be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the grant of a gas pipeline easement deed to Pacific Gas &Electric Company for a fifteen (15') wide gas pipeline located at 400 South Morton Boulevard (APN 106-034-001) containing approximately 5,829 square feet.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Easement Deed for a gas pipeline easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-469

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE CERES TRUNK REHABILITATION PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROLFE CONSTRUCTION COMPANY OF ATWATER, CA, IN THE AMOUNT OF $5,743,485, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Ceres Trunk Rehabilitation Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Ceres Trunk Rehabilitation Project were opened at 11:00 a.m. on October 17, 2017 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $5,743,485 received from Rolfe Construction Company be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for Ceres Trunk Rehabilitation Project, accepts the bid of $5,743,485 and awards Rolfe Construction Company of Atwater, CA, the contract for the Ceres Trunk Rehabilitation Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-470

PRINT

RESOLUTION APPROVING AN AGREEMENT WITH BROWN AND CALDWELL, OF WALNUT CREEK, CA, FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE CERES TRUNK REHABILITATION PROJECT, IN AN AMOUNT NOT TO EXCEED $191,031 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $19,103 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $210,134, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Wastewater Collection System Master Plan lists the Ceres Trunk as a high priority project because it is one of the most severely corroded reinforced concrete pipe sewer trunk in the City , and

WHEREAS, the pipe's poor condition was evident in March 2015 when the City's Collections crew made immediate repairs to sections of the Ceres Trunk to prevent collapse and obstruction of flows near the Tuolumne River, and

WHEREAS, Brown and Caldwell are the Engineer-of-Record for the project, design support services from Brown and Caldwell are required to ensure construction of the facilities meets the original design described in the plans and specifications, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants who provide Architectural and Engineering Services for Capital Projects, the selection committee evaluated the proposals and determined Brown and Caldwell to be the most qualified and responsive, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Brown and Caldwell, Walnut Creek, CA, for engineering support during construction services in an amount not to exceed $191,031,

for the identified scope of services, plus $19,103 for additional services, if needed, for a maximum total amount of $210,134.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-471

PRINT

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $2,535,167 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE CERES TRUNK REHABILITATION PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$2,535,167**, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Ceres Trunk Rehabilitation Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A, attached** hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Due to construction costs being higher than initially budgeted for the project, line item increases are necessary for CIP account 100683 - Ceres Trunk Rehabilitation. A total of $2,535,167 is being requested from wastewater reserves to amend the budget of this project.

CIP 100683
Ceres Trunk Rehabilitation

	Budget	Actual	Commitment	Available	Request	Need
CA	$ 444,000.00	$ 210.94	$ 32.71	$ 443,756.35	$ 574,349	$ 130,593
CON	$ 3,700,000.00	$ -	$ -	$ 3,700,000.00	$ 5,743,485	$ 2,043,485
CTGY	$ 370,000.00	$ -	$ -	$ 370,000.00	$ 459,479	$ 89,479
EDA	$ 785,447.00	$ 751,843.09	$ 8,928.37	$ 24,675.54	$ 296,286	$ 271,610
	$ 5,299,447.00	**$ 752,054.03**	**$ 8,961.08**	**$ 4,538,431.89**	**$ 7,073,599**	**$ 2,535,167**

	Revised Budget	Actual	Commitment	Available
CA	$ 574,592.65	$ 210.94	$ 32.71	$ 574,349.00
CON	$ 5,743,485.00	$ -	$ -	$ 5,743,485.00
CTGY	$ 459,479.00	$ -	$ -	$ 459,479.00
EDA	$ 1,057,057.46	$ 751,843.09	$ 8,928.37	$ 296,286.00
	$ 7,834,614.11	**$ 752,054.03**	**$ 8,961.08**	**$ 7,073,599**

Budget + Need

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-472

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH JACOBS-WALDEN FAMILY TRUST, FOR THE ACQUISITION OF A TOTAL OF 800 SQUARE FEET OF EASEMENT AREA, LOCATED AT 207 STODDARD AVENUE (APN: 110-003-070) FOR A PERMANENT SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE PURCHASE AND SALE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO COMPLETE THE SALE AND CLOSE ESCROW

WHEREAS, the City of Modesto is replacing and improving older sewer infrastructure in various Modesto neighborhoods, and

WHEREAS, the Stoddard Avenue neighborhood project will require sewer easements as part of an upgrade and replacement of sewer lines, and

WHEREAS, the project requires acquisition of one new permanent sewer easement location and a temporary easement for the sewer construction on a private property, and

WHEREAS, the Stoddard area neighborhood is one area identified for replacement and repair due to its aging sewer infrastructure and increased demand, and

WHEREAS, a sewer main replacement project was designed to replace and reroute the existing sewer system, and

WHEREAS, one parcel requires a new easement to collect wastewater and deliver it to the sewer main in the public right of way of Stoddard Avenue, and

WHEREAS, an appraisal report was ordered to determine the fair market value for a permanent sewer easement and a temporary construction easement, and

WHEREAS, City staff is recommending acquisition of easement interests, and

WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of the required easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with Jacobs-Walden Family Trust, for the acquisition of a permanent sewer easement, consisting of a 150 square feet, and a temporary construction easement, consisting of 650 square feet, for acquisition of a total of 800 square feet of easement area and located at 207 Stoddard Avenue (APN 110-003-070), for the 2015-2016 Sanitary Sewer Collection System Replacement Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-473

RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR A PERMANENT SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 207 STODDARD AVENUE, IN MODESTO OWNED BY JACOBS-WALDEN FAMILY TRUST (APN 110-003-070), TO BE PURCHASED BY THE CITY OF MODESTO FOR THE 2015-2016 SANITARY SEWER COLLECTION SYSTEM REPLACEMENT PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or grant or adopt a resolution accepting an interest in real property, and

WHEREAS, the City of Modesto desires to accept a 800 square feet for a Permanent Sewer Easement and Temporary Construction Easement, for the acquisition of property interests located at 207 Stoddard Avenue, in Modesto, owned by the Jacobs-Walden Family Trust (APN: 110-003-070), for the 2015-2016 Sanitary Sewer Collection System Project, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Interim City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Permanent Sewer Easement and Temporary Construction Easement for the acquisition of property interests located at 207 Stoddard Avenue, in Modesto, owned by Jacobs-Walden Family Trust (APN 110-003-070) by the City of Modesto for the 2015-2016 Sanitary Sewer Collection System Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-474

PRINT

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE NEW TRAFFIC SIGNALS – 2015 AT MCHENRY AVENUE AND GRECIAN AVENUE PROJECT FROM 10 PERCENT ($36,979) TO APPROXIMATELY 19.5 PERCENT ($72,000) OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $369,786 WITH TIM PAXIN'S PACIFIC EXCAVATION, INC., OF ELK GROVE, CA

WHEREAS, the City Council, on April 25, 2017, by Resolution No. 2017-147, awarded a $369,786 contract to Tim Paxin's Pacific Excavation, Inc. for the construction of the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue project, and

WHEREAS, the originally authorized construction administration budget was 10 percent ($36,979), and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City's standards of construction and quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in Director's Authority to issue change orders for the New Traffic Signals – 2015 at McHenry Avenue and Grecian Avenue Project from 10 percent ($36,979) to approximately 19.5 percent ($72,000).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-475

RESOLUTION ACCEPTING THE RIVER TRUNK REHABILITATION PROJECT (GALLO SECTION) AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASING SECURITIES AND PAYMENTS TOTALING $1,609,888 TO CON-QUEST EBERT A JOINT VENTURE OF SAN FRANCISCO, CA

WHEREAS, the River Trunk Rehabilitation Project (Gallo Section) has been completed by Con-Quest Ebert a Joint Venture of San Francisco, CA in accordance with the contract agreement dated September 27, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the River Trunk Rehabilitation Project (Gallo Section) is hereby accepted as complete from said contractor, Con-Quest Ebert a Joint Venture of San Francisco, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $1,609,888, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-476

PRINT

RESOLUTION APPROVING AN INCREASE TO THE ANNUAL PURCHASE AGREEMENT WITH RANK INVESTIGATION AND PROTECTION, INC., MODESTO, CALIFORNIA, BY $61,000 FOR A TERM OF 6 MONTHS ENDING JUNE 30, 2018 WITH A NOT TO EXCEED TOTAL AGREEMENT OF $111,000 FOR SECURITY GUARD SERCVICES FOR MODESTO CENTRE PLAZA, CITY PARKS AND CITY PARKING GARAGES AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO INCREASE THE PURCHASE AGREEMENT

WHEREAS, the City uses armed uniformed security guard services to enhance the safekeeping of various City facilities and to provide additional protection at certain events, and

WHEREAS, those facilities include the Modesto Centre Plaza, City Parks, and City Parking Garages, and

WHEREAS, the City requested informal bids for Security Guard Services in November 2015 and on January 7, 2016 issued an annual agreement to Rank Investigations to provide armed uniformed security guard services on an as-needed basis for two years for a cost not to exceed $50,000, and

WHEREAS, the City has a critical need for armed security guard services that supplement its contracted unarmed services and those of the Modesto Police Department; and without armed security guard services, there is a risk of loss of property and an increased concern for public safety, and

WHEREAS, staff intends to conduct a formal Request for Bid during the next 6 months and there is a need for continued security guard services during this timeframe, and

WHEREAS, the Purchasing Manager has determined that a calling for bids on a competitive basis is undesirable due to exigent circumstances in accordance with MMC 8-3.204(c) since the City cannot have any lapse in armed security guard services as it is a critical service for public safety and the safeguarding of City assets.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it approves an increase to the annual purchasing agreement with Rank Investigation and Protection, Inc., Modesto, California, by $61,000 for a term of 6 months ending June 30, 2018 with a not to exceed total agreement of $111,000 for security guard services for Modesto Centre Plaza, City Parks and City Parking Garages.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to increase the purchase agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-477

PRINT

RESOLUTION APPROVING AN INCREASE OF $115,000 TO BLANKET PURCHASE ORDER 121044 WITH SAFE-T-LITE, MODESTO, CA, FOR SAFETY TOOLS, SIGNAGE, EQUIPMENT, FIELD SUPPLIES AND BARRICADE RENTALS FOR EMERGENCY PREPARATIONS, ROAD CLOSURES AND ANNUAL SPECIAL EVENTS, FOR A TOTAL AMOUNT NOT TO EXCEED $165,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO INCREASE THE ANNUAL BLANKET PURCHASE ORDER

WHEREAS, The City uses safety tools, signage, equipment and field supplies for road closures, water construction, and daily duties, on an as-needed basis to ensure the safety of construction and transit activity, and

WHEREAS, under the City of Modesto's Purchasing Policy, one of the procurement methods used under this policy allows for the Purchasing Division to establish a Blanket Purchase Order; a Blanket Purchase Order is issued to selected suppliers for use by City employees to procure repetitive, high volume, low dollar value (less than $1,000) items on a continuing basis and annual spending must be under $50,000, and

WHEREAS, on July 1, 2017, the City entered into a Blanket Purchase Order 121044 with Safe-T-Lite for $50,000 for citywide use; This Blanket Purchase Order expires June 30, 2018; Safe-T-Lite has reached the $50,000 cap and departments cannot use this blanket purchase order until Council approves a higher spending level, and

WHEREAS, staff is requesting this increase be made until a formal Request for Bid (RFB) can be done which is scheduled to be completed by the end of the fiscal year, and

WHEREAS, PRN utilizes barricades from Safe-T-Lite during the holiday season for traffic and pedestrian control during the Celebration of Lights Parade and Spirit of Giving Run; In the event of a large storm Public Works orders additional barricades to assist with street closures, and

WHEREAS, per MMC Section 8-3.204(c), Exceptions to Formal Bidding Requirements, provides that the Purchasing Manager, in his or her discretion, may determine that calling for bids on a competitive basis as set forth in Modesto Municipal Code section 8-3.203 is undesirable due to exigent circumstances, and

WHEREAS, the Purchasing Manager has determined that the current situation is an exigent circumstance since the City cannot have any lapse in the safety tools, signage, equipment and field supplies for road closures, and barricades that are provided by Safe-T-Lite and are essential for the day-to-day operation of the City as well as the special events held within the City, and

WHEREAS, the Purchasing Manager recommends staff be allowed to increase spending authority under this Blanket Purchase Order to $165,000 in accordance with MMC Section 8-3.204(c) ensuring citywide services are not interrupted and needed work is not significantly delayed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an increase of $115,000 to Blanket Purchase Order 121044 with Safe-T-Lite, Modesto, CA, for a total amount not to exceed $165,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to increase the annual Blanket Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-478

PRINT

RESOLUTION APPROVING THE RETROACTIVE ADDITION OF AQUATIC BIOASSAY & CONSULTING LABORATORIES, INC., VENTURA, CA, TO THE PURCHASING AGREEMENT APPROVED BY RESOLUTION NO. 2013-66

WHEREAS, the requirements for monthly bioassay testing are mandated by the California Regional Water Quality Control Board, Central Valley Region, as specified in two Waste Discharge Requirements (WDRs) (Order No. R5-2016-0010 and No. R5-2017-0064), and required for discharging treated municipal wastewater to the Delta-Mendota Canal or San Joaquin River, and

WHEREAS, bioassay testing is also mandated by our Storm Water Permit (Order No. R5-2016-0040) that requires annual testing for two wet weather and one dry weather sample, and

WHEREAS, in accordance with MMC Section 8-3.203 and on February 12, 2013, by Resolution No. 2013-66, Council approved a purchasing agreement with multiple vendors for analytical laboratory testing; Alpha Analytical Laboratories, BSK Analytical Laboratories, FGL Environmental, Sierra Analytical and TestAmerica Laboratories for an annual amount of $333,160, for two years, with three one-year extensions, for an amount not to exceed $1,665,800 over five years, and

WHEREAS, on August 5, 2013, FGL Environmental communicated to Purchasing that the company would no longer be managing the bioassay test and provided the information for their subcontractor, Aquatic Bioassay and Consulting Laboratories, and

WHEREAS, none of the companies approved by Council on February 12, 2013 are able to perform this testing in a timely manner, and

WHEREAS, the next mandatory testing date will be the week of December 4, 2017. It is important to have a vender under agreement that can perform the testing in order to avoid the risk of civil and criminal penalties, and

WHEREAS, the total amount currently expended for all vendors under these purchasing agreements is $1,085,015 of the $1,665,800 originally authorized by Council, and

WHEREAS, all agreements expire on February 11, 2018, and

WHEREAS, bioassay testing was originally factored into these amounts and is included under Council's authorization in Resolution No. 2013-66,

WHEREAS, staff is not seeking to increase original authorized amounts as they have not been exceeded and are sufficient to cover payments to Aquatic Labs through February 2018, and

WHEREAS, staff anticipates spending no more than $30,000 through February 2018 for future testing resulting in total payments of $169,325 to Aquatic Labs from 2013 through February 2018.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it approves the retroactive addition of Aquatic Bioassay & Consulting Laboratories, Inc., Ventura, CA, to the purchasing agreement approved by Resolution No. 2013-66.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of November, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-479

RESOLUTION APPOINTING JOSEPH SANCHEZ TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2022

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Joseph Sanchez meets the requirements of the position and is willing to serve on the Landmark Preservation Commission, and

WHEREAS, the Appointments Committee met on November 2, 2017 and recommended appointment of Joseph Sanchez to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Joseph Sanchez is hereby appointed to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-480

RESOLUTION APPOINTING JOANNA ESPARZA TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2022

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Joanna Esparza meets the requirements of the position and is willing to serve on the Landmark Preservation Commission, and

WHEREAS, the Appointments Committee met on November 2, 2017 and recommended appointment of Joanna Esparza to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Joanna Esparza is hereby appointed to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-481

RESOLUTION APPOINTING NARAMSEN GORIEL TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT WITH A TERM EXPIRATION OF JANUARY 1, 2022

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Naramsen Goriel meets the requirements of the position and is willing to serve on the Board of Zoning Adjustment, and

WHEREAS, the Appointments Committee met on November 2, 2017 and recommended appointment of Naramsen Goriel to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Naramsen Goriel is hereby appointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-482

RESOLUTION REAPPOINTING DENNIS SMITH TO THE CITY OF MODESTO PLANNING COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2022

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Dennis Smith was appointed to the Modesto Planning Commission on January 10, 2012, by Council Resolution 2012-05, serving an unexpired term of only two years, and

WHEREAS, Dennis Smith was reappointed to the Modesto Planning Commission on December 10, 2013, by Council Resolution 2013-440, to a full four year term set to expire on January 1, 2018, and

WHEREAS, Dennis Smith is eligible for a second, full, four year term, and

WHEREAS, the Appointments Committee met on November 2, 2017, and recommended reappointment of Dennis Smith to the Modesto Planning Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Dennis Smith is hereby reappointed to the Modesto Planning Commission with a term expiration of January 1, 2022.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-483

RESOLUTION REAPPOINTING MATTHEW LIPPERT TO THE CITY OF MODESTO LANDMARK PRESERVATION COMMISSION WITH A TERM EXPIRATION OF JANUARY 1, 2022

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Matthew Lippert was appointed to the Modesto Landmark Preservation Commission on October 14, 2014, by Council Resolution 2014-405, to a four year term set to expire on January 1, 2018, and

WHEREAS, Matthew Lippert is eligible for a second, four year term, and

WHEREAS, the Appointments Committee met on November 2, 2017, and recommended reappointment of Matthew Lippert to the Modesto Landmark Preservation Commission.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Matthew Lippert is hereby reappointed to the Modesto Landmark Preservation Commission with a term expiration of January 1, 2022.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-484

RESOLUTION REAPPOINTING VLADIMIR RODRIGUEZ TO THE CITY OF MODESTO BOARD OF ZONING ADJUSTMENT WITH A TERM EXPIRATION OF JANUARY 1, 2022

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, Vladimir Rodriguez was appointed to the Modesto Board of Zoning Adjustment on December 10, 2013, by Council Resolution No. 2013-443, to a four year term set to expire on January 1, 2018, and

WHEREAS, Vladimir Rodriguez is eligible for a second, four year term, and

WHEREAS, the Appointments Committee met on November 2, 2017, and recommended reappointment of Vladimir Rodriguez to the Modesto Board of Zoning Adjustment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

1. Vladimir Rodriguez is hereby reappointed to the Modesto Board of Zoning Adjustment with a term expiration of January 1, 2022.

2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Modesto Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-485

RESOLUTION APPROVING THE REAPPOINTMENT OF ALLAN RAMSAY AND DICK BRANER TO THE MODESTO CITY-COUNTY AIRPORT ADVISORY COMMITTEE FOR A TWO YEAR TERM

WHEREAS, the City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in the City of Modesto, Stanislaus County and surrounding areas, and

WHEREAS, the Modesto City Council and the Stanislaus County Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop, and

WHEREAS, both Allan Ramsay and Dick Braner have already served a two year term, and

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reappointment of Allan Ramsay to fill the position on the Modesto City-County Airport Advisory Committee representing an airport general aviation small aircraft owner, and Dick Braner to fill the position on the Modesto City-County Airport Advisory Committee representing an airport general aviation business owner/service provider, each for a term of two years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-486

RESOLUTION APPROVING A HOMEOWNER REHABILITATION PROGRAM LOAN TO SANDRA STARN FOR HEALTH AND SAFETY CONCERNS OF THE PROPERTY AT 139 LEE STREET MODESTO, CA 95354, NOT TO EXCEED $91,770, AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE AGREEMENT AND LOAN DOCUMENTS

WHEREAS, the Homeowner Rehabilitation Loan Program is designed to repair or eliminate health and safety hazards in residential properties for qualifying low income households whose income is 80% or below the Area Median Income, and

WHEREAS, eligible improvements include roofing, weatherization, heating and cooling systems, plumbing, electrical, ramps, handrails and widening of doorways, and

WHEREAS, financial assistance is available in the form of low interest loans, secured by Deeds of Trust and recorded against equity qualifying owner-occupied properties, and

WHEREAS, the Homeowner Rehabilitation Grant Program is designed to address health and safety concerns in residential properties for qualifying low income households whose income is 80% or below the Area Median Income (AMI) and eligible Improvements include upgrading or replacement of heating, ventilating and air conditioning systems; replacement of windows, water heaters, doors, fans; insulation, and leaking roofs, and

WHEREAS, technical assistance is provided for both programs and includes preparation of work specifications, preparation and review of cost estimates, bidding assistance and coordination with local contractor(s) to ensure work is completed pursuant to applicable Federal & State regulations, and

WHEREAS, January 27, 2017, staff met with Sandra Starn (homeowner) to conduct an assessment of her property located at 139 Lee Street, Modesto, CA, 95354 (property) and the inspection found signs of roofing and subflooring damage, damage to the bathroom ceiling, window and door replacement, need for a new HVAC unit, insulation, exterior painting, and the removal and replacement of the electrical box, and

WHEREAS, February 16, 2017, this project was presented to the Housing Rehabilitation Loan Committee (HRLC) to consider either a full demolition and reconstruction project not to exceed $130,000 or a substantial rehabilitation project not to exceed $105,000. The committee recommended exploring both options and asked staff to return to the committee with the lowest and most responsive option, and

WHEREAS, May 17, 2017, staff posted a request for bids on the project pursuant to a reconstruction project this resulted two bids were unreasonable; exceeding the maximum cost thresholds approved by the committee, and

WHEREAS, on October 9, 2017, staff posted a request for bids on the project pursuant to the rehabilitation approach; pursuant to Section 10.0 (Bid Solicitation Process) of the Housing Rehabilitation Program Policies and Procedures, a minimum of three bids by a California Licensed Contractors shall be obtained prior to bid approval consideration, and

WHEREAS, this approach is considered a cost savings measure and generally results in lower bid results, and

WHEREAS, collectively, staff received three (3) total bids for the project, however only one (1) responsive bid was received for the rehabilitation project approach, and

WHEREAS, staff reviewed this bid submittal to determine reasonableness compared to the cost estimate prepared by the Housing Rehabilitation Specialist and the analysis revealed that the rehabilitation proposal is reasonable, and

WHEREAS, on November 2, 2017, HRLC agreed with the staff analysis and requested the item be forwarded to the council for approval, and

WHEREAS, a more detailed breakdown of the project improvements and corresponding bid results are provided in the Homeowner Rehabilitation Program Summary Sheet, provided as **Attachment A.**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves a Homeowner Rehabilitation Program Loan toSandra Starn for health and safety concerns of the property at 139 Lee Street Modesto, Ca 95354, in an amount not to exceed $91,770

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement and loan documents, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

ATTACHMENT A

Homeowner Rehabilitation Program

Summary Sheet - Updated 11/02/2017

139 Lee St (Sandra Starn) Rehab

Finance Items: Area Median Income: 35.32%; Front End Debt Ratio: 0%; Back End Debt Ratio: 0%; Grant forgivable at 10 years, Loan Deffered for 20 years @ 0% interest

Property Information: SFR; Bdrm(s): 2; Bath(s): 1; Living Area: 790; Unit Age: 1910.

PROPOSAL DETAIL

Type	Loan	Grant	BID	Description
Health and Safety	$ -	$ 1,150.00	$ 1,150.00	Building Permit
Health and Safety	$ -	$ 2,300.00	$ 2,300.00	ADA Bathroom
Health and Safety	$ -	$ 175.00	$ 175.00	Carbon Monoxide Detector
Health and Safety	$ 552.00	$ 6,375.00	$ 6,927.00	Tear off & re-roof
Health and Safety	$ 4,605.00		$ 4,605.00	Frame Roof
Health and Safety	$ 1,340.00		$ 1,340.00	New Roof - Built up
Health and Safety	$ 695.00		$ 695.00	Additional Electrical Circuits
Health and Safety	$ 1,680.00		$ 1,680.00	30 yr Hi/Low Fiberglass Shingle
Health and Safety	$ 4,800.00		$ 4,800.00	HVAC Replacement
Health and Safety	$ 1,310.00		$ 1,310.00	Water Heater Replacement
Health and Safety	$ 1,430.00		$ 1,430.00	Stucco Install
Health and Safety	$ 1,635.00		$ 1,635.00	Wall Framing
Health and Safety	$ 5,800.00		$ 5,800.00	(15) Window Repalcement
Health and Safety	$ 975.00		$ 975.00	Wall Insulation
Health and Safety	$ 750.00		$ 750.00	Prep & Paint Interior
Health and Safety	$ 1,030.00		$ 1,030.00	Pre-hung door
Health and Safety	$ 560.00		$ 560.00	Wheel Chair Ramp
Health and Safety	$ 4,500.00		$ 4,500.00	Rewire to code
Health and Safety	$ 1,640.00		$ 1,640.00	Flooring
Health and Safety	$ 3,500.00		$ 3,500.00	Attic Insulation
Health and Safety	$ 2,200.00		$ 2,200.00	Walls & Ceiling (install additonal Drywall)
Health and Safety	$ 3,200.00		$ 3,200.00	Prep & Paint Exterior
Health and Safety	$ 1,200.00		$ 1,200.00	Drain/ Waste/ Vent
Health and Safety	$ 120.00		$ 120.00	Bathroom light fixture & switch
Health and Safety	$ 280.00		$ 280.00	Bathroom exhaust
Health and Safety	$ 260.00		$ 260.00	Drywall Water Resistant
Health and Safety	$ 490.00		$ 490.00	Rewire to code/ GFCI
Health and Safety	$ 300.00		$ 300.00	Install Range Hood
Health and Safety	$ 4,800.00		$ 4,800.00	Replace Kitchen Cabinets
Health and Safety	$ 830.00		$ 830.00	Ceiling Fan with light Fixture
Health and Safety	$ 645.00		$ 645.00	Drywall Celilings
Health and Safety	$ 2,700.00		$ 2,700.00	Electric Service
Health and Safety	$ 250.00		$ 250.00	Washing Machine Hook Up
Health and Safety	$ 2,280.00		$ 2,280.00	Additional Electric Receptacles
Health and Safety	$ 530.00		$ 530.00	Arc Fault Circuit Breaker
Health and Safety	$ 4,800.00		$ 4,800.00	Architectural Drawings
Health and Safety	$ 1,800.00		$ 1,800.00	Water Service
Health and Safety	$ 5,500.00		$ 5,500.00	Re-Do Water Lines
Health and Safety	$ 2,950.00		$ 2,950.00	Secure Fence
Contingency	$ 9,833.00		$ -	*Contingency/Permits
Total	$ 81,770.00	$10,000.00	$ 81,937.00	**Proposed Rehab. Work**

* Contingency is there for unforseen moisture damage from roof. If not used, then will be applied back to the deferred loan or grant amount.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-487

RESOLUTION APPROVING A CONTRACT WITH BENEFITFOCUS FOR THE ESTABLISHMENT OF AN ONLINE BENEFITS PORTAL IN THE AMOUNT NOT TO EXCEED $53,805 DURING THE FIRST YEAR AND $202,833 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEEMENT

WHEREAS, the City of Modesto requested our acting benefits broker, Peter C. Foy & Associates, to conduct research and recommend companies that could transition the City's benefit functions to an online portal, and

WHEREAS, the City was presented with a list of twenty-one (21) benefit administration companies, this list was then narrowed to five (5) companies utilizing a matrix of most desired products and overall benefits to the City, and

WHEREAS, three (3) companies presented formal presentations to the City in July 2017, and

WHEREAS, the Director of Human Resources recommends that the bid of $53,805 received from Benefitfocus be accepted as the most viable option for the City's online benefit portal needs and the contract be awarded to Benefitfocus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the establishment of an online benefits portal, awarding a service contract to Benefitfocus in the amount not to exceed $53,805 during the first year and $ 202,833 over five.

BE IT FUTHER RESOLVED by the Council of the City of Modesto that the City Manager, or designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-488

PRINT

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 OPERATING BUDGET IN HUMAN RESOURCES DEPARTMENT IN THE AMOUNT OF $53,805

WHEREAS, certain budgetary transactions are necessary in the amount of $53,805 in order to establish the online benefit portal, and

WHEREAS, the Fiscal Year 2017-2018 Operating Budget will be amended in the amount of $53,805, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Operating Budget by $53,805.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-489

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH CPS HR CONSULTING, SACRAMENTO, CA, A PROFESSIONAL FIRM, TO PROVIDE EXECUTIVE RECRUITMENT SERVICES FOR THE POSITION OF CITY MANAGER FOR A NOT TO EXCEED AMOUNT OF $23,500, PLUS $11,500 IN COSTS AND EXPENSES, EFFECTIVE DECEMBER 5, 2017.

WHEREAS, the City Manager provided his resignation on March 30, 2017 and his last day in office was March 31, 2017, and

WHEREAS, the City Council appointed an acting City Manager effective April 4, 2017, and

WHEREAS, the City Council retitled the acting City Manager to interim City Manager effective July 5, 2017, and

WHEREAS, the City Council needs to appoint a permanent City Manager to fill the role of City Manager within City service, and

WHEREAS, the City has determined that it needs assistance conducting an executive level recruitment for City Manager

WHEREAS, the City Council contacted various firms to determine their availability to provide said services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and authorizes the Mayor or his designee to execute an agreement with CPS HR Consulting, a professional firm, to provide executive recruitment services for a City Manager. Be it further resolved that the Agreement shall be in a substantially similar form as that **attached** to this Resolution as **Exhibit "A".**

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CPS HR CONSULTING

PROPOSAL

City of Modesto

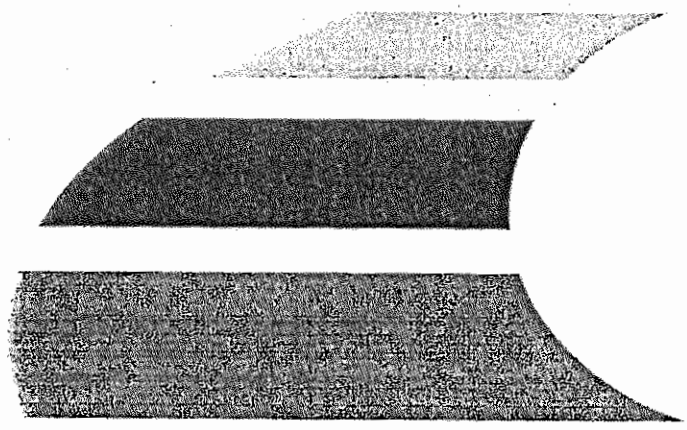
Executive Recruitment Services for City Manager

Due Date: October 20, 2017

SUBMITTED BY:
MELISSA ASHER
Sr. Practice Leader, Products and Services

CPS HR Consulting
241 Lathrop Way
Sacramento, CA 95815
P: 916-471-3358
F: 916-561-8441
masher@cpshr.us
Tax ID: 68-0067209

www.cpshr.us



Your Path to Performance

CPS HR CONSULTING

October 20, 2017

Ted Brandvold, Mayor
City of Modesto
PO Box 642
Modesto, CA 95353

Submitted via email to: tbrandvold@modestogov.com

Subject: Executive Recruitment Services for City Manager

Dear Mr. Brandvold:

CPS HR Consulting (CPS HR) is pleased to have the opportunity to submit a proposal to assist the City of Modesto (City) with the recruitment of a new City Manager. We are uniquely qualified to undertake this effort as we have vast experience in assisting public agencies with executive search, screening, and placement.

We understand that each agency is unique, and our extensive experience allows us to tailor our process to specifically meet your needs. Our work with local government agencies throughout the United states gives us an in-depth understanding of government operations, programs, and services.

Each recruitment is an opportunity to shape and prepare your organization for the future. We understand how important this transition is for you and are perfectly placed to assist you in this endeavor. Once this project begins, we will work with the City to tailor our process to highlight this exciting opportunity and attract the best possible candidates.

Agency	Title	Year Completed
Oro Valley, Town of	Town Manager	2017
Merced County Association of Governments	Executive Director	2017
Avalon, City of	City Manager	2016
Boulder, City of	Deputy City Manager	2016
Hayward Area Recreation and Park District	General Manager	2016
Santa Clara, County of	Deputy County Executive	2016

Agency	Title	Year Completed
South San Luis Obispo County Sanitation District	District Administrator	2016
Anaheim, City of	City Manager	2015
East Palo Alto, City of	City Manager	2015
Garden Grove, City of	City Manager	2015
Marana, Town of	Deputy Town Manager	2014
Maricopa, City of	City Manager	2014
Maricopa, City of (Partial)	Assistant to the City Manager	2014
Paradise Valley, Town of	Town Manager	2014
San Francisco Estuary Institute	Executive Director	2014

It is our commitment to work in partnership with your organization to a successful result.

Thank you for the opportunity to be considered for this assignment. Should you have questions or comments about the information presented in this proposal, **please contact me at masher@cpshr.us or (916) 471-3358.**

Sincerely,

Melissa Asher

Melissa Asher
Senior Practice Leader, Products and Services

CPS HR is moving down the street and into the future! As of November 20, 2017 our offices will be located at 2450 Del Paso Road, Suite 220, Sacramento, CA 95834.

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Methodology

Key Stakeholder Involvement

The City Council must be intimately involved in the search for a new City Manager. For this reason, our approach assumes their direct participation in key phases of the search process. Additionally, at the discretion of the City Council, other key stakeholders may also be invited to participate in focus group sessions or round-table meetings to provide input for the development of the candidate profile.

City's Needs

A critical first step in a successful executive search is for the City Council to define the professional and personal qualities required of the City Manager. To be certain this occurs, we have developed a very effective process that will permit the City Council to clarify the preferred future direction for the City of Modesto (City); the specific challenges the City is likely to face in achieving this future direction; the working style and organizational climate the City Council wishes to establish with the City Manager; and ultimately, the professional and personal qualities that will be required of the City Manager.

Commitment to Communication

Throughout the recruitment process, we are strongly committed to keeping you fully informed of our progress. We will collaborate with you to provide updates on the status of the recruitment via your preferred method of communication (phone conference, email, etc.).

In addition, during each phase in the process, we are corresponding with candidates and advising them of their status. We place the highest level of importance on customer service and responding in a timely manner to all client and candidate inquiries. Our previous clients and candidates have expressed a sincere appreciation for our level of service and responsiveness to the management of the recruitment process; as a result, we have many long-term relationships with clients that have resulted in the opportunity to assist them with multiple recruitments.

CPS HR's communication extends once you have selected the new City Manager. We will contact both the City Council and the newly appointed City Manager within six months of appointment to ensure an effective transition has occurred.

Aggressive, Proactive, and Robust Recruitment

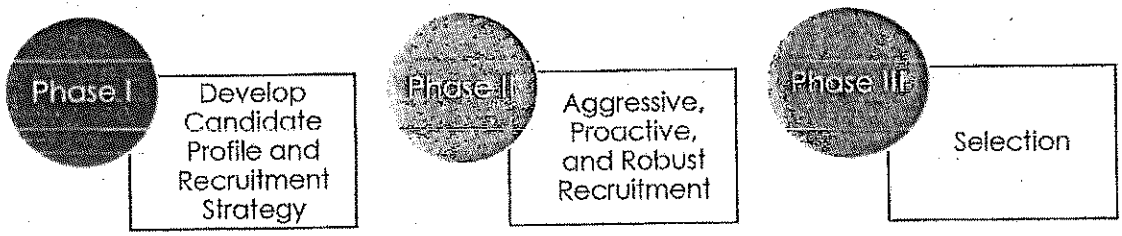
We take an aggressive approach in identifying and recruiting the best available candidates. There are those candidates who would gladly rise to the professional challenge and apply for this position; however, some of the best candidates are often not actively seeking a new position and may only consider a change once we present them with your opportunity. Evoking the sense of vision and opportunity in qualified persons is among the responsibilities of CPS HR, and we pride ourselves in our efforts to reach the best available potential candidates.

Selection

The selection of the best available candidate requires the use of tools specifically designed to evaluate each candidate against the personal and professional qualities identified by the City Council. For this reason, we tailor our selection techniques to the City's specific requirements. In addition, we also assume responsibility for administering the selection process for the City.

Three-Phase Project Approach for Success

Our proposed executive search process is designed to provide the City with the full range of services required to ensure the ultimate selection of a new City Manager who is uniquely suited to the City's needs.



Phase I: As desired by the City, our consultant will meet with the City Council and other City representatives to ascertain the City's needs and ideal candidate attributes, to target our search efforts, and maximize candidate fit with the City.

Phase II: The recruitment process is tailored to fit the City's specific wants and needs, with targeted advertising, combined with personal contacts with qualified individuals from our extensive database.

Phase III: The selection process is customized for the City. CPS HR will work with the City Council to determine the process best suited to the City of Modesto.

Project Tasks

Phase I - Develop Candidate Profile and Recruitment Strategy

Task 1 - Review and Finalize Executive Search Process and Schedule

The first step in this engagement is a thorough review of the following with the City Council:

- City's needs, culture, and goals
- Executive search process
- Schedule

This will ensure that the City's needs are met in the most complete manner possible.

Task 2 - Key Stakeholder Meetings

As desired by the City, CPS HR is prepared to meet with any additional key stakeholders to obtain input in developing the ideal candidate profile and to assist CPS HR in understanding key issues and challenges that will face a new City Manager. The specific nature of the involvement process would be developed in consultation with the City. The results of the above activities will be summarized by CPS HR and provided to the City as an additional source of information for developing the candidate profile and selection criteria.

Task 3 - Candidate Profile and Recruitment Strategy Development

This task will be accomplished during a workshop session involving the City Council and CPS HR. It will result in the identification of the personal and professional attributes required for the position and will include the following activities:

- The City Council will identify key priorities for the new City Manager.
- CPS HR will assist them in identifying the conditions and challenges likely to be encountered in achieving the priorities identified above.
- The City Council will describe the type of working relationship they wish to establish with the City Manager.
- CPS HR will assist the City in generating lists of specific competencies, experiences, and personal attributes needed by the new City Manager in light of the analyses conducted above.
- CPS HR will present several recruitment and selection strategies for the City's consideration. The City will choose the recruitment and selection process most likely to produce the intended results.

Task 4 – Develop Recruitment Brochure

Following the completion of the workshop session, CPS HR will work with a professional graphic artist to design a recruitment brochure and present it to the City for review prior to printing. Please refer to **Appendix A** for a sample brochure. Additional brochure examples are available on our website at www.cpshr.us/search.

Task 5 – Place Advertisements

Advertisements (which will include a direct link to your brochure) will be prepared and placed for publication in appropriate magazines, journals, newsletters, job bulletins, social media, and websites to attract candidates on a nationwide, regional, local, or targeted basis, depending on the preference of the City. CPS HR will present examples to the City for review and approval. Examples may include:

Advertising Sources	
• Jobs Available	• League of CA Cities (On-Line)
• LinkedIn	• ICMA
• MMANC/MMASC	• Public CEO
• California City Management Foundation	• CA City News
• NFBPA	• International Hispanic Network
	• CPS HR Website

CPS HR will prepare an email distribution list containing prospective candidates and referral sources. These individuals will receive a link to the City Manager brochure along with a personal invitation to contact CPS HR should they have any questions about the position.

CPS HR is focused on reaching a diverse candidate pool and would recommend publications/websites that are targeted to minority and female candidates. CPS HR will specifically research other jurisdictions in which the demographics mirror those of the Stanislaus County area and target outreach to those individuals. In addition to placing ads on websites aimed at minority candidates, we will contact leaders within appropriate associations to gain their insight and referrals of possible candidates.

Within the past five years, we have successfully placed more than 170 minority and female candidates in executive level positions.

Phase II – Aggressive, Proactive, and Robust Recruitment

Task 1 - Identify and Contact Potential Candidates

This very crucial task will include a variety of activities. CPS HR will:

- Contact respected and experienced industry leaders to identify outstanding potential candidates on a referral basis. CPS HR maintains a comprehensive, up-to-date database of such professionals; however, we do not rely solely upon our current database. We also conduct specific research to target individuals relevant to your specific needs and expectations to ensure that we are thorough in our efforts to market this position to the appropriate audience and to garner a diverse and quality pool of candidates. These individuals, as well as other potential candidates, are typically contacted very soon after they have received a recruitment brochure in order to maximize the impact of the multiple contacts.
- Select top quality candidates for consideration from past recruitments.
- Provide each potential candidate with a copy of the recruitment brochure.
- Contact potential candidates by telephone to explain the career opportunity, answer questions, and encourage them to submit a resume. Oftentimes this component necessitates multiple conversations with the same person to pique his/her interest and to answer his/her questions sufficiently.

As a consulting firm that interacts with hundreds of public sector executives during engagements, we have a cadre of individuals who we inform of recruitments, both to increase the visibility of the opening and to attract appropriate individuals who fit the special needs of our client. Communication with these professionals ensures that an accurate picture of the requirements of the job is apparent and proliferated throughout their professional networks. The approach utilized by CPS HR employs the following techniques:

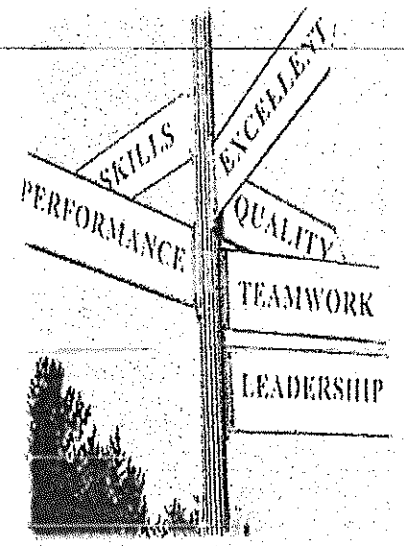
- Communicating to candidates, through advertising materials and verbal conversations, a strong sense of the purpose and strategy of the City. For many talented individuals, understanding these aspects is one of the key motivators to compete in such an environment.
- Providing guidance and resources to candidates regarding the area's cost of living, mean and median housing prices, higher education opportunities, K-12 education information, and other aspects of interest to those who are considering relocating to the area. We have found that potential candidates sometimes make the decision not to apply based on

rumored information, rather than facts and research. It is our job to ensure the candidates we are in communication with have accurate and helpful information.

- Actively seeking individuals who are highly visible in the field – widely published, frequent presenters and/or thought leaders – who are seemingly ready for the challenge. These highly qualified candidates may be attracted by the prospect of collaboration with other City departments, providing exceptional leadership to the City of Modesto, or continuing to ensure the public confidence in the integrity of the City.

Task 2 – Resume Review and Screening Interviews

All resumes will be submitted directly to CPS HR for initial screening. This screening process is specifically designed to assess the personal and professional attributes the City is seeking and will include:



- A thorough review of each candidate's resume, and if applicable, supplemental questionnaire responses and other supporting materials.
- Interviews with the candidates who appear to best meet the City's needs. CPS HR will spend extensive time ascertaining each candidate's long term career goals and reasons why the candidate is seeking this opportunity, as well as gaining a solid understanding of the candidate's technical competence and management philosophy. We will also gather data on any other unique aspects specific to this recruitment based upon the candidate profile.
- Internet research on each candidate interviewed.

Task 3 – City Council Selects Finalists

At the conclusion of the previous tasks, CPS HR will prepare a written report that summarizes the results of the recruitment processes and recommends candidates for further consideration by the City. Typically the report will recommend five to eight highly qualified candidates, and will include resumes and a profile on each interviewee's background. CPS HR will meet with the City Council to review this report and to assist the City in selecting a group of finalists for further evaluation.

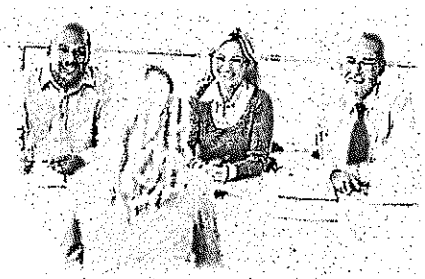
Phase III – Selection

Task 1 - Design Selection Process

Based on the results of the meeting conducted in Phase I, CPS HR will design a draft selection process. CPS HR will meet with the City to review this process and discuss the City's preferred approach in assessing the final candidates. The selection process will typically include an in-depth interview with each candidate, but may also include other selection assessments such as an oral presentation, preparation of written materials, and/or problem-solving exercises.

Task 2 - Administer Selection Process

CPS HR will coordinate all aspects of the selection process for the City. This includes preparing appropriate materials such as interview questions, evaluation manuals, and other assessment exercises; facilitating the interviews; assisting the City with deliberation of the results; and contacting both the successful and unsuccessful candidates.



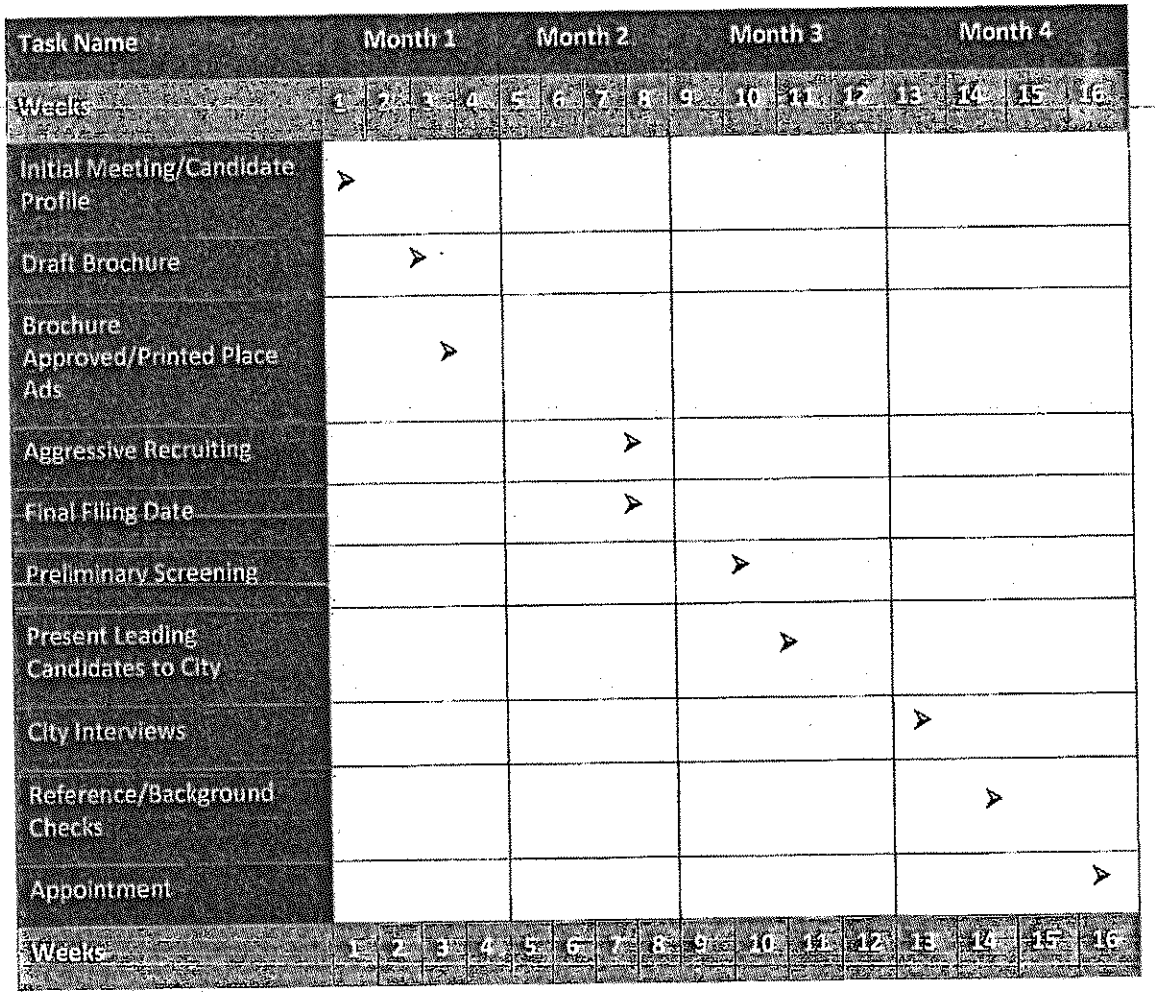
Task 3 – Final Preparation for Appointment

Following the completion of the selection process, CPS HR will be available to complete the following components:

- ***Arrange Follow-up Interviews/Final Assessment Process:*** Should the City wish to arrange follow-up interviews and/or conduct a final assessment in order to make a selection, CPS HR will coordinate this effort.
- ***Conduct In-Depth Reference Checks:*** The in-depth reference checks are a comprehensive 360 evaluation process whereby we speak with current and previous supervisors, peers, and direct reports. (It is our policy to not contact current supervisors until a job offer is made contingent upon that reference being successfully completed so as not to jeopardize the candidates' current employment situation.) The candidates are requested to provide a minimum of six references sources. CPS HR is able to ascertain significant, detailed information from reference sources due to our assurance and commitment to each individual that their comments will remain confidential, which leads to a willingness to have an open and candid discussion, resulting in the best appointment for the City. A written (anonymous) summary of the reference checks is provided to the City.
- ***Conduct Background Checks:*** We will arrange for a background records check of a candidate's driving record, criminal and civil court, credit history, education, newspaper article publishings, and other sensitive items. Should any negative or questionable content appear during these checks, CPS HR will have a thorough discussion with the finalist(s) and will present a full picture of the situation to the City for further review.

Project Timeline

The project team CPS HR has selected is prepared to begin work upon receipt of a fully-executed contractual agreement. All search activities up to and including the selection of a new City Manager can be completed in 14 to 16 weeks. The precise schedule will depend on the placement of advertising in the appropriate professional journals, and the ability to schedule, as quickly as possible, the initial meeting. A proposed schedule of major milestones is presented below.



Executive Recruitment Team

Our executive recruitment team of Ms. Pam Derby, Mr. Frank Rojas, Mr. Stuart Satow, and Ms. Teresa Webster possesses extensive public sector recruiting experience and will serve as resources throughout this recruitment effort. The specific project manager will be determined based on our ability to meet all your customer service needs in a timely and effective manner. We do not utilize subcontractors and no staff members will be removed or replaced without the prior written concurrence of the City. Their full resumes follow.

Role/Project Assignment	Name	Phone	Email
Senior Executive Recruiter	Pam Derby	916-471-3126	pderby@cpshr.us
Senior Executive Recruiter	Frank Rojas	916-471-3111	frojas@cpshr.us
Senior Executive Recruiter	Stuart Satow	916-471-3134	ssatow@cpshr.us
Executive Recruiter	Teresa Webster	916-471-3462	twebster@cpshr.us

Resumes

Pamela H. Derby

Profile

Since joining CPS HR Consulting in 2003, Pam Derby has conducted a wide range of recruitments for county, city, special district and association executives including city attorney, executive director, general manager, city manager, assistant and deputy city manager, police chief, community and economic development director, human resource director, finance director, city administrator, registrar of voters, library director, and director of information technology in addition to specialized support positions.

Prior to joining CPS HR, Ms. Derby served as the Aide to the Yuba County Board of Supervisors serving as the Board's liaison to County Department Heads, the community, and the media. This experience provided her with a unique perspective into the special circumstances that exist in a Board/Council-Manager relationship and a keen awareness of the inner workings of local government. She is sensitive to balance the wants of the community with the needs of the client so as to tailor a recruitment process that reaches out to the most appropriate candidates and ensures a diverse group of individuals from which to make a selection. She has successfully employed these techniques in jurisdictions ranging from under 10,000 to 10 million. Moreover, she employs a firmly-held personal philosophy that candidates must be treated with the same respect and careful consideration as her client. Prior to her local government service, Ms. Derby

served in the private sector and with several non-profit lobbying associations. She was responsible for the management of several large consumer groups.

Employment History

- Senior Executive Recruiter, CPS HR Consulting
- Professional Management Consultant, CPS HR Consulting
- Administrative Technician, CPS HR Consulting
- Aide to the Board of Supervisors, Yuba County, CA
- Special Cases Manager, Consumer Relations, The Money Store, CA
- Supervisor, Trailing Documents, The Money Store, CA
- Executive Assistant, Randlett Associates, CA

Professional Experience

- Project manager for local government, special district, and non-profit executive recruitments. Responsible for all facets of process including proposal interviews, all client meetings, creating marketing and advertising materials, conducting candidate screening interviews and developing finalist candidate interview processes.
- Assisted executive recruiting team in the recruitment of local government and public agency executives.
- Managed staff responsible for addressing escalated customer complaints. Negotiated and mediated pre-litigation settlements with attorneys, state regulators, and other state agencies, involving home improvement loans. Served as department fraud coordinator.
- Provided administrative support to SVP, including drafting correspondence, report writing, and special projects as assigned. Supervised department receptionist, responsible for interfacing with vendors and facilities management.
- Provided administrative and research support for private professional lobbying firm. Researched legislative bills, corresponded with professional association members regarding legislative proposals.

Education

- California State University, Chico, major course emphasis – Physical Education/English

Frank Rojas

Profile

Frank Rojas is a Senior Executive Recruiter with CPS HR Consulting. Frank brings more than 30 years of recruiting experience from the highly competitive direct placement and contract labor industries as well as the corporate environment. Mr. Rojas has significant experience placing corporate leaders, executive, professional, and technical staff including individual contributors for government sector, non-profits, aerospace, architectural and engineering, information technology, petroleum and chemical, energy, power, civil/structural, transportation and private industry.

In addition to just completing recruitments for City of Moreno Valley, City of Anaheim, City of Upland, and OCTA, recent successful efforts include positions of City Manager, Director of Human Resources & Organizational Development, Vice President of Human Resources, Chief Executive Officer, Chief Information Officer, Vice President of Risk, Corporate and Government Controllers, General In-House Counsel, and Director-level hires for Finance, Administrative Services, Engineering, Emergency Services, Fleet, Environmental, Regulatory Compliance, Training, and Division/Site General Managers. Mr. Rojas has established a strong client and customer base through trust, effective recruiting, relationship building, and teamwork.

Mr. Rojas began his career in Contract Labor and over the next 20+ years launched seven start-up offices in several states and locations providing direct placement and contract support to hundreds of clients in virtually all industries and levels of talent. He continued his career in the non-profit environment managing and building talent acquisition support during significant growth periods. Having been a speaker at several networking and career coaching venues, Frank believes in utilizing traditional recruiting methodology with social media. He was named in the top 1% viewed profiles on LinkedIn.

Mr. Rojas resides in Riverside, CA.

Employment History

- Senior Executive Recruiter, CPS HR Consulting
- Employment Director and Senior Recruiter, PRIDE Industries
- Corporate Recruiter, EMF Broadcasting
- Branch Manager and Acting Vice President, Fastek Technical Services

Professional Experience

- Managed and led recruiting efforts including client interface to define and write position descriptions, profiles, and goals. Responsible for creating marketing plans, screening and selection strategies, conducting interviews and participating in final hire and post-hire activities including reference and background checks.

- Assisted in salary evaluation and competitive comparisons. This includes candidate negotiations, travel and relocation (if appropriate), benefits, and confirmation and acceptance of any requirements prior to the submittal process and acceptance of offer.
- Managed in-house staff to ensure adherence of company policies and legal compliance. Developed and maintained positive, team-building methodologies that increased productivity, created a positive, productive staff, and maintained cooperativeness and trust.
- Recruited and identified senior-level management for several federal locations including General Managers, Assistant General Managers, HR Directors, Site Controllers, Quality Managers, T-4 Water and Environmental Director and Departmental Leadership at Fort Bliss, El Paso; Fort Polk, Louisiana; Joint Base McGuire-Dix-Lakehurst; New Jersey; Los Angeles Air Force Base; Cape Canaveral, Florida; and the Lawrence Livermore National Laboratory.
- Set up staff procedures and office functions; negotiated service agreements, ensured EEO, safety/OSHA quality, and all local, state, and federal compliance policies. Migrated and implemented several Applicant Tracking Systems including participation as Systems Administrator.
- Initiated effort to define the mission and business plans of expanding organizations. Developed road maps to build client base, relevant labor pools, and resources to sustain growth for the entire enterprise. Started corporate recruiting department and initiated recruiting strategies, hiring processes, retention, and integrated cost-effective marketing tools.
- Hired and motivated in-house talent and created cross-functional business/sales and recruiting process allowing for growth, skills development, and achievement to meet customer needs and provide for an effective team-oriented environment.

Education

- B.A., Political Science, University of California at Berkeley, Berkeley, CA

Stuart Satow

Profile

Since joining CPS HR Consulting in 2002, Stuart Satow has conducted over 250 successful recruitments covering all areas of public sector executive search including city, county, state, special district, and regional governments. Mr. Satow has extensive experience in conducting high-level recruitments for council/board appointed positions, as well as executive recruitments for mid-management and department head level positions in community development/planning, finance, human resources, information technology, legal, parks and recreation, public safety, and public works/utilities. Mr. Satow has conducted prior executive searches on behalf of the City of Modesto, including City Manager and City Attorney. He very recently completed the executive recruitment for a new Town Manager for the Town of Oro Valley (AZ), and is currently assisting the City of Goodyear (AZ) in its search for a new City Manager. Mr. Satow recently assisted the Merced County Association of Governments in its search for a new Executive Director.

Previously, as a sportscaster for ABC affiliate KXTV Channel 10, Mr. Satow interviewed hundreds of management-level executives, university officials, and professional and amateur athletes. He is a popular public speaker and emcee who has long been involved in community events in the Sacramento region. With a BA degree in Communication Studies from California State University, Sacramento and 27 years of experience in the communications industry, Mr. Satow is an experienced writer and interviewer who has excellent people skills and a positive track record in staff and project management.

Employment History

- Senior Executive Recruiter, CPS HR Consulting
- Sports Director, KXTV-10, Sacramento, CA
- Sports Reporter / Weekend Sports Anchor, KXTV-10, Sacramento, CA
- Sports Reporter / Weekend Sports Anchor, KNTV Channel 11, San Jose, CA
- Sports Reporter / News/Sports Photographer, KTXL, Channel 40, Sacramento, CA

Professional Experience

- Conducting public sector recruitments for executive level positions (includes upper- and mid-management, department directors, and council/board appointed positions).
- Managing entire recruitment process: develop and submit responses to proposals, meet with clients to understand their recruitment needs and develop a project plan, develop marketing brochures for recruitments, place advertisements, and research and identify potential candidates. Proactively contact potential candidates; market the position to them. Conduct screening interviews. Facilitate the entire interview process. Perform

thorough reference checks and oversee extensive background checks on candidates. Negotiate employment agreements.

- Coordinating activities of the Sports Department for local television news station
- Reporting on local sports events/teams of interest including high school, college and professional sports (and others)
- Liaison to local and regional sports contacts (including local and bay area professional teams, universities/colleges, high school athletic directors/coaches, and other key sports contacts)
- Experienced writer and interviewer with excellent people skills and a positive track record in staff and project management.

Education

- B.A., Communication Studies (with honors), California State University, Sacramento

Teresa Webster

Profile

Ms. Webster has 15 years of professional consulting and marketing experience in public sector human resources, including experience in the areas of project management, marketing communications, administration, and employee recruitment. She has worked as a CPS HR consultant for more than ten years, where she has managed or completed a wide variety of projects for CPS HR Consulting (CPS HR) subject matter experts and senior executive staff.

Employment History

- Executive Recruiter, CPS HR Consulting
- Senior Marketing Coordinator, CPS HR Consulting
- Northwest Hydraulic Consultants, Inc., West Sacramento, California

Professional Experience

- Conducts recruitments for various positions for public sector clients.
- Assisted the CPS HR Executive Search team as an Associate Recruiter. Wrote advertising copy, recruitment brochure text, did email outreach, built target candidate lists based on candidate requirements, researched other sources for outreach and candidate pools, conducted screening interviews, helped facilitate candidate interviews, and performed candidate reference checks.
- Served as liaison for internal business units collaborating on long-term marketing plans and strategies. Worked closely with unit managers, coordinators, vendors and staff support the organization's mission and direction.
- Managed CPS HR's Webinar Series. Worked with business units to develop monthly webinar calendar highlighting expertise of CPS HR consultants and diverse services. Moderates monthly sessions.
- Chaired Qualification Appraisal Panels (QAPs) for the Merit System Services contract. Lead structured interviews for social services candidates. Worked with panel members from client counties to ensure an unbiased rating process according to merit principles. Reviewed rating scales, discussed failing scores, and various types of rating errors with panel members. Served on rating panel.
- Conducted client visits to public agencies in California and Oregon to ensure that client needs are met. Relayed any service issues or grievances to appropriate service manager. Informs and educates clients on CPS HR products and services. Researched online data to pursue potential new areas of growth.

- Wrote copy for CPS HR collateral including print ads, html blasts, direct mail, and case studies. Plans and executes e-mail and direct mail campaigns. Wrote articles for trade journals.
- Contributes on an as-needed basis as a member of CPS HR's external website team developing content, collaborating with work units on content page deadlines. Performs website maintenance and page development, familiar with html code and SEO techniques
- Coordinates CPS HR booth/personnel logistics at various conferences and tradeshows. Develops and maintains budget. Plans and implements pre-tradeshow promotions. Interface with current and potential clients at tradeshows throughout the year
- Establishes and/or maintains relationships with regional and local agencies and associations, such as CSDA, ACWA, and MMANC, to promote CPS HR and its consultants. Served as committee member on MMANC branding and conference initiatives
- Managed Board offsite (two times a year) and Senior Manager Offsite (quarterly or as needed) meetings. Organized special events. Researched and wrote new policy on security badges

Certifications and Memberships

- Certificate in Public Relations and Marketing from UC Davis Extension
- 2009 Sacramento Public Relations Association Volunteer of the Year
- Former member of the Corporate Volunteer Council of Greater Sacramento

Education

- BA, English, California State University, Pomona

References

Provided below is a partial list of clients we have recently worked with in providing executive recruitment services. We are confident that these public sector clients will tout our responsiveness and ability to successfully place candidates that were a good fit for their organization's needs.

CLIENT/POSITIONS	CONTACT(S)
Avalon, City of PO Box 707 Avalon, CA 90704 City Manager (2016)	Anni Marshall, Mayor (310) 510-0220 amarshall@cityofavalon.com
Town of Oro Valley, AZ 11000 North La Canada Oro Valley, AZ 85737 Town Manager (2017)	Gary Bridget, Human Resources Director (520) 229-4750 gbridget@orovalleyaz.gov or Satish Hiremath, Mayor (520) 229-4991 shiremath@orovalleyaz.gov
Town of Los Gatos 110 East Main Street Los Gatos, CA 95031 Assistant Town Manager (2017)	Laurel Prevetti, Town Manager (408) 354-6832 lprevetti@losgatosca.gov
Merced County Association of Governments 369 West 18th Street Merced, CA 95340 Executive Director (2017)	Stacie Dabbs, Deputy Executive Director (209) 723-3153 ext. 109 stacie.dabbs@mcagov.org
Garden Grove, City of 11222 Acacia Parkway Garden Grove, CA 92842 City Manager (2015)	Laura Stover, Human Resources Director (714) 741-5010 lauras@ci.garden-grove.ca.us

Professional Fees, Expenses, & Guarantee

Professional Services

Our professional fixed fee covers all CPS HR services associated with **Phases I, II, and III** of the recruitment process, including the necessary field visits (up to three) to develop the candidate profile and recruitment strategy, assist the City with finalist selection, and facilitate candidate interviews.

Reimbursable Expenses

Actual out-of-pocket expenses for such items as consultant travel, advertising, marketing, printing/copying, and postage/delivery charges are reimbursable at cost. There is no mark-up on expenses and ***we will work proactively with the City to ensure that the dollars being spent for expenses are in keeping with the City's expectations***. Travel expenses for candidates who are invited forward in the interview process are not included under our reimbursable range. The listed reimbursable expenses range includes a background check on the selected finalist candidate.

Professional Fixed Fee & Reimbursable Expenses*	
Professional Services Full Recruitment (Fixed Flat Fee)	$17,000
Reimbursable Expenses (Travel costs for candidates is not included in recruitment costs) Approximate recruitment costs include: ■ Brochure Design and Printing ■ Advertising ■ Background check for one candidate ■ Other recruitment expenses such as supplies, travel, and shipping	$5,500-$6,500
Not-to-Exceed Total	**$23,500**

**Professional fees and reimbursable expenses would be billed and paid monthly.*

Two Year Guarantee

If the employment of the candidate selected and appointed by the City, as a result of a full executive recruitment *(Phases I, II, and III)*, comes to an end before the completion of the first two years of service, CPS HR will provide the City with professional services to appoint a replacement. Professional consulting services will be provided at no cost. The City would be responsible only for reimbursable expenses. **This guarantee does not apply to situations in which the successful candidate is promoted or re-assigned within the organization during the two-year period.** Additionally, should the initial recruitment efforts not result in a successful appointment, CPS HR will extend the aggressive recruiting efforts and screen qualified candidates until an offer is made and accepted. CPS HR does not provide a guarantee for candidates placed as a result of a partial recruitment effort.

About CPS HR

CPS HR Consulting has been assisting organizations with their talent management needs for over 30 years. We have unique expertise in delivering HR management and consulting services, employment testing, and assessment services to government agencies throughout North America. Our core competency is its knowledge of and expertise in the public sector. As a public agency, we understand the challenges and issues facing our client base. As a self-supporting public entity, we also understand the need for innovative yet practical results. CPS HR can provide expertise that is unique because we share with our clients a common perspective. There is no competitor in the industry that can make this claim.

CPS HR specializes in the recruitment and selection of key professionals for cities, counties, special districts, and non-profits. Working in partnership with the governing body or selection team, we develop customized search strategies that focus on locating and recruiting qualified candidates who match the agency's unique needs. Our wealth of recruitment experience has been gained through ***more than 13 years*** of placing top and mid-level executives in public agencies throughout the United States.

- **Unmatched Recruitment Experience for Government Agencies**

  CPS HR has extensive experience in recruiting executive-level professionals for public agencies across the United States. As a public agency ourselves, we understand how to work with and within government. Our understanding of public sector culture and policy uniquely sets us apart from our competitors.

- **Seasoned Executive Recruiters**

  Our recruiters possess a high level of expertise in recruiting and placing executive-level professionals. Our staff of experts includes an exceptional group of full-time employees as well as a full complement of subject matter experts, intermittent employees, and part-time employees with a variety of public and private sector experience.

- **Detailed Needs Assessments**

  We conduct a detailed needs assessment to identify 1) future organizational direction; 2) challenges facing the position; 3) the working style and organizational climate; and 4) required core and job specific competencies as well as personal and professional characteristics.

- **Vast Pool of Public Agency Contacts**

  CPS HR maintains a database of candidates and an extensive network of external resources to leverage for executive-level positions. We utilize our vast pool of public and

non-profit contacts to deliver a strong list of competitive candidates who will be well prepared to assist you in the accomplishment of your specific mission and goals.

- **Success Recruiting Non-Job Seeking Talent**

  We recognize that the very best candidates for some types of positions may not be looking for a career change, therefore, our recruitment team takes a very aggressive approach to identify and recruit such candidates.

- **Diversity Sensitivity**

  CPS HR encourages applicant diversity and incorporates a variety of activities to attract the best available candidates. We have successfully recruited and placed minority and female candidates for a variety of executive-level positions.

- **Cost Effective**

  The combination of CPS HR's seasoned recruitment management and highly qualified staff enable us to reliably deliver successful results on time and on budget.

- **Satisfied Clients**

  Our executive search client satisfaction rating averages 4.6 on a scale of 5. While many companies talk about client satisfaction, how many measure the impact of that through assessing client satisfaction by distributing written surveys and tying the results of these surveys to their performance management system? CPS HR Consulting does. A client satisfaction survey is sent at the end of every engagement requesting feedback on the quality of our staff, deliverables, and the overall consulting relationship.

- **Strong Base of Repeat Clients**

  We make sure we understand our client's challenges and customize our process to fit their needs. As a result, we have a long and growing list of returning clients who seek our services for multiple engagements.

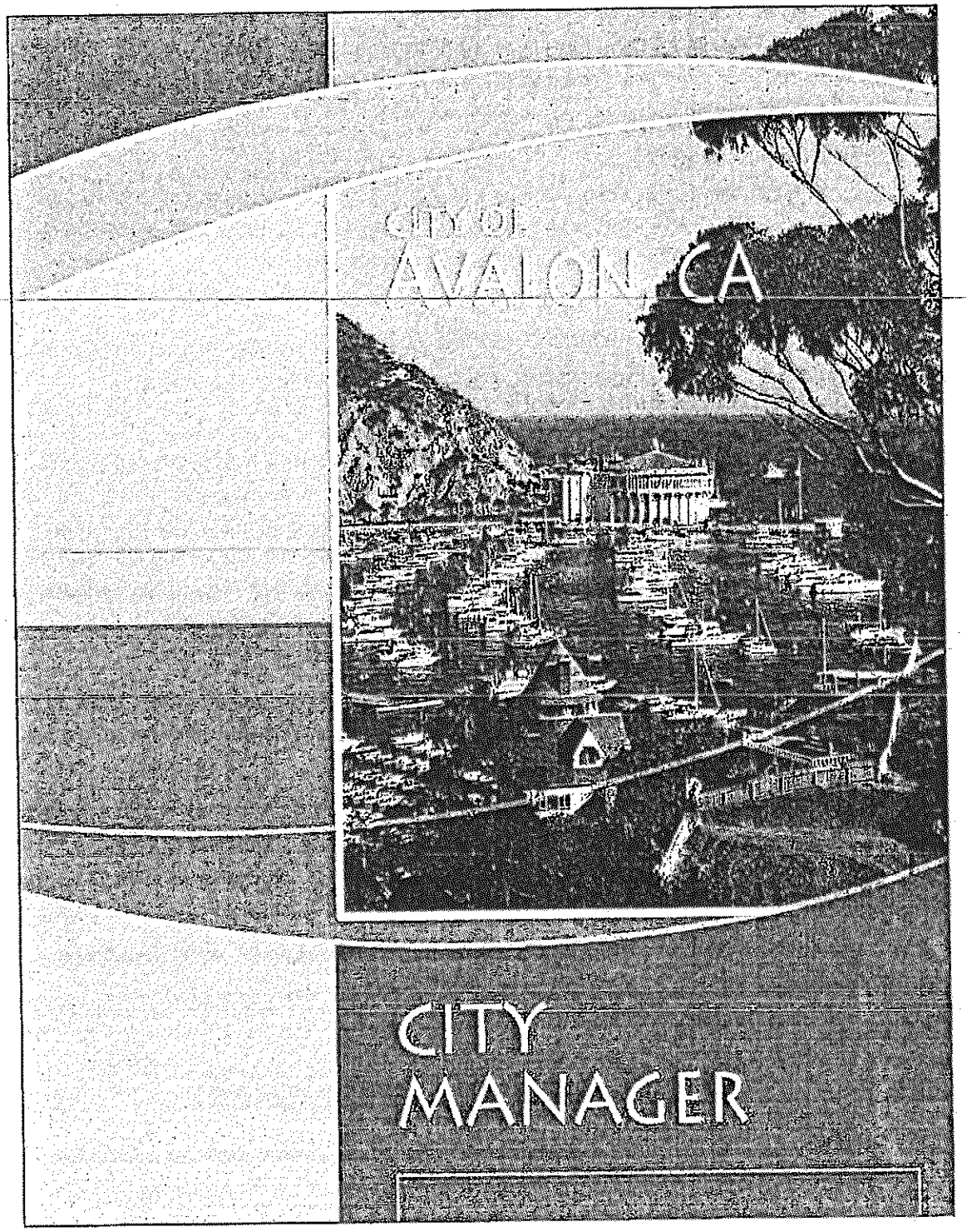
CPS HR currently has a staff of 107+ full-time employees and more than 1,200 subject matter experts and contract employees who have a wide variety of government, public, and private sector human resources experience. CPS HR has worked with more than 1,200 government and public/non-profit clients throughout the United States and Canada.

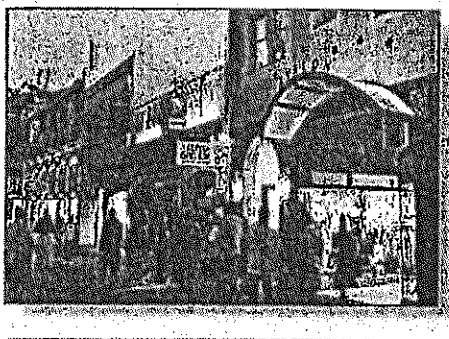
Our headquarters are located in Sacramento, CA. We have regional offices in Littleton, CO and Austin, TX.

CPS HR CONSULTING

We thank you for your consideration of our proposal. We are committed to providing high quality and expert solutions and look forward to partnering with the City of Modesto in this important endeavor.

Appendix A: Sample Brochure





THE CITY OF AVALON – A UNIQUE ISLAND PARADISE

The City of Avalon is a picturesque and leisurely seaport village with an estimated permanent population of 3,600 and an annual visitor count of close to one million. It is the only incorporated city on Santa Catalina Island, and enjoys a mild subtropical climate with warm temperatures year-round which allows for many opportunities to enjoy the Island's land and sea activities. Catalina has a unique and arresting natural environment, including dozens of plants and animals found only on the Island, and boasts more than 60 miles of unspoiled beaches and secluded coves - the longest publicly accessible stretch of undeveloped coastline left in Southern California. The town is clean and safe. As a resort, Avalon offers its visitors a unique, quiet, peaceful, high-quality vacation experience. The community continually strives for excellence in cleanliness, customer service and product quality. Residents have access to housing options comparable in price to other Southern California cities, good school facilities, a variety of post high school educational opportunities, and abundant recreational, cultural, and social facilities and programs. The Island's primary industry is tourism where every weekend is like a vacation.

The City of Avalon is situated on the easterly portion of Catalina Island, 22 miles south/southwest of the Los Angeles Harbor breakwater. Avalon is a little over 2 2/3 square miles in size. The Island itself is 76 square miles in area, 88% of which is in a conservancy and is to be maintained in its natural state in perpetuity.

Catalina Island is part of Los Angeles County and Avalon schools are part of the Long Beach Unified School District. Avalon is a full service city providing fire protection, harbor operations, ambulance, planning, building, sewer, trash, cemetery, public works, and many other city services. Law enforcement services are provided under contract by Los Angeles County.

THE CITY GOVERNMENT

Incorporated on June 26, 1913, Avalon is a general law city with a Council/Manager form of government including a Mayor and four council members. The Mayor is elected to serve a two-year term while council members are elected to four-year terms. Currently, Avalon has a Mayor, Mayor Pro Tem, and three Councilmembers. The City Manager is the executive officer of Avalon and is appointed directly by the City Council.

Avalon's annual operating budget is approximately $25 million. There are approximately 59 full-time employees with that number increasing to over 100 full-time and part-time employees during the summer season. The City has seven departments, including Administration, Finance, Fire, Harbor, Planning & Building, Public Works and Recreation. The City owns both a sewer treatment plant and a solid waste authority, but contracts out operation of both to private companies.

THE POSITION

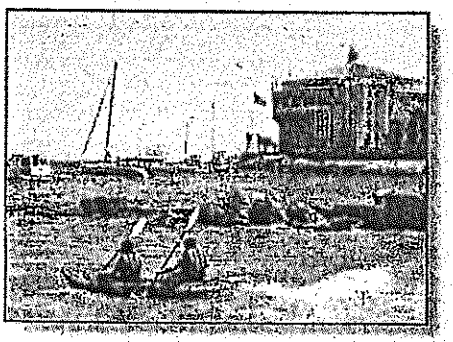
The City Manager is the operational head of city government. He/she will provide exceptional leadership and a collaborative and engaging management style throughout Avalon's operations and in interactions with the City Council. Coordination of financial planning, budget preparation, public information, citizens' group support and policy development are key parts of the City Manager's mission.

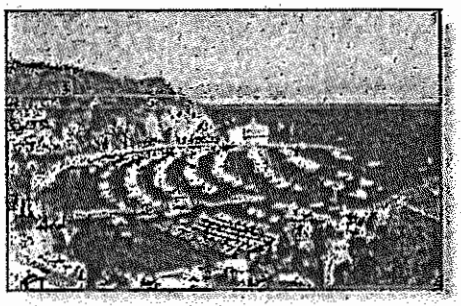
The City Manager's principal duties and responsibilities include enforcing all the laws and ordinances of Avalon, overseeing and managing the professional efforts of all departments under his or her jurisdiction to ensure the effective operation of the City, and assisting the members of the City Council in formulating policies and responding to issues and concerns raised by both residents and visitors.

To learn more about the City of Avalon, go to www.cityofavalon.com

THE IDEAL CANDIDATE

The ideal candidate will be an effective and collaborative leader; possessing confidence, patience, excellent communication and interpersonal skills, and strong technical and business acumen; who understands the need for public service through community engagement and participation, and protecting the 'brand' of the City of Avalon. An understanding of the City's service opportunities including mountains and the ocean, harbors, water issues, transportation, and an array of other priorities that make Avalon unique is invaluable. The successful candidate will have a demonstrated and solid track record of finance and public administration, leading and managing municipal service initiatives, business and economic development, and public works. The successful candidate shall have expertise in enterprise and budget management, agency





administration, and the ability to build and maintain collaborative relationships with city council, regional and business partners, surrounding cities, governmental agencies, staff and the community, through open and respectful dialogue. He or she will demonstrate open and transparent communication and will be known as someone who is responsive and approachable. A candidate that can demonstrate the ability to work positively and effectively with staff and promote positive morale and team building in the organization is highly valued, as is their desire to live in and be a part of the City of Avalon.

DUTIES AND RESPONSIBILITIES

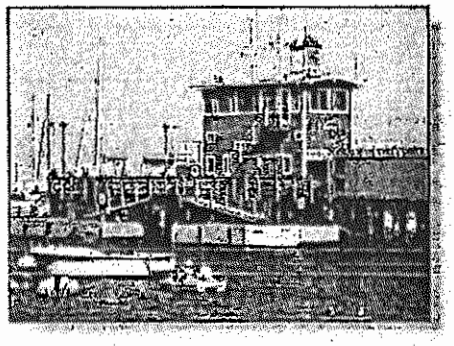
- Plan, direct, and coordinate municipal programs and activities; analyze unusual situations and find solutions through application of management principles and practices, and creativity.
- Develop comprehensive plans to meet future City needs and services.
- Lead and participate in community meetings with the ability to demonstrate diplomacy and tact.
- Constructively handle conflict and develop effective resolutions.
- Develop new policies and processes that impact city-wide operations.
- Supervise the work of officers and employees engaged in a variety of municipal services and occupational fields.
- Meet schedules, timelines, and deadlines.
- Attend all City Council meetings.

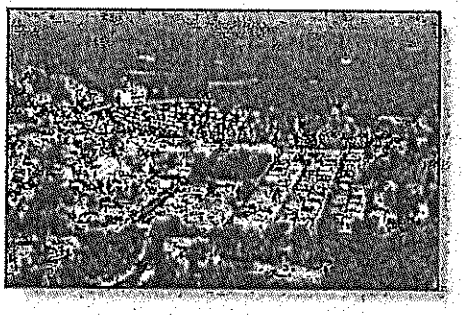
KNOWLEDGE, SKILLS, AND EXPERIENCE

- Organizational and operational management of municipal government.
- Fiscal management; able to develop funding sources and obtain grants.
- Pertinent laws, ordinances and regulations related to California city government and public administration and public contracting.
- Techniques of maintaining effective council, staff, and community relations.
- A professional who can lead the organization with a commitment to uphold the values of Avalon; develop positive business relationships and respect the richness of the City.
- A competent manager of both issues and staff; someone who can mentor and develop employees; retain and attract top talent.
- Able to effectively present and articulate ideas both verbally and in writing to various groups.
- Knowledge of transportation; a background in vehicle studies is a plus.

MANAGEMENT STYLE AND CHARACTERISTICS

- A strong, seasoned leader with the highest integrity, character, and ethics.
- Honest, with the ability to build and maintain trust and actively listen.
- A friendly and approachable leader who is visible and actively engaged in the community and will ensure quality customer service; someone that understands the needs of the citizens, listens and allows the public to be heard and respected.
- Successful at building collaborative business and community oriented working relationships.
- An enthusiastic, inspiring and engaged communicator.
- A forward thinker with the willingness to make difficult decisions based on what is right and uniform not only the letter of the law, but the spirit of the law.
- A strong leader who shares the vision of the council and community, and can advocate, articulate, and implement that vision.
- A Manager who is able to blend innovation and creativity, think outside the box, can creatively move the City in a positive direction, or next step, while acknowledging and responding to its challenges.
- Diplomatic; being known as a 'people person', with a can do style that is comfortable interacting with a wide spectrum of individuals and one who welcomes dialogue and discussion.
- Technologically astute; who recognizes the value of harnessing and integrating the benefits of cutting edge technology for city government and for residents.





MINIMUM QUALIFICATIONS

- A Bachelor's degree in finance, business, or public administration or a related field.
- A Master's degree is highly desirable.
- Eight - ten years of experience in a municipal management capacity.
- Fiscal management; able to develop funding sources and obtain grants.
- Solid operational experience typical of municipal services.
- Knowledge of and/or participation with California Coastal Commission, State of California Regional Water Quality Control Board, Public Agency Risk Sharing Authority of California, and other governmental and public policy agencies.
- Techniques of maintaining effective relations with council, staff, and the general public.

COMPENSATION AND BENEFITS

The salary range for this position is **$150,000 - $185,000** commensurate with the successful candidate's experience and qualifications.

In addition, the City offers an attractive benefit package that includes:

- **Retirement** – CalPERS 2% @ 55 retirement benefit formula with employee paying 7% if considered a "classic member" by CalPERS. If considered a "new member" by CalPERS, then the retirement benefit formula is 2% at 62 with 6.25% contribution amount. The 6.25% contribution amount for "new members" is subject to adjustment by CalPERS.
- **Health Insurance** – The City pays the premium for the City Manager and his or her dependents.
- **Dental Insurance** – The City pays the premium for the City Manager and his or her dependents.
- **Paid Holidays** – 12 days annually, plus 2 floating holidays.
- **Sick Leave** – 12 days of sick leave per year.
- **Vacation/Administration Leave** – 10 days of vacation and 7 days of administration leave.
- **Deferred Compensation** – The City offers a Section 457(b) deferred compensation plan to be funded by employee salary reductions only.

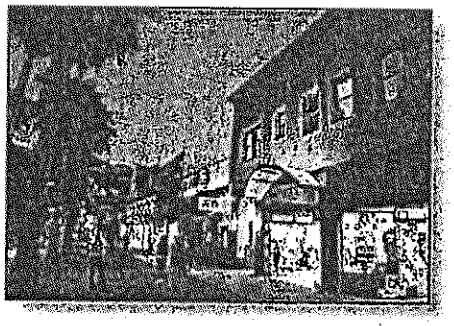
APPLICATION PROCESS AND RECRUITMENT SCHEDULE

The final filing date for this position is **Monday, April, 11, 2016.** To be considered for this exceptional career opportunity, please submit your cover letter, resume, current salary and 10 work-related references (who will **not** be contacted in the early stages of the recruitment). Resumes should reflect years **and** months of employment and positions held. Forward your resume to Frank Rojas:

CPS HR CONSULTING

CPS HR Consulting
Sacramento, CA 95815
tel: 916- 471-3111
Email: resumes@cpshr.us
Website: www.cpshr.us/search

Resumes will be screened on the criteria outlined in this brochure. Candidates with the most relevant qualifications will be given preliminary interviews by the consultant. The City of Avalon will then select finalists to be interviewed. Candidates deemed most qualified will be invited to participate in a final interview process that includes comprehensive reference and background checks. For additional information about this opportunity please contact Frank Rojas.



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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-490

RESOLUTION APPROVING THE AWARD OF BIDS FOR RENTAL EQUIPMENT SERVICES TO HERC RENTALS, MODESTO, CA AND UNITED RENTALS, MODESTO, CA; FOR A TWO-YEAR AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS AT THE SOLE DISCRETION OF THE CITY, FOR AN ANNUAL COST NOT TO EXCEED $500,000, AND $2,500,000 OVER FIVE YEARS, AND AUTHORIZING THE ACTING FINANCE DIRECTOR, OR HER DESIGNEE, TO ADJUST AGREEMENT TOTALS BASED ON THE WORK CAPACITY FOR THE VENDORS, ENSURING THE OVERALL AGREEMENT TOTAL BETWEEN THE TWO VENDORS WILL NOT CHANGE, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE PURCHASE AGREEMENTS

WHEREAS, the Interim City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for rental equipment services, and

WHEREAS, on August 2, 2017, the Purchasing Division issued RFB No. 1718-04 for Rental Equipment Services on the City's website under the commodity codes for rental equipment, ten companies chose to download the RFB document, and

WHEREAS, on August 29, 2017, bids were formally opened in the City Clerk's Office and four companies chose to respond; all companies provided responsive and responsible bids; two local vendors capable of providing this type of service chose to respond, and

WHEREAS, to ensure continued services to the City, contracts shall be awarded to two companies. Herc Rentals of Modesto, CA. will be awarded 34 pieces of equipment and United Rentals of Modesto, CA. will be awarded the balance of 16 pieces of equipment for a not to exceed annual cost of $350,000 to Herc Rentals and $150,000, respectively to United Rentals, and

WHEREAS, to ensure continued services to the City, contracts shall be awarded to more than one company to provide for backup should the primary company be unable

to meet the City's needs. A secondary company may be awarded a specific job if the primary company is unable to provide the required equipment, or if the primary company is unable to maintain acceptable quality standards required by the City, and

WHEREAS, based on the responsive and responsible bids received, City staff recommends the award of bids for the furnishing of rental equipment services to Herc Rentals, Modesto, CA and United Rentals, Modesto, CA; for an estimated total annual cost of $500,000 and an estimated total cost of $2,500,000 over five years, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bids for rental equipment services to Herc Rentals, Modesto, CA and United Rentals, Modesto, CA; conforms to the Modesto Municipal Code, 8-3.203, and

WHEREAS, in the last five years, citywide rental equipment expenses have totaled approximately $2,102,990. With a potential Consumer Price Index increase and additional usage over the next five years, staff requests a total of $2,500,000 for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of bids for rental equipment services to Herc Rentals, Modesto, CA and United Rentals, Modesto, CA for a two-year agreement with three one-year extension options at the sole discretion of the City; for an annual cost not to exceed $500,000, and $2,500,000 over five years.

BE IT FURTHER RESOLVED that the Acting Finance Director or her designee, is authorized to adjust agreement totals based on the work capacity of the vendors, ensuring the overall agreement total between the two vendors will not change,

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to issue purchase agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-491

RESOLUTION ACCEPTING A PRELIMINARY AWARD, ENTERING INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND AUTHORIZING AND DESIGNATING A REPRESENTATIVE FOR THE DESTRUCTION OF WATER SUPPLY WELLS PROJECT, AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND ENTER INTO AN AGREEMENT TO RECEIVE GRANT FUNDS, IF AWARDED, AND ANY AMENDMENTS OF CHANGES THERETO.

WHEREAS, in November 2014, Proposition 1 was passed by voters and provided $900 million for a Groundwater Sustainability Program (Assembly Bill 1471, Chapter 10), and the State Water Resources Control Board will administer $800 million to prevent and cleanup contamination of groundwater that serves (or has served) as a source of drilling water, and

WHEREAS, on September 13, 2016 by Resolution 2016-364, the City of Modesto authorized the submittal of applications to the State Water Resources Control Board (SWRCB) and other agencies for groundwater quality funding program grans and other Proposition 1 funding and authorized the City Manager or his designee to execute all grant-related documents and enter into agreements to receive grant funds, if awarded, and

WHEREAS, in July 2016, the City of Modesto Utilities Department submitted a Pre-application to the SWRCB Division of Drinking Water (DDW) for the Destruction of Water Supply Wells Project for consideration of funding through the Groundwater Grant Program, and

WHEREAS, on October 5, 2016 the City of Modesto Utilities Department received an invitation from the SWRCB DDW to submit a Final Application for the project, and

WHEREAS, on November 18, 2016 the City of Modesto Utilities Department submitted a Final Application for the project, and

WHEREAS, on March 30, 2017 the Utilities Department received a Proposition 1 Groundwater Grant Funding Preliminary Award of up to $943,985, and

WHEREAS, the City of Modesto would be required to enter into Grant Agreements with the DDW, if the City choses to accept the grant, and

WHEREAS, the City may manage grant administration tasks in-house or may decide to hire a consultant (by future Council action) for grant administration tasks, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes accepting the preliminary award and entering into a funding agreement with the State Water Resources Control Board for Proposition 1 Groundwater Grant funding for the Destruction of Water Supply Wells Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to represent the City of Modesto in carrying out the City of Modesto's responsibilities under the funding agreement, and directed to execute all grant-related documents, and any amendments or changes thereto, and enter into an agreement to receive the grant funds, if awarded; and signatory of grant invoice forms during requests for reimbursements and to certify disbursement requests.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-492

RESOLUTION AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT PROGRAM BUDGET AS SHOWN IN EXHIBIT A TO FULLY FUND THE DESTRUCTION OF WELLS 2017 PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $104,872 in order to fund project management, design, reporting, construction, contingency, construction administration, and design support during construction, including engineering, design, administration support by City staff, for the Destruction of Wells 2017, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

Revenue		Current Budget	Increase/ (Decrease)	Revised Budget
	Water Fund Reseves	$ -	$ 104,887	$ 104,887
	Grant Revenue	$ -	$ 943,985	$ 943,985
	Total	**$ -**	**$ 1,048,872**	**$ 1,048,872**

Expenses		Current Budget	Increase/ (Decrease)	Revised Budget
	Construction Admin	$ 66,000	$ (5,841)	$ 60,159
	City Construction Forces	$ 20,000		$ 20,000
	Construction	$ 660,000	$ 140,000	$ 800,000
	Contingency	$ 66,000	$ 14,000	$ 80,000
	Engineering/Design/Administration	$ 132,000	$ (43,287)	$ 88,713
	Total	**$ 944,000**	**$ 104,872**	**$ 1,048,872**

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-493

RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES ANNUAL REPORT FOR FISCAL YEAR 2016-17 AND MAKING FINDINGS RELATING TO EACH OF THE FEE CATEGORIES

WHEREAS, the City of Modesto imposes fees to mitigate the impacts of development, pursuant to Government Code section 66000 *et seq.*, and

WHEREAS, California Government Code sections 66001 and 66006 require cities to annually make certain fee-related information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City, in accordance with Government Code section 66006(a) and Section 8-1.904 of the Modesto Municipal Code, established Capital Facilities Fees ("CFF") for the purpose collecting fees to fund the construction of public improvements that will be needed as a result of new development, and

WHEREAS, on March 22, 2011, the City Council, by Resolution No. 2011-105, established the nexus for fees imposed by each land use, said nexus and fees were later amended by Resolution No. 2013-177 on May 7, 2013, and

WHEREAS, the following fees were established by Resolution No. 2013-177:

- The Streets CFF fund was established to accrue funds for arterial roadways, intersections, expressways, freeway interchanges and associated landscaping, and
- The Public Transportation CFF fund was established to accrue funds for the expansion of the City's transit system including additional buses and their associated facilities, and

- The Air Quality Mitigation CFF Fund was established to accrue funds to assist in the reduction of automobile travel, specifically for the development of park and ride lots, Class I Bike Trails, and
- The Police CFF Fund was established to accrue funds for additional policing needs including an additional station, police cars and associated equipment, a northeast area precinct, a training facility, a computer aided dispatch system, and an expanded radio system, and
- The Fire CFF Fund was established to accrue funds for the construction of additional fire stations, fire vehicles, and a new training station, and
- The Parks CFF Fund was established to accrue funds for the development of additional regional parks, community centers, and neighborhood parks, and the expansion of the McClure Country Place, and
- The General Government CFF Fund was established to accrue funds for the debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and

WHEREAS, the Capital Facilities Fee Annual Report for Fiscal Year 2015-16 has been completed and is on file with the City Clerk and is **attached** hereto as **Exhibit "A"**, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 5, 2017, to enable the public to have the opportunity to comment on the CFF collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby makes the following findings relating to each of the fee categories:

1) The Capital Facilities Fee program, set forth in City Council Resolution No. 2013-177, and incorporated herein by reference, continues to be a necessary program to fund future infrastructure needed for new development.

2) The Capital Facilities Fee Annual Report for Fiscal Year 2016-17 **(Exhibit A)** reports on the below information for each of the fee categories:

   a. The amount of the fee. (Table 1)

   b. The beginning and ending balance of the account or fund. (Table 3)

   c. The amount of the fees collected and the interest earned. (Table 2)

   d. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. (Table 10)

3) The CFF revenue anticipated for the full development of infrastructure improvements for new development has not been fully collected to complete the financing of incomplete improvements. It is presently anticipated that there will be no regular sources of funding to develop CFF infrastructure improvements apart from CFF collections.

4) The anticipated dates for the full collection of fees is unknown at this time as fees are based on development activity which is not controlled by the City.

5) The necessary funds for constructing and/or purchasing the following have not yet been accumulated and the approximate date is not yet known, but there is

still a need as outlined in Resolution No. 2013-177, and therefore fees should still be collected for the following purposes:

- Additional fire stations, fire vehicles, and a new training station, and
- An additional police station, police cars and associated equipment, a northeast area precinct, a training facility, a computer-aided dispatch system, and an expanded radio system, and
- Development of additional regional parks, community centers, neighborhood parks, and the expansion of McClure Country Place, and
- Debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles and the City's information technology expansion, and
- Reduction of automobile travel, specifically for the development of park and ride lots and Class I Bike Trails, and
- Arterial roadways, intersections, expressway, freeway interchanges and all of their associated landscaping, and
- Expansion of the transit system.

6) All reportable fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the California Government Code and all other applicable laws for the Fiscal Year 2016-17.

7) No refunds and allocations of reportable fees, as required by California Government Code section 66001, are deemed payable at this time.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2016-17 Capital Facilities Fees Report as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

City of Modesto Capital Facilities Fees Annual Report Fiscal Year 2016-17

Prepared By:

Community & Economic Development
Infrastructure Financing Program

December 2017

MODESTO
CALIFORNIA

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LEGAL REQUIREMENTS

A. What Are Impact Fees?

California Government Code §66000 allows a local jurisdiction to establish an impact fee to mitigate the impacts of new development. These fees may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public facilities, and must be consistent with the adopted fee program, which is updated every five years.

New development increases the demand for health and safety service provided by a city, affects the quality of the community's infrastructure, and increases the need for public facilities. Typically, impact fees are paid to a city at the time a building permit is issued and assist in paying for the cumulative impact of new development through infrastructure improvements and additions. Facilities partly funded by impact fees include police, fire and administrative buildings, park sites, bike trails, public landscape areas, community centers, transportation and transit facilities and roadway improvements. Impact fees cannot be used for maintenance of existing or future city facilities.

B. Establishing An Impact Fee Program

The City of Modesto ("City") impact fee program, more commonly known as the Capital Facilities Fees Program ("CFF Program"), was established in 1987 and has been updated periodically to reflect the changes in land values, projects and costs. Impact fees imposed on new development must have the proper nexus to any project on which they are imposed. The CFF Program sets forth the relationship between contemplated future developments, facilities needed to serve future development and the estimated cost of those improvements based on the current General Plan for build-out. Estimated project costs and the summary of fee apportionment for each CFF Program fee category are identified in the 2003 and 2011 CFF Program updates.

C. Adoption of a Capital Improvement Program

California Government Code §66002 requires local agencies that have implemented an impact fee program to adopt a Capital Improvement Program (CIP) indicating the approximate location, size, and time of projects, plus an estimate for the costs of all facilities or improvements to be financed by the impact fees. At a minimum, a formal CIP is recommended as a five-year plan. The City annually produces a five-year CIP which assists in maintaining and updating the City's General Plan.

The City's CIP connects annual capital expenditures to a long-range plan for public improvements. The City's CIP also assists in maximizing the funds available, connecting the plan for public improvements to the City's capacity for funding, and projecting expenditures over a period of years. This type of fiscal management is particularly

important during periods where budgetary demands exceed financial resources. The City's CIP is financed in part by the impact fees collected through the CFF Program.

D. Reporting

Annual reporting of a local agency's impact fee program is required by Government Code §66006. The impact fees collected must be segregated from general and other funds containing fees collected for other improvements. Interest on each impact fee fund or account must be credited to that fund or account and be used only for the purpose for which the impact fee was collected.

California Government Code §66006(b) requires that a local agency make the following information available to the public for each separate impact fee fund on an annual basis and that the local agency review that information at a public meeting. The law also requires the annual report include the following information for the prior fiscal year and be made available within 180 days after the last day of each fiscal year:

- Describe the type of impact fee in the account or fund.
- Identify the amount of the impact fee.
- Provide the beginning and ending balance of the account or fund.
- Provide the amount of impact fees collected and interest earned.
- Identify each public improvement on which impact fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the impact fee.
- Identify an approximate date by which the construction of the public improvement will commence, if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement and the public improvement remains incomplete.
- Describe each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned impact fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
- Provide the amount of refunds made due to sufficient funds being collected to complete financing on incomplete public improvements, and the amount of reallocation of impact funds made to administrative costs of refunding unexpended revenues exceeding the amount to be refunded.

If an agency no longer needs the funds for the purposes collected or fails to make the required findings or perform certain administrative tasks prescribed, the agency may be required to refund, on a prorated basis to owners of the properties upon which the impact fees for the improvement were imposed, the monies collected for that project and any interest earned on those funds.

California Government Code §66001(d) also requires that the local agency make all of the following findings every fifth year with respect to that portion of the account remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the impact fee is to be allocated.
- Demonstrate a reasonable relationship between the impact fee and the purpose for which is it charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete improvements.
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.
- In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the impact fee and the cost of the public facility or portion of the public facility attributable to the development on which the impact fee is imposed.

DESCRIPTION OF CAPITAL FACILITIES FEES

The CFF Program mitigates the impacts associated with new development on certain public facilities. The CFF Program is used to finance the acquisition, construction, and improvement of public facilities as a result of new development. The City has the following eight (8) CFF Program fee categories:

Streets Capital Facilities Fee – Fund 3410
This fee is collected for roadway improvements such as expressways, interchanges, arterial and collector roads, turn lanes, intersections and traffic signals.

Public Transportation Capital Facilities Fee – Fund 3420
This fee is collected for new buses, bus shelters, bus stops, the bus maintenance facility, and the northeast transfer station.

Air Quality Mitigation Capital Facilities Fee – Fund 3430
This fee is collected for facilities that reduce automobile travel by facilitating alternative modes of travel such as the Amtrak station parking lot, park and ride lots, vanpooling, carpooling, Class I bike trails, bike storage, turn lanes, footpaths, and pedestrian accesses.

Police Capital Facilities Fee – Fund 3440
This fee is collected for the Police Tactical Training Center, police vehicles, parking facilities, communication systems, special equipment, and the future Northeast Area Precinct (to be shared with Fire).

Fire Capital Facilities Fee – Fund 3450
This fee is collected for fire facility expansions, fire vehicles, special equipment, and the future Northeast Area Precinct (to be shared with Police).

Parks Capital Facilities Fee – Fund 3460
This fee is collected for land and construction costs for neighborhood, community, and regional parks, sports facilities, and community buildings.

City Hall and Other Government Facilities Capital Facilities Fee – Fund 3470
This fee is collected for debt service payments on City Hall, related parking facilities, the corporation yard and related facilities, City vehicles, and the City's information technology expansion.

Administration Capital Facilities Fee – Fund 3480
This fee is collected for the administration of the CFF Program. This includes preparation of an Annual CFF Program Report, preparation of a Five-Year CFF Report, day-to-day management of the CFF Program including preparation of annual CIP budgets, CFF Program annual inflationary updates, land value analyses and updates and CFF Program Proformas.

CURRENT FEE SCHEDULES

The current CFF Program allows for an annual inflationary adjustment equal to the increase in the annual change in the San Francisco Bay Area Engineering News Record Construction Cost Index through the month of December of the preceding year. No increase was applied in Fiscal Year 2016-17. Table 1 provides the adopted fee schedule for Fiscal Year 2016-17.

COMBINING STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES[1]

The Combining Statement of Revenues, Expenditures and Changes in Fund Balances provided in Table 2 outlines the beginning and ending balance of each fund for Fiscal Year 2016-17. Expenditures are identified by general categories. All revenue, unless collected under the deferral program, is collected at the time a building permit is issued. Since the CFF Program is a "pay-as-you-go" program, the City must accrue enough revenue prior to commencing construction of a project, resulting in an "aging" of fund balances. The aging or accumulation occurs until enough revenue has been collected to construct a project.

1 - Financial data is current as of September 18, 2017

FIVE YEAR REVENUE AND EXPENSE HISTORY[2]

As previously discussed, most revenue is collected when a building permit is issued for new development. Overall, CFF Program revenues increased 128% between Fiscal Years 2015-16 and 2016-17 while expenditures decreased 34.62% over the same time period. Tables 3 and 4 provide a five-year snapshot of the CFF Program revenues and expenditures, respectively. Table 5 offers a combined picture of revenues, expenses and fund balance levels over the past five years.

DEFERRED CAPITAL FACILITIES FEES

Multi-Family, Commercial and Industrial

CFF Deferral Programs for Multi-Family, Commercial, and Industrial developments have been in place since 1991. Deferrals assist in off-setting the cost of new development by allowing applicants to pay a portion of the CFF due at the time of building permit issuance and the balance, plus interest, over a predetermined period of time. Table 6 details the five (5) active deferrals in Fiscal Year 2016-17.

EXEMPTIONS

The City of Modesto encourages the construction of Very Low and Low Income Housing development projects within the City. CFF exemptions can be provided to the Housing Authority of Stanislaus or to Community Housing Development Organizations (CHDO) for the development of low and very-low income households (under 60% of the area median income). Table 7 details the two (2) exemptions in Fiscal Year 2016-17.

REFUNDS

CFF may be refunded if a building permit expires, is revoked, voluntarily surrendered or voided, and no construction or improvement of land has commenced. In addition, CFF paid for placement of Trailers may be refunded if requested in writing within six years of payment, minus the administration component. There were no CFF refunds made in Fiscal Year 16-17

CREDITS

CFF credits are granted when previously existing building(s) are removed and new building(s) are constructed. These credits may off-set up to but not more than 100% of the CFF due for the new development. Table 8 details the credits provided in Fiscal Year 2016-17.

2 - Financial data is current as of September 18, 2017

TRANSFERS

A total of eight (8) inter-fund transfers occurred in Fiscal Year 2016-17. The transfers included the Tenth Street Place (City Hall) Debt Service payment, CIP Project closures and police loans. Table 9 offers details of each transfer.

CAPITAL IMPROVEMENT PROJECTS[3]

Information on projects funded by the CFF Program can be found in Table 10. The information in the table includes a listing of current projects, estimated construction start and end dates, estimated project costs, percentage of project funded by the CFF Program and general accounting information.

3- Financial data is current as of September 18, 2017

Table 1: Fee Schedules Effective July 1, 2016 through June 30, 2017

2011 CFF PROGRAM - Development within City Limits

Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 6,592	$ 96	$ 576	$ 896	$ 382	$ 5,461	$ 504	$ 286	$ 14,793
Multi-Family Residential	Dwelling Unit	4,566	67	759	540	176	3,395	309	154	9,966
Senior Housing	Dwelling Unit	3,978	36	741	526	172	3,311	303	109	9,176
Hotel/Motel	Room	3,427	60		204	67		117	86	3,962
Retail <50,000 SF	1,000 SF	9,910	197		243	80		140	268	10,838
Retail 50,000-100,000 SF	1,000 SF	8,227	162		243	79		139	223	9,073
Retail 100,000-300,000 SF	1,000 SF	6,944	137		244	80		140	189	7,734
Retail >300,000 SF	1,000 SF	6,478	126		243	79		140	177	7,243
Medical Office	1,000 SF	12,518	250		406	133		232	345	13,885
General Office	1,000 SF	6,058	107		406	133		233	156	7,093
Hospital	1,000 SF	8,779	155		405	133		233	218	9,922
Daycare	1,000 SF	4,847	85		406	133		233	126	5,831
Church	1,000 SF	1,033	18		411	134		237	36	1,868
Nursing Home	1,000 SF	1,512	26		409	134		236	47	2,364
Industrial (Manufacturing)	1,000 SF	2,348	41		174	57		100	60	2,780
Industrial (Warehousing)	1,000 SF	1,647	29		175	57		100	44	2,052

2011 CFF PROGRAM - Development within City's Sphere of Influence

Fee Category	Unit Measure Per	Streets	Public Transp.	Air Quality	Police	Fire	Parks	General Gov't.	Admin	Total
Single-Family Residential	Dwelling Unit	$ 7,167	$ 76	$ 1,453					$ 185	$ 8,882
Multi-Family Residential	Dwelling Unit	5,158	55	921					126	6,260
Senior Housing	Dwelling Unit	3,018	33	1,008					100	4,158
Hotel/Motel	Room	3,613	38						54	3,704
Retail <50,000 SF	1,000 SF	10,309	108						150	10,567
Retail 50,000-100,000 SF	1,000 SF	8,583	90						126	8,800
Retail 100,000-300,000 SF	1,000 SF	7,276	77						107	7,460
Retail >300,000 SF	1,000 SF	6,797	73						100	6,970
Medical Office	1,000 SF	13,107	139						192	13,438
General Office	1,000 SF	6,415	67						98	6,580
Hospital	1,000 SF	9,180	97						137	9,414
Daycare	1,000 SF	5,176	55						80	5,311
Church	1,000 SF	1,239	13						26	1,278
Nursing Home	1,000 SF	1,747	18						33	1,797
Industrial (Manufacturing)	1,000 SF	2,497	26						38	2,561
Industrial (Warehousing)	1,000 SF	1,782	19						28	1,829

Table 2: Combining Statement of Revenues, Expenditures and Changes in Fund Balances Year Ended June 30, 2017[1]

	3410 Streets	3420 Public Transp.	3430 Air Quality	3440 Police	3450 Fire	3460 Parks	3470 General Gov't	3480 Admin.	TOTAL
REVENUES:									
Grant Monies	$257,056		$30,526						$287,582
Fees Collected	$2,777,286	$39,413	$71,743	$178,304	$70,398	$764,012	$100,986	$76,673	$4,078,815
Interest and Rent	$223,723	$1,940	$746	$2,568	$1,097	$30,471	$682	$508	$261,735
Net Change in Fair Value of Investments	($142,593)	($1,252)	($659)	($1,625)	($659)	($19,357)	($395)	($347)	($166,887)
Miscellaneous									
TOTAL REVENUES	**$3,115,472**	**$40,101**	**$102,356**	**$179,247**	**$70,836**	**$775,126**	**$101,273**	**$76,834**	**$4,461,245**
EXPENDITURES:									
Current:									
General Gov't.								$84,066	$84,066
Community Development	$1,200,904		$318,813			$230			$1,519,947
Public Works									
Parks & Recreation									
Public Safety	-	-	-	-	-	-	-	-	-
Capital Outlay:	-	-	-	-	-	-	-	-	-
TOTAL EXPENDITURES	**$1,200,904**	**-**	**$318,813**	**-**	**-**	**$230**	**-**	**$84,066**	**$1,604,013**
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	**$1,914,568**	**$40,101**	**($216,457)**	**$179,247**	**$70,836**	**$774,896**	**$101,273**	**($7,232)**	**$2,857,232**
OTHER FINANCING SOURCES (USES)									
Transfers In *			$80,000			$70,230			$169,079
Transfers Out*	($80,000)			($141,354)	($7,557)		($13,119)		($242,030)
Sale of Assets		-							
TOTAL OTHER FINANCING SOURCES	**($80,000)**	**-**	**$80,000**	**($141,354)**	**($7,557)**	**$70,230**	**($13,119)**	**-**	**($72,951)**
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	$1,853,417	$40,101	($136,457)	$37,893	$63,279	$845,126	$88,154	($7,232)	$2,784,281
FUND BALANCES, July 1	$23,842,004	$186,476	$194,379	$233,335	($946,928)	$2,941,586	$59,940	$80,598	$26,591,390
PRIOR PERIOD ADJUSTMENT									
FUND BALANCES, June 30	**$25,676,572**	**$226,577**	**$57,922**	**$271,228**	**($883,649)**	**$3,786,712**	**$148,094**	**$73,366**	**$29,375,671**

* See Table 9 for transfer details

1 – Financial data is current as of September 18, 2017

Table 3: Five Year Revenue History

Fund	2012-13	2013-14	2014-15	2015-16	2016-17[1]	Five Year Total[1]
FUND 3410 – STREETS						
Fees Collected	$761,394	$559,440	$1,776,952	$1,154,289	$2,777,286	**$7,029,361**
Grant Monies	$6,639,777	$3,596,856	$1,413,948	$95,318	$257,056	**$12,002,955**
All Other Revenue Sources	$29,354	$100,917	$173,198	$209,320	$223,723	**$736,512**
Subtotal	***$7,430,525***	***$4,257,213***	***$3,364,098***	***$1,458,927***	***$3,258,065***	***$19,768,828***
FUND 3420 – PUBLIC TRANSP.						
Fees Collected	$12,247	$7,803	$26,822	$19,642	$39,413	**$105,927**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	$204	$551	$1,097	$1,641	$1,940	**$5,433**
Subtotal	***$12,451***	***$8,354***	***$27,919***	***$21,283***	***$41,353***	***$111,360***
FUND 3430 – AIR QUALITY						
Fees Collected	$27,323	$1,291	($17,013)	$31,925	$71,743	**$115,269**
Grant Monies	-	-	$1,078	$17,408	$30,526	**$49,012**
All Other Revenue Sources	$341	$218		$1,417	$746	**$2,722**
Subtotal	***$27,664***	***$1,509***	***($15,935)***	***$50,750***	***$103,015***	***$167,003***
FUND 3440 – POLICE						
Fees Collected	$35,574	$12,107	$92,348	$125,740	$178,304	**$444,073**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	$8,283	$6,581	$5,156	$3,607	$2,568	**$26,195**
Subtotal	***$43,857***	***$18,688***	***$97,504***	***$129,347***	***$180,872***	***$470,268***
FUND 3450 – FIRE						
Fees Collected	$12,113	$4,030	$31,133	$45,888	$70,398	**$163,562**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	$50	$25	$195	$640	$1,097	**$2,007**
Subtotal	***$12,163***	***$4,055***	***$31,328***	***$46,528***	***$71,495***	***$165,569***
FUND 3460 – PARKS						
Fees Collected	$138,017	$10,612	$59,138	$300,445	$764,012	**$1,272,224**
Grant Monies	$150,000	-	-	-	-	**$150,000**
All Other Revenue Sources	($10,573)	$22,403	$16,912	$23,574	$30,471	**$82,787**
Subtotal	***$277,444***	***$33,015***	***$76,050***	***$324,019***	***$794,483***	***$1,505,011***
FUND 3470 – GENERAL GOV'T						
Fees Collected	$20,474	$7,038	$52,998	$71,594	$100,986	**$253,090**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	($137)	$85	$221	$436	$682	**$1,287**
Subtotal	***$20,337***	***$7,123***	***$53,219***	***$72,030***	***$101,668***	***$254,377***
FUND 3480 – ADMINISTRATION						
Fees Collected	$20,406	$11,424	$40,401	$36,462	$76,673	**$185,366**
Grant Monies	-	-	-	-	-	-
All Other Revenue Sources	$32	$152	$322	$534	$508	**$1,548**
Subtotal	***$20,438***	***$11,576***	***$40,723***	***$36,996***	***$77,181***	***$186,914***
TOTAL	**$7,844,879**	**$4,341,533**	**$3,674,906**	**$2,139,880**	**$4,628,132**	**$22,629,330**

1 – Financial data is current as of September 18, 2017

Table 4: Five Year Expenditure History

Fund	2012-13	2013-14	2014-15	2015-16	2016-17[1]	Five Year Total
Fund 3410 – Streets	(7,801,737.00)	(3,463,454.00)	(2,734,430.00)	(2,393,138.00)	(1,200,904.00)	(17,593,663.00)
Fund 3420 – Public Transp.	-	-	-	-	-	-
Fund 3430 – Air Quality	-	-	-	(25,957.00)	(318,813.00)	(344,770.00)
Fund 3440 – Police	-	-	-	-	-	-
Fund 3450 – Fire	-	-	-	-	-	-
Fund 3460 – Parks	(9,259,700.00)	(83,586.00)	(3,443.00)	(4,795.00)	(230.00)	(9,351,754.00)
Fund 3470 – General Gov't	-	-	-	-	-	-
Fund 3480 – Administration	(38,805.00)	(29,336.00)	(20,679.00)	(29,399.00)	(84,066.00)	(202,285.00)
TOTAL	**(17,100,242.00)**	**(3,576,376.00)**	**(2,758,552.00)**	**(2,453,289.00)**	**(1,604,013.00)**	**(27,492,472.00)**

1 – Financial data is current as of September 18, 2017

Table 5: Five Year Revenue and Expenditure History

1 – Financial data is current as of September 18, 2017

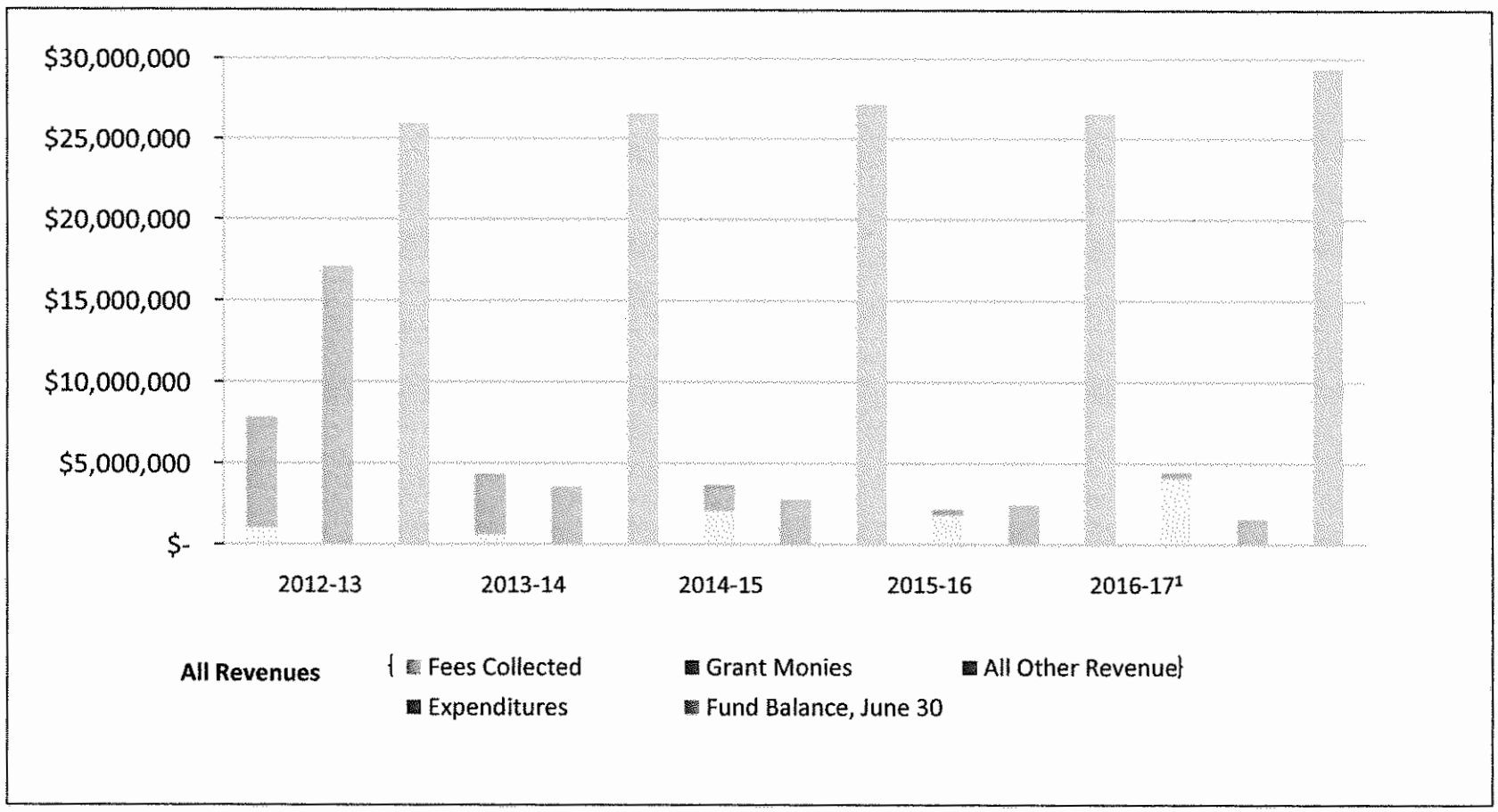


Table 6: Multifamily, Commercial and Industrial Deferrals

Receivable Fund	Applicant	Address	Agreement Start Date	Agreement End Date	Years Remaining	Balance 30-Jun-16	Payoffs	Outstanding Balance 30-Jun-17
Fund 3410 Streets	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$3,634.92	$3,634.92	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$942.68	$471.34	$471.34
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$41,442.13	$13,814.04	$27,628.09
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$80,605.20	$0.00	$80,605.20
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$58,450.19	$0.00	$58,450.19
					Subtotal	***$185,075.12***	***$17,920.30***	***$167,154.82***
Fund 3420 Public Transportation	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$71.95	$71.95	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$16.36	$8.18	$8.18
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$820.32	$273.44	$546.88
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$1,589.55	$0.00	$1,589.55
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$867.44	$0.00	$867.44
					Subtotal	***$3,365.62***	***$353.57***	***$167,154.82***
Fund 3430 Air Quality	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$0.00	$0.00	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$0.00	$0.00	$0.00
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$0.00	$0.00	$0.00
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$0.00	$0.00	$0.00
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$9,720.44	$0.00	$9,720.44
					Subtotal	***$9,720.44***	***$0.00***	***$9,720.44***
Fund 3440 Police	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$89.05	$89.05	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$375.44	$187.72	$187.72
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$1,015.21	$338.40	$676.81
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$2,235.55	$0.00	$2,235.55
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$6,901.26	$0.00	$6,901.26
					Subtotal	***$10,616.51***	***$615.17***	***$10,001.34***
Fund 3450 Fire	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$29.41	$29.41	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$121.90	$60.95	$60.95
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$335.37	$111.80	$223.57
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$736.85	$0.00	$736.85
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$2,245.14	$0.00	$2,245.14
					Subtotal	***$3,468.67***	***$202.16***	***$3,266.51***
Fund 3460 Parks	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$0.00	$0.00	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$0.00	$0.00	$0.00
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$0.00	$0.00	$0.00
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$0.00	$0.00	$0.00
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$43,461.33	$0.00	$43,461.33
					Subtotal	***$43,461.33***	***$0.00***	***$43,461.33***
Fund 3470 General Government	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$51.28	$51.28	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$216.00	$108.00	$108.00
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$584.64	$194.89	$389.75
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$1,286.20	$0.00	$1,286.20
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$3,954.51	$0.00	$3,954.51
					Subtotal	***$6,092.63***	***$354.17***	***$5,738.46***

Table 6: Multifamily, Commercial and Industrial Deferrals - Continued

Receivable Fund	Applicant	Address	Agreement Start Date	Agreement End Date	Years Remaining	Balance 30-Jun-16	Payoffs	Outstanding Balance 30-Jun-17
Fund 3480 Administration	Central Cal Invst, LLC – 1 Permit	1418 J Street	9/7/2012	9/1/2017	-	$98.59	$98.59	$0.00
	Brahaman Maha Sabha of USA – 1 Permit	2325 Coffee Road	1/11/2013	1/1/2019	1	$32.58	$16.29	$16.29
	Fernando Arredondo – 1 Permit	921 8th Street	4/11/2014	5/1/2019	2	$1,123.99	$374.65	$749.34
	Stephen & Richard Burton	1533 E. Briggsmore Ave.	10/20/2016	10/20/2021	5	$2,184.85	$0.00	$2,184.85
	Wisdom Place LLC	1600 Wisdom Way	1/30/2017	12/1/2021	5	$1,964.49	$0.00	$1,964.49
					Subtotal	***$5,404.50***	***$489.53***	***$4,914.97***
					TOTAL	$267,204.82	$19,934.90	$247,269.92

Table 7: Exemptions

Fund	Applicant / Project	CFF Due	CFF Exempted	CFF Paid
Fund 3410 Streets	Housing Authority (4 units)	$ 18,265.68	$ (18,265.68)	$ -
	Stanco (4 units)	$ 18,265.68	$ (18,265.68)	$ -
	Fund 3410 Subtotal	$ 36,531.36	$ (36,531.36)	$ -
Fund 3420 Public Transportation	Housing Authority (4 units)	$ 271.08	$ (271.08)	$ -
	Stanco (4 units)	$ 271.08	$ (271.08)	$ -
	Fund 3420 Subtotal	$ 542.16	$ (542.16)	$ -
Fund 3430 Air Mitigation	Housing Authority (4 units)	$ 3,037.64	$ (3,037.64)	$ -
	Stanco (4 units)	$ 3,037.64	$ (3,037.64)	$ -
	Fund 3430 Subtotal	$ 6,075.28	$ (6,075.28)	$ -
Fund 3440 Police	Housing Authority (4 units)	$ 2,156.64	$ (2,156.64)	$ -
	Stanco (4 units)	$ 2,156.64	$ (2,156.64)	$ -
	Fund 3440 Subtotal	$ 4,313.28	$ (4,313.28)	$ -
Fund 3450 Fire	Housing Authority (4 units)	$ 701.60	$ (701.60)	$ -
	Stanco (4 units)	$ 701.60	$ (701.60)	$ -
	Fund 3450 Subtotal	$ 1,403.20	$ (1,403.20)	$ -
Fund 3460 Parks	Housing Authority (4 units)	$ 13,581.68	$ (13,581.68)	$ -
	Stanco (4 units)	$ 13,581.68	$ (13,581.68)	$ -
	Fund 3460 Subtotal	$ 27,163.36	$ (27,163.36)	$ -
Fund 3470 General Govt.	Housing Authority (4 units)	$ 1,235.80	$ (1,235.80)	$ -
	Stanco (4 units)	$ 1,235.80	$ (1,235.80)	$ -
	Fund 3470 Subtotal	$ 2,471.60	$ (2,471.60)	$ -
Fund 3480 Administration	Housing Authority (4 units)	$ 613.88	$ (613.88)	$ -
	Stanco (4 units)	$ 613.88	$ (613.88)	$ -
	Fund 3480 Subtotal	$ 1,227.76	$ (1,227.76)	$ -
	Total	$ 79,728.00	$ (79,728.00)	$ -

TABLE 8: Credits for Previously Existing Buildings

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3410 Streets	1408 Kansas Ave	$ 90,183.43	$ (13,183.52)	$ 76,999.91
	815 D St	$ 14,938.51	$ (8,696.90)	$ 6,241.61
	1008 6th St	$ 9,000.96	$ (4,355.80)	$ 4,645.16
	141 Kimble St	$ 11,880.76	$ (6,368.42)	$ 5,512.34
	1313 Scenic Dr	$ 6,588.56	$ (7,878.66)	$ (1,290.10)
	2901 Health Care Way	$ 325,614.99	$ (6,591.76)	$ 319,023.23
	1101 Oates Ct	$ 4,331.35	$ (4,331.35)	$ -
	409 Paradise Rd	$ 40,414.07	$ (22,289.62)	$ 18,124.45
	4761 McHenry Ave	$ 334,529.04	$ (84,531.98)	$ 249,997.06
	Fund 3410 Subtotal	$ 837,481.67	$ (158,228.01)	$ 679,253.66
Fund 3420 Public Transportation	1408 Kansas Ave	$ 1,785.13	$ (192.31)	$ 1,592.82
	815 D St	$ 261.68	$ (156.02)	$ 105.66
	1008 6th St	$ 179.70	$ (77.01)	$ 102.69
	141 Kimble St	$ 208.66	$ (92.90)	$ 115.76
	1313 Scenic Dr	$ 118.20	$ (155.95)	$ (37.75)
	2901 Health Care Way	$ 5,683.49	$ (96.15)	$ 5,587.34
	1101 Oates Ct	$ 76.58	$ (76.58)	$ -
	409 Paradise Rd	$ 799.97	$ (406.88)	$ 393.09
	4761 McHenry Ave	$ 3,532.19	$ (892.43)	$ 2,639.76
	Fund 3420 Subtotal	$ 12,645.60	$ (2,146.23)	$ 10,499.37
Fund 3430 Air Mitigation	1408 Kansas Ave	$ -	$ (1,153.85)	$ (1,153.85)
	141 Kimble St	$ -	$ (557.38)	$ (557.38)
	2901 Health Care Way	$ -	$ (576.93)	$ (576.93)
	409 Paradise Rd	$ -	$ (576.93)	$ (576.93)
	4761 McHenry Ave	$ -	$ (15,275.18)	$ (15,275.18)
	Fund 3430 Subtotal	$ -	$ (18,140.27)	$ (18,140.27)
Fund 3440 Police	1408 Kansas Ave	$ 2,209.22	$ (1,792.91)	$ 416.31
	815 D St	$ 1,103.28	$ (922.02)	$ 181.26
	1008 6th St	$ 291.51	$ (291.71)	$ (0.20)
	141 Kimble St	$ 994.71	$ (866.08)	$ 128.63
	1313 Scenic Dr	$ 698.50	$ (193.00)	$ 505.50
	2901 Health Care Way	$ 19,384.08	$ (896.46)	$ 18,487.62
	1101 Oates Ct	$ 290.08	$ (290.08)	$ -
	409 Paradise Rd	$ 990.02	$ (1,281.01)	$ (290.99)
	Fund 3440 Subtotal	$ 25,961.40	$ (6,533.27)	$ 19,428.13
Fund 3450 Fire	1408 Kansas Ave	$ 729.83	$ (763.32)	$ (33.49)
	815 D St	$ 360.69	$ (300.12)	$ 60.57
	1008 6th St	$ 94.84	$ (95.37)	$ (0.53)
	141 Kimble St	$ 324.42	$ (368.73)	$ (44.31)
	1313 Scenic Dr	$ 227.36	$ (63.76)	$ 163.60
	2901 Health Care Way	$ 6,398.63	$ (381.66)	$ 6,016.97
	1101 Oates Ct	$ 94.83	$ (94.83)	$ -
	409 Paradise Rd	$ 327.06	$ (508.70)	$ (181.64)
	Fund 3450 Subtotal	$ 8,557.66	$ (2,576.49)	$ 5,981.17
Fund 3460 Parks	1408 Kansas Ave	$ -	$ (10,923.15)	$ (10,923.15)
	141 Kimble St	$ -	$ (5,276.53)	$ (5,276.53)
	2901 Health Care Way	$ -	$ (5,461.58)	$ (5,461.58)

TABLE 8: Credits for Previously Existing Buildings

TABLE 8: Credits for Previously Existing Buildings-Continued

Fund	Address	CFF Due	CFF Credit	CFF Paid
Fund 3460 Contd.	409 Paradise Rd	$ -	$ (5,461.58)	$ (5,461.58)
		$ -	$ (27,122.84)	$ (27,122.84)
Fund 3470 General Govt.	1408 Kansas Ave	$ 1,272.27	$ (1,008.88)	$ 263.39
	815 D St	$ 634.74	$ (527.64)	$ 107.10
	1008 6th St	$ 166.72	$ (167.79)	$ (1.07)
	141 Kimble St	$ 571.67	$ (487.35)	$ 84.32
	1313 Scenic Dr	$ 399.73	$	$ 288.58
	2901 Health Care Way	$ 11,103.50	$ (504.44)	$ 10,599.06
	1101 Oates Ct	$ 166.84	$ (166.84)	$ -
	409 Paradise Rd	$ 570.15	$ (725.90)	$ (155.75)
		$ 14,885.62	$ (3,699.99)	$ 11,185.63
Fund 3480 Administration	1408 Kansas Ave	$ 2,445.92	$ (568.06)	$ 1,877.86
	815 D St	$ 381.90	$ (231.86)	$ 150.04
	1008 6th St	$ 249.59	$ (112.19)	$ 137.40
	141 Kimble St	$ 311.56	$ (274.39)	$ 37.17
	1313 Scenic Dr	$ 175.65	$ (213.69)	$ (38.04)
	2901 Health Care Way	$ 8,205.31	$ (284.02)	$ 7,921.29
	1101 Oates Ct	$ 111.57	$ (111.57)	$ -
	409 Paradise Rd	$ 1,096.09	$ (709.77)	$ 386.32
	4761 McHenry Ave	$ 4,869.62	$ (2,082.41)	$ 2,787.21
		$ 17,847.21	$ (4,587.96)	$ 13,259.25
		$ 917,379.16	$ (223,035.06)	$ 694,344.10

Table 9: Transfers within Capital Facilities Fees Funds[1]

Fund	Transfer Description	Loan Maturity Date	Rate of Interest	Transfer Amount
Fund 3410- Streets	Transfer out to Fund 3430 – Capital Projects- MJC Bike Path	2022	Variable	$ (80,000.00)
				$ (80,000.00)
Fund 3430 – Air Quality	Transfer in from Fund 3410 -Capital Projects-MJC Bike Path	2022	Variable	$ 80,000.00
				$ 80,000.00
Fund 3440 – Police	Transfer out to Fund 0100- Tenth Street Place Debt Service Payment	2034	Variable	$ (71,354.00)
	Transfer out to Fund 3460- Capital Projects NE Community Service Center FY 16/17	-	-	$ (70,000.00)
				$ (141,354.00)
Fund 3450 – Fire	Transfer out to Fund 0100- Tenth Street Place Debt Service Payment	2034	Variable	$ (7,557.00)
				$ (7,557.00)
Fund 3460 – Parks	Transfer in from Fund 3440 - Capital Projects NE Community Service Center FY16/17	-	-	$ 70,000.00
	Transfer in from Fund 3130- Capital Projects- MGCP Maintenance Facility FY16/17	-	-	$ 230.00
				$ 70,230.00
Fund 3470 – General Gov't	Transfer out to Fund 0100- Tenth Street Place Debt Service Payment	2034	Variable	$ (13,119.00)
				$ (13,119.00)
			TOTAL	$ (91,800.00)

[1] Financial data is current as of September 18, 2017

Table 10: Capital Improvement Project (CIP) Expenditures[1]

Project Number	Project Number	Project Name	% Funded by Fee	% Funded by Other	Budget	Previous FYs Expenditures	Committed Funds	FY 2016-17 Expenditures	Balance Available	Estimated Construction Start FY	Estimated Construction End FY
Fund 3410 Streets	100032	New Traffic Signals 2010		100.00%	$ 853,124	$ (763,751.00)	$ -	$ -	$ 89,373.00	2012/13	2016/17
	100046	Pelandale Interchange at SR99	73.13%	26.87%	$ 10,430,225	$ (8,541,574.42)	$ 381,528	$ (119,358.58)	$ 1,387,764.00	2004/15	2016/17
	100048	Claratina/McHenry Plan Line			$ 341,500	$ (38,815.00)	$ 31,413	$ -	$ 271,272.00	2018/19	2019/20
	100049	Oakdale Road Widening	100.00%		$ 1,400,000	$ (12,412.00)	$ -		$ 1,387,588.00	2018/19	2019/20
	100051	Claratina: McHenry/Coffee 4 Ln			$ 4,104,936	$ (2,926,206.13)	$ 696,416	$ (122,727.87)	$ 359,586.00	2018/19	2019/20
	100053	Carpenter Rd Bridge Seismic		100.00%	$ 11,103,399	$ (10,492,114.00)	$ -	$ -	$ 611,285.00	2011/12	2016/17
	100585	Right Turn Lane Oakdale/Scenic	11.47%	88.53%	$ 395,346	$ (148,841.00)	$ -	$ -	$ 246,505.00	2017/18	2018/19
	100586	7th St Bridge Tuolumne		100.00%	$ 683,500	$ (173,271.43)	$ -	$ (15,785.57)	$ 494,443.00	2018/19	2019/20
	100614	State Route 132 W. Express	42.39%	57.61%	$ 10,415,000	$ (785,847.43)	$ 6,881,186	$ (558,000.57)	$ 2,189,966.00	2016/17	2018/19
	100631	Oakdale/Sylvan Intersection Improvements		100.00%	$ 750,000	$ (159,098.86)	$ 20,588	$ (122,646.14)	$ 447,667.00	2013/14	2018/19
	100632	Right Turn Lane McHenry to Briggsmore	18.45%	81.55%	$ 1,052,930	$ (406,469.90)	$ 880	$ (11,256.10)	$ 634,324.00	2016/17	2017/18
	100635	Traffic Model Maintenance		100.00%	$ 400,000	$ (305,390.81)	$ -	$ (33,284.19)	$ 61,325.00	2011/12	2017/18
	100787	Pelandale I/C Monument Sign			$ 397,819	$ (172,995.38)	$ 826	$ (86,083.62)	$ 137,914.00	2014/15	2017/18
	100862	Kodiak/ Lincoln Oak Roundabout		100.00%	$ 366,625	$ (366,624.00)	$ -	$ -	$ 1.00	2014/15	2016/17
	100943	Claus Rd Bike Path			$ 80,000	$ (10,915.74)	$ 18,240	$ (39,285.26)	$ 11,559.00	2016/17	2019/20
	100944	Tuolumne, 7th & B			$ 200,000	$ -	$ -	$ -	$ 200,000.00	2016/17	2019/20
	100945	Hetch-Hetchy			$ 2,100,000	$ (43,587.16)	$ 75,865	$ (88,717.84)	$ 1,891,830.00	2016/17	2019/20
Subtotal:								*$ (1,108,427.90)*			
Fund 3430 Air Quality	100882	MJC Bike Path Phase 2		100.00%	$ 1,130,000	$ (76,349.16)	$ -	$ (318,021.84)	$ 735,629.00	2016/17	2017/18
Subtotal:								*$ (318,021.84)*			
Fund 3460 Parks	100677	Lighting Playground & Shade			$ 785,834	$ (2,559.00)	$ -	$ -	$ 783,275.00	2010/11	2016/17
	100779	MGCP Maintenance Facility		100.00%	$ 500,000	$ (4,794.36)	$ -	$ (229.64)	$ 494,976.00	2015/16	2017/18
	101017	Mary Grogan Park - Phase 2			$ 1,950,000	$ -	$ -	$ -	$ 1,950,000.00	2016/17	2019/20
Subtotal:								*$ (229.64)*			
Fund 3480 Administration	100026	2008 Streets CFF Update			$ 184,120	$ (144,110.00)	$ 93	$ -	$ 39,917.00	2010/11	2016/17
Subtotal:								*$ -*			
TOTAL:								*$ (1,426,679.38)*			

[1] Financial data is current as of September 18, 2017

Attachment 3
Summary of Capital Facilities Fees Revenues and Expenses
As of June 30, 2017

	3410 Streets	3420 Public Transp	3430 Air Quality	3440 Police	3450 Fire	3460 Parks	3470 General Gov't	3480 Admin.	Total
REVENUES:									
Grant Monies	$257,056		$30,526						$287,582
Fees Collected	$2,777,286	$39,413	$71,743	$178,304	$70,398	$764,012	$100,986	$76,673	$4,078,815
Interest and Rent	$223,723	$1,940	$746	$2,568	$1,097	$30,471	$682	$508	$261,735
Net Change in Fair Value of Investments	($142,593)	($1,252)	($659)	($1,625)	($659)	($19,357)	($395)	($347)	($166,887)
Miscellaneous									
TOTAL REVENUES	**$3,115,472**	**$40,101**	**$102,356**	**$179,247**	**$70,836**	**$775,126**	**$101,273**	**$76,834**	**$4,461,245**
EXPENDITURES:									
Current:									
General Gov't.								$84,066	$84,066
Community Development	$1,200,904		$318,813			$230			$1,519,947
Public Works									
Parks & Recreation									
Public Safety	-	-	-	-	-	-	-	-	-
Capital Outlay:	-	-	-	-	-	-	-	-	-
TOTAL EXPENDITURES	**$1,200,904**	**-**	**$318,813**	**-**	**-**	**$230**	**-**	**$84,066**	**$1,604,013**
EXCESS (DEFICIENCY) OF REVENUES OVER (UNDER) EXPENDITURES	**$1,914,568**	**$40,101**	**($216,457)**	**$179,247**	**$70,836**	**$774,896**	**$101,273**	**($7,232)**	**$2,857,232**
OTHER FINANCING SOURCES (USES)									
Transfers In *			$80,000			$70,230			$150,230
Transfers Out*	($80,000)			($141,354)	($7,557)		($13,119)		($242,030)
Sale of Assets									
TOTAL OTHER FINANCING SOURCES	**($80,000)**	**-**	**80,000.00**	**($141,354)**	**(7,557.00)**	**70,230.00**	**($13,119)**		**(91,800.00)**
EXCESS (DEFICIENCY) OF REVENUES & OTHER USES	$1,834,568	$40,101	($136,457)	$37,893	$63,279	$845,126	$88,154	($7,232)	$2,765,432
FUND BALANCES, July 1	$23,842,004	$186,476	$194,379	$233,335	($946,928)	$2,941,586	$59,940	$80,598	$26,591,390
PRIOR PERIOD ADJUSTMENT									
FUND BALANCES, June 30	**$25,676,572**	**$226,577**	**$57,922**	**$271,228**	**($883,649)**	**$3,786,712**	**$148,094**	**$73,366**	**$29,356,822**

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-494

RESOLUTION ACCEPTING THE FISCAL YEAR 2016-17 ANNUAL REPORT OF FUNDS HELD FOR FUTURE IMPROVEMENTS, AND MAKING FINDINGS RELATED TO EACH SECURITY ON FILE

WHEREAS, California Government Code Sections 66000 and 66006 require that the City make certain information available to the public and findings relating to the necessity of collecting fees for new development, and

WHEREAS, the City is collecting impact fees as security for future improvements that will be needed as a condition of approval for new development, and

WHEREAS, $2,500 in impact fees were paid by Fuentes Construction on March 8, 2001, as a condition of approval for the project located at 1024 Florence Avenue, Modesto, for future improvements including connection to the City sewer system and the installation of curb, gutter and sidewalk improvements, and

WHEREAS, $29,393.72 in impact fees were collected from American Home Builders as a condition of approval for its project located at 3055 Floyd Avenue, Modesto, on September 2, 2005, for future improvements including the expansion of Beta Street to the north of the property, and

WHEREAS, $27,165 in impact fees were collected from Best Modesto Partners on September 30, 2008, as a condition of approval for its project located at 3019 Floyd Avenue, Modesto, for future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway, and

WHEREAS, it has been determined that full funding for the various improvements has not yet been received, and

WHEREAS, it has been determined by staff that the impact fees collected for all three projects should be retained until additional funding can be obtained, and

WHEREAS, a public hearing at the City Council in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California was set for December 5, 2017, to enable the public to have the opportunity to comment on the impact fees collected.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby finds and determines that the impact fees collected for future improvements are necessary to fund future infrastructure needed for new development.

1. That the revenue anticipated for the full development of infrastructure improvements required for these projects have not been fully collected to complete the financing of said improvements. It is presently anticipated that there will be no regular sources of funding to develop the required improvements apart from impact fees collected from neighboring properties.
2. That the anticipated dates for the full collection of fees is unknown at this time as impact fees are based on development activity which is not controlled by the City.
3. That the funding for the future improvements to include connection to the City sewer system and the installation of curb, gutter and sidewalk improvements located at 1024 Florence Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.
4. That the timing for the future improvements including the expansion of Beta Street to the north of the property located at 3055 Floyd Avenue, Modesto, is not

yet known, but there is still a need, and therefore fees should still be retained for these purposes.

5. That the timing for the future improvements including the construction of an on-site driveway and the reconstruction of the nearby bus turnout and off-site driveway located at 3019 Floyd Avenue, Modesto, is not yet known, but there is still a need, and therefore fees should still be retained for these purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-495

RESOLUTION CALLING A SPECIAL ELECTION FOR THE CITY OF MODESTO TO ANNEX TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council did, on October 24, 2017, adopt its Resolution No. 2017-414 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and authorize the levy of the District special taxes within the territory proposed to be annexed (the "Annexed Territory"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and set a hearing thereon, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-681, adopted on December 14, 2004, clarify the Rate and Method of Apportionment with respect to the Maximum Special Taxes to be generated by a parcel that has been rezoned, and

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 2004-683, adopted on December 14, 2004, create Tax Zone #2 within the District, and

WHEREAS, the One-Time Facilities Special Tax component of the special taxes is higher in Tax Zone #2 than in Tax Zone #1, and

WHEREAS, the Annexed Territory will be annexed to and subject to the special taxes in Tax Zone #2, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, a map of the Annexed Territory, entitled "Annexation Map No. 16 of Community Facilities District No. 2004-1 (Village One #2) City of Modesto, County of Stanislaus, State of California was recorded on November 9, 2017, in the Office of the County Recorder of the County of Stanislaus, in Book 5 of Maps of Assessment and Community Facilities Districts, at page 67, and

WHEREAS, at the time and date set for the hearing (December 5, 2017) pursuant to the Resolution of Intention to Annex, this Council held the public hearing, as required by the Act, related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, including all interested persons for or against the proposed annexation to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters related to the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory, and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory have not been filed with the City Clerk by 50 percent or more of the registered voters or six registered voters, whichever is more, residing within the District or residing within the Annexed Territory, or the owners of one-half or more of the land in the District, or in the Annexed Territory, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the Annexed Territory; accordingly, the qualified electors are the landowners, and

WHEREAS, the City Clerk, being the Council's designated election official for purposes of the election herein called, has concurred in the election date herein set forth for the election.

NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

1. The foregoing recitals are true and correct.

2. All prior proceedings taken with respect to the annexation of the Annexed Territory to the District, and the levy of the District special taxes for Tax Zone #2 within the Annexed Territory were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

3. The proposed annexation of the Annexed Territory to the District and the levy of the District special taxes for Tax Zone #2 within the Annexed

Territory have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

4. As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex the Annexed Territory to the District and levy the District special taxes for Tax Zone #2 within the Annexed Territory. Upon such approval the Council will be authorized to levy the District special taxes for Tax Zone #2 within the Annexed Territory.

5. A special election is hereby called at which the question of levying the District special taxes for Tax Zone #2 within the Annexed Territory shall be submitted to the qualified electors of the Annexed Territory. The election shall be held in accordance with and subject to the Act, all of the terms of which shall, unless waived as herein provided, be applicable to such election. The ballot measure shall be substantially in the form **attached** hereto as **Exhibit A.**

6. Fewer than 12 persons have been registered to vote within the Annexed Territory for each of the 90 days preceding the close of the hearing referenced herein. Accordingly, the vote shall be by the landowners of the Annexed Territory, and each such landowner shall have one vote for each acre or portion thereof that he or she owns within the Annexed Territory. The ballots shall be distributed by mail with return postage prepaid, or by personal service, to each landowner, all as provided in Section 53326 of the Act.

7. Since the City Clerk has received an appropriate waiver of time limits and other requirements pertaining to the conduct of the election by the

owner of all of the land in the Annexed Territory (the "Landowner"), the election shall be held on the 5th day of December 2017. The election shall be conducted by the City Clerk in the manner required by this resolution, the Act and applicable laws.

8. The City Clerk shall accept the ballots of the qualified electors in the office of the City Clerk up to and including 5:30 p.m., Pacific Time, on December 5, 2017, and/or up to the conclusion of the Public Hearing, whether said ballots shall be personally delivered or received by mail.

9. In accordance with Section 53327(b) of the Act, analysis and arguments, as required by Section 53327(a) of the Act are hereby waived, as the City Clerk has received the unanimous consent to such waivers from the Landowner.

10. The publication of this Resolution as notice of the special election is hereby waived as the City Clerk has received the unanimous consent to such waiver from the Landowner.

11. The Annexed Territory shall constitute a single election precinct for the purpose of holding the election.

12. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the election, and to perform and render all services and proceedings incidental to and in connection with the election.

13. The City Clerk shall canvass the returns and certify the results of the election to this Council. If two-thirds or more of the votes cast are in favor of levying the District special taxes for Tax Zone #2 in the Annexed Territory, this

Council may thereafter order the annexation of the Annexed Territory to the District and levy the District special taxes in the Annexed Territory in the amount and for the purposes specified in Resolution No. 2004-199 adopted by this Council on April 6, 2004 (the "Resolution of Formation"). The Special Tax will be levied only at the rate and apportioned only in the manner specified in the Resolution of Formation, as clarified by the City Council on December 14, 2004 (Resolution No. 2004-681), and at the rates set forth in Tax Zone #2 created by the City Council on December 14, 2004 (Resolution No. 2004-683).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal, Ridenour, Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

Exhibit A

OFFICIAL BALLOT

BALLOT NO. 1

CITY OF MODESTO
COMMUNITIES FACILITIES DISTRICT NO. 2004-1
(VILLAGE ONE #2)

ANNEXATION NO. 16

SPECIAL TAX ELECTION

December 5, 2017

NUMBER OF VOTES ENTITLED TO BE CAST: 11
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO."

All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, telephone the Office of the City Clerk of the City of Modesto for instructions as soon as possible at (209) 577-5200, Monday through Friday, between the hours of 9:00 a.m. and noon

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED TO VOTE OF VOTERS

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2017-414, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 16)" adopted by the City Council of the City of Modesto on October 24, 2017, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

YES ☐

NO ☐

BALLOT NO. 1

THIS BALLOT HAS A VALUE OF 11 VOTES

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-496

RESOLUTION DECLARING THE RESULTS OF THE DECEMBER 5, 2017 SPECIAL ELECTION AND ORDERING THE ANNEXATION OF THE ADDITIONAL TERRITORY TO CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the annexation of certain territory to the City's Community Facilities District No. 2004-1 (Village One #2) (the "District") and the levy of the District special taxes (the "District Special Taxes") within such territory, as described in its Resolution No. 2016-422 entitled "A Resolution of Intention to Annex Territory to City of Modesto Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes within the Territory Proposed to be Annexed (Annexation No. 16)", pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"); and

WHEREAS, the owners of all the property within the territory proposed to be annexed to the District waived those provisions related to the timing and conduct of the election referenced in Sections 5, 6, 7 and 8 of this Council's Resolution No. 2017-495, adopted on December 5, 2017, and, as a result, this Council called an election within the territory proposed to be annexed to the District (the "Election") for December 5, 2017, or as soon thereafter as practicable, relative to the foregoing; and

WHEREAS, on December 5, 2017, the Election was held; and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the District Special Taxes within the territory proposed to be annexed to the District was approved by more than two-thirds (2/3) of the votes cast at the Election;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND by the City Council of the City of Modesto that:

1. The Election was duly and validly conducted in conformity with all applicable laws pertaining thereto. It is hereby determined that the owner or owners of the territory proposed to be annexed are as set forth in the Certificate of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

2. The ballot proposition presented to the qualified electors of the territory proposed to be annexed at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is **attached.**

3. Pursuant to Section 53339.8 of the Act, it is hereby ordered that the territory proposed to be annexed to the District pursuant to Resolution No. 2017-414 be annexed to and be a part of the District with full legal effect, and that the District Special Taxes be levied within the territory.

4. The City Clerk is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of the Election.

5. The City Clerk is further authorized and directed to record an amendment to the Notice of Special Tax Lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Sections 3114.5 and 3117.7 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of December, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal, Ridenour, Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CERTIFICATE OF CITY CLERK

I, STEPHANIE LOPEZ, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2017-495, A Resolution of the City Council of the City of Modesto Calling an Election for the Purpose of Submitting the Levy of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) Special Taxes to the Qualified Electors of the Territory Proposed to be Annexed to the District (Annexation No. 16) adopted on December 5, 2017, by the City Council of the City of Modesto, I did conduct the Special Tax Election on December 5, 2017, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall special taxes for Tax Zone #2, with maximum rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-683, entitled "A Resolution of the City Council of the City of Modesto Creating Tax Zone #2 in Community Facilities District No. 2004-1 (Village One #2), Approving an Increase in the One-Time Facilities Special Tax Therein, and Approving Updates of the Rate and Method of apportionment of Special Taxes for the District", adopted by the City Council of the City of Modesto on December 14, 2004, which is incorporated herein by this reference, be levied within the territory proposed to be annexed to Tax Zone #2 of the City of Modesto Community Facilities District No. 2004-1 (Village One #2) pursuant to the City's Resolution No. 2017-414, entitled "A Resolution of the City Council of the City of Modesto of Intention to Annex Territory to Community Facilities District No. 2004-1 (Village One #2) and to Authorize the Levy of Special Taxes therein (Annexation No. 16)" adopted by the City Council of the City of Modesto on October 24, 2017, for the purposes set forth in Resolution No. 2004-199, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing City of Modesto Community Facilities District No. 2004-1 (Village One #2), Authorizing the Levy of Special Taxes within the District, Preliminarily Establishing an Appropriations Limit for the District, and Calling an Election for the Purpose of Submitting the Levy of the Special Taxes and the Establishment of the Appropriations Limit to the Qualified Electors of the District", adopted by the City Council of the City of Modesto on April 6, 2004, which is incorporated herein by this reference?

TOTAL VOTES CAST: YES 11 NO 0

Stephanie Lopez
City Clerk of the City of Modesto

Dated: Dec. 21, 2017

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-497

RESOLUTION SELECTING AND ADOPTING ALTERNATIVE 1B AS THE PREFERRED ALTERNATIVE ROUTE FOR THE ROUTE ALIGNMENT FOR THE NORTH COUNTY CORRIDOR PROJECT (TULLY ROAD TO STATE ROUTE 12)

WHEREAS, the North County Corridor Project ("NCC") is a high priority project for Stanislaus County, its communities and the growing urbanized cities within the County, including Modesto, and

WHEREAS, the purpose of the Project is to ultimately build a west-east freeway/expressway that would improve regional network circulation, relieve existing traffic congestion, reduce traffic delay, accommodate future traffic, benefit commerce and enhance safety, and

WHEREAS, the California Department of Transportation, as the lead agency for purposes of the California Environmental Quality Act ("CEQA") officially released the NCC Environmental Impact Report/Environmental Impact Statement "(EIR/EIS") for public review and comments on August 9, 2017, and

WHEREAS, City staff has spent a considerable amount of time and effort reviewing and evaluating the NCC EIR/EIS, and

WHEREAS, the public comment period for the NCC EIR/EIS closed on October 16, 2017, and

WHEREAS, staff has had an opportunity to review the alternative routes and recommends adoption of Alternative 1B as the preferred alternative route for the NCC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby selects and adopts Alternative 1B as the preferred alternative route for the route alignment for the North County Corridor Project (Tully Road to State Route 12).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Zoslocki

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-498

RESOLUTION DESIGNATING COUNCILMEMBER TONY MADRIGAL TO SERVE AS VICE MAYOR FOR THE ENSUING YEAR PURSUANT TO SECTION 603 OF THE CHARTER OF THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that Councilmember Tony Madrigal is hereby designated to serve as Vice Mayor for the ensuing year pursuant to Section 603 of the Charter of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-499

RESOLUTION APPROVING A SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED DECEMBER 21ST, 2016 WITH NORTON ROSE FULBRIGHT US LLP IN AN AMOUNT NOT TO EXCEED $240,000 , FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED $335,000 TO CONTINUE REPRESENTING THE CITY IN FINANCE MATTERS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney's Office is in need of outside counsel services that relate to finance matters; and

WHEREAS, Norton Rose Fulbright US LLP has represented the City in finance matters since December of 2016; and

WHEREAS, additional essential legal work needs to be performed that will result in fees exceeding the agreed upon budget of $95,000; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Norton Rose Fulbright US LLP; and

WHEREAS, the City Attorney's office has drafted a Second Amendment to the Legal Services agreement with Norton Rose Fulbright US LLP to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment to the Legal Services Agreement with Norton Rose Fulbright US LLP in an amount not to exceed $240,000, for a total agreement amount of $335,000 to continue representing the City in finance matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

BE IT FURTHER RESOLVED that the Interim City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

This Second Amendment for Legal Services (this "**Second Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **NORTON ROSE FULBRIGHT US LLP**, a Texas limited liability partnership ("**Attorney**"), located at 580 California Street, Floor 16, San Francisco, California 94104. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") for services for legal advice, representation and assistance on matters involving finance matters; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees by $240,000.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Norton Rose Fulbright US LLP, dated December 21st, 2016, and amended by Resolution No. 2017-308, is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of three hundred thirty five thousand dollars ($335,000)."

2. **Entire Agreement**. The parties to this Second Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated December 21st, 2016, remain in full force and effect to the extent they are not in conflict with this Second Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Second Amendment. No alteration to the terms of this Second Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Second Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Second Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Interim City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
NORTON ROSE FULBRIGHT US LLP

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-500

RESOLUTION APPROVING A RESTATED LEGAL SERVICES AGREEMENT WITH ARATA, SWINGLE, VAN EGMOND & GOODWIN IN AN AMOUNT NOT TO EXCEED $130,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN TORT CASES, AND AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney's Office is still in need of outside counsel services; and

WHEREAS, the City Council by Resolution No. 2014-241 had previously approved an agreement with Arata, Swingle, Van Egmond & Goodwin, in the amount of $200,000 to represent the City in the following types of cases: tort, trip and fall, sidewalk, road and other similar cases; and

WHEREAS, the original agreement was amended by Resolution Nos. 2015-198, 2016-289, 2016-506, and 2017-220; and

WHEREAS, the City Attorney's Office desires to restate the agreement with Arata, Swingle, Van Egmond & Goodwin; and

WHEREAS, this Restated Agreement amends, restates and replaces in its entirety the original Legal Services Agreement, dated June 24th, 2014 and all amendments; and

WHEREAS, the City Attorney's office has drafted a Restated Legal Services agreement with Arata, Swingle, Van Egmond and Goodwin.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Restated Legal Services Agreement with Arata, Swingle, Van Egmond & Goodwin, in an amount not to exceed $130,000 to continue representing the City of Modesto in tort matters, as provided in **Exhibit A attached** hereto and

incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

BE IT FURTHER RESOLVED, that the Interim City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

RESTATED LEGAL SERVICES AGREEMENT

This Restated Agreement for Legal Services (this "**Restated Agreement**") is made and entered into on the ___ day of _____, 20__ ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), located at 1010 Tenth Street, Sixth Floor, Modesto, California 95353 and **ARATA, SWINGLE, VAN EGMOND & GOODWIN**, a Professional Corporation ("**Attorney**"), located at 1207 I Street, Modesto, California 95354. City and Attorney are hereinafter collectively referred to as the "**Parties**," and singularly as a "**Party**."

RECITALS

WHEREAS, this Agreement amends, restates and replaces in its entirety the original Legal Services Agreement, dated June 24th, 2014 and amended by Resolution Nos. 2015-198, 2016-289, 2016-506, and 2017-220,

WHEREAS, City desires to continue Attorney's services with respect to providing legal advice, representation and assistance to City in defense of tort claims as assigned; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by this Agreement.

NOW, THEREFORE it is hereby agreed as follows:

1. Services.

a. Scope of Work: Subject to the terms and conditions set forth in this Agreement, Attorney shall provide to City the following services ("**Services**"):

Claims including litigation as assigned. Cases will include tort, trip and fall, sidewalk, road and other similar cases.

Attorney shall not be compensated for services outside the scope of work identified under this Section unless prior to the commencement of such services: (i) Attorney notifies City and City agrees that such services are outside the scope of work under this Section; (ii) Attorney estimates the additional compensation required for these additional services; and (iii) City, after notice, approves in writing a Supplemental Agreement specifying the additional services and amount of compensation therefor.

Specific tasks including specific claims under the scope of work of this Agreement performed by Attorney will be assigned by City with written notice to Attorney. Within ten (10) days of receiving notice by City of a new task, Attorney shall provide City a budget for the requested task. Attorney must receive written approval by City of the proposed budget prior to commencement of task. Total compensation for all tasks under this Agreement shall not exceed the total compensation under Section 2 of this Agreement.

b. **Term:** This Agreement shall become effective on the Effective Date, and shall continue in effect until both Parties have fully performed their respective obligations under this Agreement unless sooner terminated as provided in Section 7.

c. **Partner in Charge:** The partner in charge of the defense of City in assigned tort claims will be George Arata and Bradley Swingle. Attorney will utilize experienced associate attorneys and paralegals under supervision of the partner in charge. The partner in charge will be the contact person for City and will make himself/herself reasonable available to respond to questions from the City Attorney or City staff.

2. Fees and Costs.

a. **Hourly Rates:**

George Arata	$175.00/hour
Bradley J. Swingle	$175.00/hour
Colleen F. Van Egmond	$175.00/hour

The total of all fees paid to Attorney for the performance of all services set forth in Section 1 (hereafter the "**Services**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed the total sum of one hundred thirty thousand dollars ($130,000.00).

b. **Reimbursable Expenses.** City shall reimburse Attorney for the actual, reasonable and necessary expense of travel out of the Modesto metropolitan area, approved in advance, at $0.56 per mile. Attorney will not charge City for the cost of telephone calls or photocopying. Litigation costs and expenses for statutory fees, witness fees, reporters' per diem and stenographic transcriptions, jury fees, and the expenses of serving process shall be advanced by Attorney and reimbursed by City. Expert consultants and witnesses may be retained by Attorney on terms acceptable to City, approved in advance by email or letter by the City Representative (as defined hereafter), in which case City shall reimburse Attorney or pay such consultants or experts directly.

c. **Billing:**

i. Legal billings shall be submitted to City every thirty (30) days unless otherwise advised.

ii. Each task shall be distinctly and completely identified. In litigation matters, City will not pay invoices that contain block billing. Each billing entry must contain the initials of the individual performing the task, the nature of the task, the date it was performed, and the length of time it took.

iii. Costs under $1,000.00 shall be paid by Attorney and submitted with their normal billing.

iv. City reserves the right to audit all invoices.

v. Payments to Attorney shall be made within a reasonable time after receipt of Attorney's invoice, generally within sixty (60) days of receipt. Attorney shall be responsible for supplying all documentation necessary to verify the monthly billings to the satisfaction of City.

vi. In addition to the provisions stated elsewhere in this Agreement regarding the payment of fees, billing and budgeting, the following guidelines for billing apply:

(1) City expects each individual working on the matter for which Attorney is retained to have the necessary experience to perform the services required to protect or pursue City's interests in the matter in a cost effective manner, consistent with high professional and ethical standards.

(2) City expects Attorney to select the individual most suitable for the task required and the specific needs of the matter, and to use the maximum efficiencies available. Billings for services performed by the inappropriate level of personnel will be reduced by City based on rate adjustments for the appropriate level of personnel.

(3) City will not pay for unnecessary review of texts, codes, rules of court, or other fundamental references. City will pay the hourly rate for specific legal research which is unique to the matter, assuming that Attorney has used maximum efficiencies and that Attorney has not already recently performed research in the same or very similar areas of law.

(4) City acknowledges the benefit of communications between attorneys in the firm. City does, however, expect that intra-office conferences will only be held as needed, and will be kept to a minimum. Intra-office conferences shall be for the purpose of discussing strategy and legal issues which directly further the matter. City will not pay for conferences which are supervisorial, instructional or administrative. Any invoice which lists an intra-office conference that does not meet these guidelines must contain a full explanation and is subject to reduction by City. City will not pay for "team meetings" and City will scrutinize all intra-office conferences for "value added" to the matter by the conference, for the number of individuals attending the conference, the length of the conference, the subjects discussed at the conference and who participated in it, and will, in City's sole discretion, determine if such value has been added.

(5) City will not pay for local telephone calls, incoming facsimiles, postage, time spent on filing, calendaring, indexing pleadings, photocopying, conferences with Clerks of court or court reporters, secretarial proofreading, re-drafting due to substandard work, or opening, organizing or closing files. City will not pay for time billed by summer interns, time for more than one individual to attend a trial, hearing, court appearance, arbitration, mediation, deposition, third party meeting, conference call or similar event, unless otherwise approved by City in advance.

(6) Vague billing which does not contain sufficient information to allow City's reviewer of the invoice to determine the nature of the task, the reason for the task, and the individual performing the task is subject to reduction by City.

(7) City will not reimburse for overtime, word processing, supplies, anything identified on an invoice as "miscellaneous," or any other unidentified charges.

d. Budget:

i. Within ten (10) days of the Effective Date, Attorney shall provide City with a proposed budget for the Services to be rendered pursuant to this Agreement. If Services involve tasks that have not yet been assigned by City, Attorney shall provide City with a proposed budget for all assigned new tasks with ten (10) days of receiving written notice from the City assigning Attorney the new task. Total compensation for all tasks under this Agreement shall not exceed the total compensation under Section 2 of

this Agreement. The budget shall include all projected fees and costs to be incurred by Attorney and necessary for completion of the Services necessary to conclude the representation. The budget shall be a good faith estimate and shall be as complete and detailed as reasonably possible, including such items as discovery and motions for trial, preparation of documents for transactional services, and anticipated research and investigations. The proposed budget shall identify the projected total hours that will be billed to each task, and the individual that are anticipated to be performing the task. Any deviation from the budget in excess of fifteen percent (15%), must be approved in advance by the City Attorney or designee. Notwithstanding the foregoing, Should it become reasonably apparent to Attorney that the actual billings will exceed Attorney's initial estimate of anticipated legal costs and fees, Attorney shall immediately notify City thereof in advance and shall submit a revised written estimate for City's approval.

3. Reporting.

a. Attorney shall provide City with a preliminary status report and evaluation within thirty (30) days of the Effective Date and the assignment of such task which report shall include an evaluation of the total exposure to the City, the liability risk, estimated cost to litigate or settle, and the particular attorneys who will be assigned. In this preliminary report, Attorney shall also make recommendations for discovery and any needed investigation, if any, and provide an estimate of total anticipated legal costs and fees for the handling of this matter. Thereafter, Attorney shall provide a status update to the City Representative, as defined in Section 4, every sixty (60) days on any matter under this Agreement.

b. Attorney shall provide to City representative an electronic version of all agreements, pleadings, motions, and discovery documents filed or propounded by Attorney in a Microsoft Word format compatible with that used by the City Attorney's office.

c. In the event that Attorney's handling of the above-designated matter exceeds a period of twenty-four (24) months, Attorney shall, in addition to providing regular status reports to City, also report directly to the City representative on an annual basis and no later than March 30th of each year, setting forth in detail the status of the matter, and Attorney's plan for further handling of the matter, and the estimated length of time to conclude the matter.

4. **City Representative.** The City Attorney, or the City Attorney's designee, shall be the "City Representative" under this Agreement and shall administer this Agreement for City, including any payments hereunder. All Attorney questions pertaining to this Agreement shall be referred to the City Representative or the Representative's designee.

5. **Insurance Requirements.** During the entire term of this Agreement, Attorney shall maintain the following insurance:

   a. **Minimum Scope of Insurance:** Coverage should be at least as broad as:

      i. Insurance Services Office Form No. CG 0001 (Commercial General Liability);

      ii. Insurance Services Office Form No. CA 0001 (Ed. 1/87) (Automobile Liability, Code "any auto");

      iii. Workers' Compensation as required by the Labor Code of the State of California, and Employers' Liability Insurance:

      iv. Professional Liability (Errors and Omissions) insurance against loss due to error, omission or malpractice.

   b. **Minimum Limits of Insurance:** Attorney shall maintain limits no less than:

      i. **Commercial General Liability:** $1,000,000 combined single limit per occurrence, including endorsements for contractual liabilities, broad form property damage and personal injury.

      ii. **Automobile Liability:** $1,000,000 combined single limit per accident for personal injury and property damage arising from owned, hired and non-owned vehicles.

      iii. **Workers' Compensation and Employers' Liability:** Workers' compensation limits as required by the Labor Code of the State of California and Employers' Liability limits of $1,000,000 per accident.

      iv. **Professional Liability (Errors and Omissions):** $2,000,000 combined single limit per occurrence.

   c. **Deductibles and Self-Insured Retentions:** Any deductibles or self-insured retentions must be declared to and approved by the City.

   d. **Other Insurance Provisions:** The policies are to contain, or be endorsed to contain, the following provisions:

i. **General Liability and Automobile Liability Coverages:**

(1) The General Liability and Automobile Liability policies shall be written on an occurrence form and shall name City, its officers, officials, agents, employees and volunteers as additional insureds. Such policy(ies) of insurance shall be endorsed so that Attorney's insurance shall be primary and any insurance or self-insurance maintained by City, its officials, employees or volunteers shall be in excess of Attorney's insurance and shall not contribute with it.

(2) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its officials, employees or volunteers.

(3) Coverage shall state that Attorney's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

ii. **All Coverages:**

(1) Each insurance policy required by this Agreement shall be endorsed to state that coverages shall not be canceled except after thirty (30) days prior written notice has been given to City. In addition, Attorney agrees that it shall not reduce its coverage or limits on any such policy except after thirty (30) days prior written notice has been given to City and City approves the reduction in coverage or limits. Attorney further agrees that it shall not increase any deductibles or self-insured retentions on any such policy except after thirty (30) days prior written notice has been given to City and City approves such increase.

(2) In the event claims made forms are used for any Professional Liability coverage, either (i) the policy(ies) shall be endorsed to provide not less than a five (5) year discovery period, or (ii) the coverage shall be maintained for a minimum of five (5) years following the termination of this Agreement and the requirements of this section relating to such coverage shall survive termination or expiration of this Agreement. Attorney shall furnish City with the certificate(s) and applicable endorsements for ALL required insurance prior to City's execution of this Agreement.

e. **Acceptability of Insurers:** Insurance shall be placed with insurers with a Bests' rating of no less than A:VII. This requirement may, however, be waived in individual cases for Errors and Omissions Coverages only; provided, however,

that in no event shall a carrier with a rating below B:IX be acceptable.

f. **Verification of Coverage:** Attorney shall furnish City with certificates of insurance showing compliance with the above requirements and with original endorsements affecting all coverages required by this Agreement both prior to the execution of this Agreement, and during the pendency of this Agreement at any time upon request by City. The certificates and/or endorsements shall set forth a valid policy number for City, and shall indicate the Issue Date, Effective Date and Expiration Date. The certificates and endorsements for each insurance policy shall be signed by a person authorized by the insurer to bind coverage on its behalf. The certificates and endorsements shall be forwarded to the City Representative.

g. **Payment Withhold:** City shall withhold payments to Attorney if the certificates of insurance and endorsements required in this section are canceled or Attorney otherwise ceases to be insured as required herein.

6. **Indemnification.**

a. **Indemnity:** Attorney shall fully indemnify and save harmless, City, its officers and employees, including without limitation the City Attorney, and each and every one of them, from and against all actions, damages, costs, liability, claims, losses, judgments, penalties and expenses of every type and description, including, but not limited to, any fees and/or costs reasonably incurred by City's staff attorneys or outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "**Liabilities**"), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of Attorney, its subcontractors or agents, and their respective officers and employees, in connection with the performance or nonperformance of this Agreement, whether or not the City, its officers or employees reviewed, accepted or approved any service or work product performed or provided by the Attorney, and whether or not such Liabilities are litigated, settled or reduced to judgment.

b. **Obligation to Defend:** Attorney shall, upon City's request, defend at Attorney's sole cost any action, claim, suit, cause of action or portion thereof which asserts or alleges Liabilities to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of Attorney, its sub-attorneys, subcontractors or agents, and their respective officers and employees, in connection with the performance or nonperformance of this Agreement, whether such action, claim, suit, cause of action or portion thereof is well founded or not.

c. **Insurance Policies; Intellectual Property Claims:** The existence or acceptance by City of any of the insurance policies or coverages described in this Agreement

shall not affect or limit any of City's rights under this section, nor shall the limits of such insurance limit the liability of Attorney hereunder. This section shall not apply to any intellectual property claims, actions, lawsuits or other proceedings subject to the provisions of Section 4 (Confidentiality of City Information) above. The provisions of this section shall survive any expiration or termination of this Agreement.

7. Termination.

a. **By City**. City may terminate this Agreement at any time by written notice. After receiving such notice, Attorney will cease providing services. Attorney will cooperate with City in the orderly transfer of all related files and records to your new counsel.

b. **By Attorney**. Attorney may terminate this Agreement at any time with City's consent or for good cause. Attorney may terminate this Agreement for any reason by giving to City Attorney not less than thirty (30) days prior written notice of termination. The notice shall specify the effective date of and reason for the termination. Good cause exists if (a) any statement is not paid within ninety (90) days of its receipt; (b) City fails to meet any other obligation under this Agreement and continues in that failure for 15 days after Attorney sends written notice to City; (c) City has misrepresented or failed to disclose material facts to Attorney, refused to cooperate with Attorney, refused to follow Attorney's advice on a material matter, or otherwise made Attorney's representation unreasonably difficult; or (d) any other circumstance exists in which ethical rules of the legal profession mandate or permit termination, including situations where a conflict of interest arises. If Attorney terminates Services, City agree to execute a substitution of attorneys promptly and otherwise cooperate in effecting that termination.

Termination of this Agreement, whether by City or by Attorney, will not relieve the obligation to pay for services rendered and costs incurred before our services formally ceased.

8. General Provisions.

a. Independent Contractor.

i. It is understood and agreed that Attorney (including Attorney's employees) is an independent contractor and that no relationship of employer-employee exists between the Parties hereto for any purpose whatsoever. Neither Attorney nor Attorney's assigned personnel shall be entitled to any benefits payable to employees of City. City is not required to make any deductions or withholdings from the compensation payable to Attorney under the

provisions of this Agreement, and Attorney shall be issued an IRS Form 1099 for its services hereunder. As an independent contractor, Attorney hereby agrees to indemnify and hold City harmless from any and all claims that may be made against City based upon any contention by any of Attorney's employees or by any third party, including but not limited to any state or federal agency, that an employer-employee relationship or a substitute therefor exists for any purpose whatsoever by reason of this Agreement or by reason of the nature and/or performance of any Services under this Agreement.

ii. It is further understood and agreed by the Parties hereto that Attorney, in the performance of its obligations hereunder, is subject to the control and direction of City as to the designation of tasks to be performed and the results to be accomplished by the Services agreed to be rendered and performed under this Agreement, but not as to the means, methods, or sequence used by Attorney for accomplishing such results. To the extent that Attorney obtains permission to, and does, use City facilities, space, equipment or support services in the performance of this Agreement, this use shall be at the Attorney's sole discretion based on the Attorney's determination that such use will promote Attorney's efficiency and effectiveness. Except as may be specifically provided elsewhere in this Agreement, the City does not require that Attorney use City facilities, equipment or support services or work in City locations in the performance of this Agreement.

iii. If, in the performance of this Agreement, any third persons are employed by Attorney, such persons shall be entirely and exclusively under the direction, supervision, and control of Attorney. Except as may be specifically provided elsewhere in this Agreement, all terms of employment, including hours, wages, working conditions, discipline, hiring, and discharging, or any other terms of employment or requirements of law, shall be determined by Attorney. It is further understood and agreed that Attorney shall issue W-2 or 1099 Forms for income and employment tax purposes, for all of Attorney's assigned personnel and subcontractors.

b. **Licenses; Permits, Etc.:** Attorney represents and warrants that Attorney has all licenses, permits, City Business Operations Tax Certificate, qualifications, and approvals of whatsoever nature which are legally required for Attorney to practice its profession or provide any services under the Agreement.

_____
Attorney's Initial

Attorney represents and warrants that Attorney shall, at its sole cost and expense,

keep in effect or obtain at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Attorney to practice its profession or provide such Services. Without limiting the generality of the foregoing, if Attorney is an out-of-state corporation, Attorney warrants and represents that it possesses a valid certificate of qualification to transact business in the State of California issued by the California Secretary of State pursuant to Section 2105 of the California Corporations Code.

c. **Conflicts of Interest.** Attorney represents and warrants that they have made a diligent effort to determine whether there are any actual or potential conflicts of interest that would preclude or interfere with Attorney's performance of this Agreement, and that no such conflict of interest exists. Attorney shall indemnify and hold harmless City from and against any and all liability, loss, expense and obligation arising directly or indirectly out of any breach of the foregoing representation and warranty. Attorney agrees to avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City at all times during the performance of this Agreement.

d. **Confidentiality of City Information.** Attorney understands and agrees that during the course performing the services required by this Agreement, or in contemplation thereof, Attorney may have access to private or confidential information which may be owned or controlled by City and that such information may contain proprietary or confidential details, the disclosure of which to third parties may be damaging to City. Attorney agree that all information disclosed by City to Attorney shall be held in confidence and used only in performance of the services required by this Agreement. A violation of this section shall be a material violation of this Agreement and shall justify legal and/or equitable relief.

e. **Publicity.** The City Representative shall serve as the point of contact for press information regarding all matters pertaining to Services performed by Attorney under this Agreement. Attorney will consult with and obtain approval of the City Representative before making any statement to any media outlet (whether radio, print, internet or television) about the Services.

f. **Disqualification of Judges.** At the option of the City Attorney, judges may be disqualified from hearing City litigation, and Attorney shall adhere to such decision of the City Attorney. In the event that Attorney is of the opinion that a judge ought to be disqualified, the City Attorney must be consulted in advance by Attorney, and Attorney must obtain the City Attorney's written consent to such disqualification.

g. **Equal Employment Opportunity.** During the performance of this Agreement, Attorney, for itself, its assignees and successors in interest, agrees as follows:

i. **Compliance With Regulations:** Attorney shall comply with the Executive Order 11246 entitled "Equal Opportunity in Federal Employment", as amended by Executive Order 11375 and 12086, and as supplemented in Department of Labor regulations (41 CFR Chapter 60), hereinafter collectively referred to as the "Regulations."

ii. **Nondiscrimination:** Attorney, with regards to the work performed pursuant to this Agreement, shall not discriminate on the ground of race, color, religion, sex, national origin, age, marital status, physical handicap or sexual orientation in selection and retention of subcontractors, including procurement of materials and leases of equipment. Attorney shall not participate either directly or indirectly in discrimination prohibited by the Regulations.

h. **Severability.** If any portion of this Agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

i. **Waiver.** Neither City acceptance of, or payment for, any Service or Additional Service performed by Attorney, nor any waiver by either Party of any default, breach or condition precedent, shall be construed as a waiver of any provision of this Agreement, nor as a waiver of any other default, breach or condition precedent or any other right hereunder.

j. **Enforcement of Agreement.** This Agreement shall be governed, construed and enforced in accordance with the laws of the State of California. Venue of any litigation arising out of or connected with this Agreement shall lie exclusively in the state trial court or Federal District Court located in Stanislaus County in the State of California, and the Parties consent to jurisdiction over their persons and over the subject matter of any such litigation in such courts, and consent to service of process issued by such courts.

k. **Attorneys' Fees.** In any action to enforce the terms of this Agreement, the prevailing Party shall recover its reasonable attorneys' fees.

l. **Assignment Prohibited.** The expertise and experience of Attorney are material considerations for this Agreement. City has a strong interest in the qualifications and capability of the persons and entities who will fulfill the obligations imposed on Attorney under this Agreement. In recognition of this interest, Attorney shall not assign any right or obligation pursuant to this Agreement without the written consent of the City. Any attempted or purported assignment without City's written consent shall be void and of no effect.

m. **Notice.** Any notice, demand, request, consent, approval, communication either Party desires or is required to give the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail to the address set forth below. Either Party may change its address by notifying the other Party of the change of address in writing. Notice shall be deemed communicated forty-eight (48) hours from the time of mailing if mailed as provided in this section.

To: City of Modesto:
Attention: City Attorney
1010 Tenth Street, 6th Floor
Modesto, CA 95353
Phone: (209) 577-5288
Fax: (209) 544-8260

To: Attorney:
Attention: Bradley J. Swingle
1207 I Street
Modesto, CA 95353
Phone: (209) 522-2211
Fax: (209) 522-2980

9. **Entire Agreement.** This document, including all Exhibits, contains the entire agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Agreement. No alteration to the terms of this Agreement shall be valid unless approved in writing by Attorney, and by City, in accordance with applicable provision of the Modesto City Code.

10. **Authority.** The person signing this Agreement for Attorney hereby represents and warrants that he/she is fully authorized to sign this Agreement on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

11. **Exhibits.** All exhibits referred to herein are attached hereto and are by this reference incorporated as if set forth fully herein.

[Signatures on Next Page.]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Interim City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
ARATA, SWINGLE, VAN EGMOND & GOODWIN
a Professional Corporation

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title
2269130.1

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-501

RESOLUTION APPROVING A THIRD AMENDMENT TO THE LEGAL SERVICES AGREEMENT DATED AUGUST 8TH, 2016 WITH LIEBERT CASSIDY WHITMORE IN AN AMOUNT NOT TO EXCEED $75,000 TO CONTINUE REPRESENTING THE CITY OF MODESTO IN LABOR AND EMPLOYMENT MATTERS, AND AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City Attorney's Office is in need of outside counsel services that relate to labor and employment; and

WHEREAS, Liebert Cassidy Whitmore currently represents the City in one lawsuit; and

WHEREAS, the City Attorney's Office desires to extend the agreement with Liebert Cassidy Whitmore; and

WHEREAS, the City Attorney's office has drafted a Third Amendment to the Legal Services agreement with Liebert Cassidy Whitmore to continue services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore in an amount not to exceed $75,000 to continue representing the City of Modesto in labor and employment matters, as provided in **Exhibit A attached** hereto and incorporated herein, and further authorizes the City Attorney to execute such agreement in a form substantially similar to **Exhibit A.**

BE IT FURTHER RESOLVED, that the Interim City Manager or his designee, are hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced in a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT

This Third Amendment for Legal Services (this "**Third Amendment**"), is made and entered into on _____ day of _____ 2017 ("**Effective Date**"), by and between the **CITY OF MODESTO**, a California Municipal Corporation ("**City**"), and **LIEBERT CASSIDY WHITMORE,** ("**Attorney**"), located at 5250 N. Palm Avenue, Suite 310, Fresno, California 93704. City and Attorney are hereinafter collectively referred to as the "**Parties,**" and singularly as "**Party**".

RECITALS

WHEREAS, City and Attorney entered into a Legal Services Agreement ("**Agreement**") for services for legal advice, representation and assistance on matters involving labor and employment law; and

WHEREAS, Attorney is specially trained, experienced and competent to perform such services; and

WHEREAS, the public interest, economy and general welfare will be served by the Agreement; and

WHEREAS, City and Attorney desire to amend the Agreement for further service by increasing the previously approved amount of fees from $202,500 to $277,500.

NOW, THEREFORE, it is hereby agreed that the Legal Services Agreement between the City of Modesto and Liebert Cassidy Whitmore, dated August 8th, 2016, amended by Resolution Nos. 2016-510 and 2017-273 is amended as follows:

1. Section 2(a) of Paragraph 2, "Fees and Costs," Hourly Rates is amended to state as follows:

"The total of all fees paid to Attorney for the performance of all services set forth in Section 1(thereafter the "**Service**"), and for all authorized Reimbursable Expenses (as defined hereafter), shall not exceed a total sum of two hundred seventy-seven thousand and five hundred dollars ($277,500)."

2. **Entire Agreement**. The parties to this Third Amendment understand and agree that except as stated herein all terms and conditions of the original Agreement, dated August 8th, 2016, remain in full force and effect to the extent they are not in conflict with this Third Amendment. This document, including all exhibits, contain the entire amendment to the Agreement between the Parties and supersedes whatever oral or written understanding they may have had prior to the execution of this Third Amendment. No alteration to the terms of this Third Amendment shall be valid unless approved in writing by Attorney and by City, in accordance with applicable provision of the Modesto City Code.

3. **Authority**. The person signing this Third Amendment for Attorney hereby represents and warrants that he/she is fully authorized to sign this Third Amendment on behalf of Attorney and to bind Attorney to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the dates stated below.

CITY OF MODESTO,
A Municipal Corporation

By:_____

Print name: Joseph P. Lopez

Title: Interim City Manager

APPROVED TO AS FORM:

_____
Adam U. Lindgren, City Attorney

ATTEST:

_____
Stephanie Lopez, City Clerk

[Signatures Continued on Next Page.]

ATTORNEY:
LIEBERT CASSIDY WHITMORE

_____

_____
Federal I.D. No.

_____
State I.D. No.

_____
City of Modesto Business Op. Tax Cert. No.

TYPE OF BUSINESS ENTITY *(check one)*:

_____ Individual/Sole Proprietor
_____ Partnership
_____ Corporation
_____ Limited Liability Company
_____ Other (*please specify:* _____)

_____
Signature of Authorized Person

_____
Title

_____
Additional Signature *(if required)*

_____
Title

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-502

RESOLUTION APPROVING AN AGREEMENT WITH DRAKE HAGLAN AND ASSOCIATES, MODESTO, CA, IN AN AMOUNT NOT TO EXCEED $239,726, FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE CARPENTER ROAD STREET IMPROVEMENTS PROJECT, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City is ready to begin design for the Carpenter Road Street Improvements Project, and

WHEREAS, on May 24, 2016, by Resolution 2016-220, Council approved a list of projects to be funded upon the passage of Measure L within the first 5 years, and

WHEREAS, the list includes the Carpenter Road Street Improvements project under the Local Streets and Roads category with a total budget of $2.9 million dollars, and

WHEREAS, in November of 2016 the voters of Stanislaus County approve the county wide, 25-year, half-cent sales tax increase known as Measure L, and

WHEREAS, on July 5, 2017, by Resolution 2017- 269, Council approved a list of proposed projects including the Carpenter Road Street Improvements project to be funded with Measure L tax proceeds in Fiscal Year 2017-18, and

WHEREAS, in accordance with Administrative Directive 3.1 staff utilized a pre-qualified local consultant list and requested a proposal from Drake Haglan to perform design services for the Carpenter Road Street Improvements project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Drake Haglan and Associates (Modesto, CA)

for professional engineering design services for the Carpenter Road Street Improvements project, in an amount not to exceed $239,726.36.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is hereby authorized to execute the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-503

RESOLUTION APPROVING THE SUBMITTAL REQUIREMENTS FOR THE PROCESSING OF LANDMARK PRESERVATION (MILLS ACT) CONTRACT APPLICATIONS

WHEREAS, the Landmark Preservation Commission responsibilities have been transferred to the Community and Economic Development Department, effective July 1, 2016, and

WHEREAS, the Community and Economic Development Department established a Process Improvement program for development processes which identified the need for increased clarity and specificity in submittal requirements for development approvals, and

WHEREAS, on February 27, 2007, the City Council, by Resolution No. 2007-154, formally established submittal requirements for several types of zoning and development applications, and

WHEREAS, submittal requirements for Landmark Preservation (Mills Act) contract-related applications serve to ensure that important information is collected prior to processing the contract; to facilitate processing of the contract; and, to ensure a predictable and equitable approach to processing contracts, and

WHEREAS, at its regular meeting of July 27, 2017, at 1010 10th Street, Modesto, California, the Landmark Preservation Commission discussed proposed submittal requirements for Landmark Preservation (Mills Act) contract applications, and

WHEREAS, at its meeting of November 8, 2017, at 1010 10th Street, Modesto, California, the Economic Development Committee of the City Council accepted the report and voted to forward it to City Council, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed application submittal requirements as described in **Exhibit "A", attached** hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CITY OF MODESTO
Community and Economic Development Department/Planning Division
1010 Tenth Street, Suite 3300, P.O. Box 642
Modesto, CA 95353
(209) 577-5267 (209) 491-5798 FAX

Landmark Preservation Contract Application Submittal Requirements

GENERAL REQUIREMENTS:

☐ 1. The first two pages of the Uniform Application must be typed or printed and filled in completely. Please recycle the remaining sheets.

If the applicant is not the property owner, the property owner shall designate the applicant as the authorized agent to act on his or her behalf and both shall sign this application.

☐ 2. Landmark Preservation Contract Plan for Improvements (final list will be attached to contract).

Possible improvements include:

(a) The cost of ongoing maintenance.

(b) Clean up of the exterior, such as removal of dirt, obsolete ducts, wires, and other clutter, repainting

(c) Restoration of exterior features as they wear out.

(d) Removal of add-ons and restoration to original façade (e.g. remove stucco, replace vinyl windows with double-hung glass)

Include photos, if needed, to illustrate.

☐ 3. All applicable filing fees (see adopted fee schedule).

FOR YOUR INFORMATION: Staff may deem additional information necessary to adequately review the application, complete environmental review for the project, or make recommendations to the Landmark Preservation Commission. Completion of the application does not presume approval or staff support of the application. Such approval is discretionary with the Director, Planning Commission, and/or City Council. The Director, Planning Commission, or City Council may deny, modify, or conditionally approve the application.

About Landmark Preservation Contracts

What is a Landmark Preservation contract?
Old buildings are more costly to maintain and repair than more contemporary buildings. A Landmark Preservation contract—often referred to as a "Mills Act" contract-- acknowledges the value of maintaining historic buildings in good condition by exchanging a reduction in property tax for a plan for restoration and maintenance of a particular building. (In Modesto, these are officially referred to as "Landmark Preservation contracts.") Mills Act contracts are 10-year contracts that automatically renew annually if neither party to the contract takes action to terminate the contract. Contract termination may start a 10-year process of winding down or may terminate immediately. Immediate termination results in a financial penalty.

Can I get a Mills Act contract on my old building?
Any property or structure that meets the criteria in the Landmark Preservation Ordinance (Title 9, Chapter 10, of the Modesto Municipal Code) and which has been designated as a landmark is eligible for the Mills Act. Applications for Landmark Preservation contracts are heard before the Landmark Preservation Commission, which makes a recommendation to City Council. City Council makes the final decision at a public hearing.

Are there any other responsibilities I should know about?
The approved plan for improvements and maintenance is reviewed periodically to ensure that work is being performed in accordance with the contract. The property owner may submit a letter with receipts attached indicating the work performed since the last review. Staff may make appointments with the property owner to review the work. If the schedule of improvements and maintenance will change, the property owner should inform staff as part of the report.

What happens if I don't make the improvements?
The Landmark Preservation Commission can determine whether the contract should be terminated and makes a recommendation to City Council. City Council makes the final decision whether to terminate the contract.

What happens if I sell my house?
The Landmark Preservation contract follows the property and the contract will be disclosed as part of the sale. Property tax reduction is a positive selling point for the property.

Modesto's Municipal Code (Title 9, Chapter 10) includes these definitions of historic significance:

(a) Significance: The quality of the information, example, interest or meaning represented by the site for understanding and appreciating the past, development or culture.

(b) Historic Significance: Associated with activities, processes, events, trends or persons of importance to the community, state or nation.

(c) Architectural Significance: Possessing distinctive characteristics of a style, place, period, method or materials of construction, builder or architect.

(d) Cultural Significance: A significant setting of manmade or natural features (including significant trees or other plant life located thereon), or a combination, possessing meaning primarily by long association or identification with the community and/or its citizens.

(e) Archaeological Significance: A setting possessing the potential to reveal information important to historic or prehistoric studies.

(f) Engineering Significance: A work demonstrating a technology, design or method characteristic of a historic period or activity.

(g) Modesto Landmark Preservation Site: An area, district, building, structure or object, which has been designated for preservation for reasons of its significance by the City Council.

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-504

RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH BRIGHTVIEW GOLF MAINTENANCE, CALABASAS, CA (FORMERLY KNOWN AS VALLEYCREST GOLF MAINTENANCE, INC.), IN PARTNERSHIP WITH KEMPERSPORTS MANAGEMENT, FOR GOLF COURSE MANAGEMENT AND MAINTENANCE SERVICES; TO EXTEND THE AGREEMENT TERM FOR ONE YEAR TO DECEMBER 31, 2018; TO INCREASE ANNUAL COMPENSATION BY $127,738, IN AN AMOUNT NOT TO EXCEED $2,529,443 FOR THE ONE YEAR EXTENSION; AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, the City owns, operates and manages the Municipal Golf Course ("Municipal Course"), Dryden Park Municipal Golf Course ("Dryden Course"), and Creekside Municipal Golf Course ("Creekside Course"), and

WHEREAS, in February 2015 the City issued a formal Request for Proposals (RFP) to provide golf course management and maintenance services, and

WHEREAS, ValleyCrest Golf Maintenance ("ValleyCrest") ranked highest, and

WHEREAS, in July 2015, the Finance Committee opted to defer awarding the contract and directed staff to return with additional financial information, potential land use options, and possible closure scenarios for one or more courses, and

WHEREAS, in November 2015, the Finance Committee directed staff to continue pursuing options for repurposing a golf course and to proceed with agreement negotiations for a two-year contract with ValleyCrest, in partnership with KemperSports Management, Inc. ("KemperSports"), and

WHEREAS, on December 15, 2017, by Resolution No. 2015-486, the City Council approved a two year agreement with ValleyCrest, in partnership with

KemperSports, to provide golf course management and maintenance services, in an amount not to exceed $2,401,705 per year, and

WHEREAS, ValleyCrest is now doing business as BrightView Golf Maintenance, Inc. (BrightView), and

WHEREAS, in May 2016 staff made a presentation on the status of the City's golf courses to the Mayor's 100 Day Budget Review Committee ("Committee"), and

WHEREAS, Committee members Ron Jackson and George Petrulakis were appointed to explore possible options for the City's courses to reduce their impacts to the General Fund, and

WHEREAS, in September 2017, Ron Jackson, and staff presented a Golf Workshop to Council,

WHEREAS, the Council directed to staff to conduct public workshops and report findings at a future meetings, and

WHEREAS, public workshops are scheduled for January 2018, and

WHEREAS, the current contract is set to expire on December 31, 2017, and

WHEREAS, in order to maintain service to the City's courses, an extension is required, and

WHEREAS, BrightView and staff renegotiated the extension of the term and to amend compensation, and

WHEREAS, the proposed amendment will formerly recognize the name change of ValleyCrest to BrightView; extend the term of the agreement for one year or through December 31, 2018; and to increase the minimum annual compensation by $127,738, in an amount not to exceed $2,529,443 for the additional year, and

WHEREAS, the increase to the contract covers the rising costs of wages, primarily due to the increase in the minimum wage, as well as the cost of merchandise, food and beverages sold in the clubhouses, and

WHEREAS, the total increase is $127,738, for a total cost of $2,529,443 for one year, is currently included in the adopted Fiscal Year 2017-2018 operating budget, and

WHEREAS, on November 27, 2017, the Finance Committee reviewed the proposed amendment and recommended it be forwarded to Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the Agreement with BrightView which includes the following:

1. Recognizing the formal name change of ValleyCrest Golf Maintenance, Inc. to BrightView Golf Maintenance, Inc.
2. Extending the term of the Agreement for one year or through December 31, 2018.
3. Increasing the minimum annual compensation by $127,738, in an amount not to exceed $2,529,443 for the additional year.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Amendment to the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-505

RESOLUTION APPROVING THE MEASURE L MASTER FUNDING AGREEMENT WITH THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, in November of 2016, Stanislaus County voters approved a county-wide, 25-year, half-cent sales tax increase known as Measure L, and

WHEREAS, the Stanislaus Council of Governments (StanCOG), as the Local Transportation Authority, will administer the proceeds from the one-half cent sales tax, and

WHEREAS, the Measure L Master Funding Agreement (Agreement) delineates the requirements of the Measure L funds that are allocated to the jurisdictions within Stanislaus County for local streets and roads, traffic management and bike and pedestrian improvements, and Transit Provider funds for Transit Services, as authorized by the Measure L Expenditure Plan, and

WHEREAS, each of the member agencies of StanCOG is required to enter into the Agreement prior to receiving Measure L fund disbursements, and

WHEREAS, this Agreement was approved by the StanCOG Policy Board on November 15, 2017, and

WHEREAS, the term of the Agreement is three (3) years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Measure L Master Funding Agreement with the Stanislaus Council of Governments (StanCOG).

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-506

RESOLUTION APPROVING AN EIGHTEEN MONTH USE AGREEMENT WITH THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, WITH (3) ONE-YEAR AUTOMATIC EXTENSION OPTIONS ENDING JUNE 30, 2022 TO LOCATE A VENTURE LAB AT THE MODESTO CENTRE PLAZA RESULTING IN ANNUAL PAYMENT TO THE CITY OF $23,377 AND A TOTAL OF $105,197 OVER THE TERM OF THE AGREEMENT

WHEREAS, the Regents of the University of California, (University of California) and City of Modesto have identified the benefits of making secondary education opportunities available in Modesto, and

WHEREAS, the University of California, Merced (UC Merced) desires to establish a satellite Venture Lab in Modesto to focus on start-up businesses and works with founders to develop and market test their value propositions and discover their customers, and

WHEREAS, the City operates and manages the Modesto Centre Plaza (MCP), and

WHEREAS, repurposing a portion of the MCP as a Venture Lab will provide an economic benefit to the City and the downtown area, and

WHEREAS, City desires to enter into a use agreement with the University of California to use the Magnolia and Ash rooms on the lower level of MCP for $1.00 per year, and

WHEREAS, the proposed agreement term will be January 1, 2018 through June 30, 2019 with three (3) automatic one-year extension options, and

WHEREAS, the University of California will assume all expenses related to improvements, in addition to $23,377 per year for insurance, maintenance expenses, and utility expenses, and

WHEREAS, the University of California will have the option to purchase permits for two parking spaces at the City's prevailing monthly rate (currently $80/month), and

WHEREAS, on September 25, 2017, the Finance Committee (formerly Effective Government Committee) recommended this agreement be forwarded to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an eighteen month use agreement with The Regents of the University of California, with (3) one-year automatic extension options ending June 30, 2022 to locate a Venture Lab at the Modesto Centre Plaza.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form substantially similar to the **attached Exhibit A** and any other necessary implementing documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

USE AGREEMENT
BY AND BETWEEN
CITY OF MODESTO
AND
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

THIS USE AGREEMENT (the "**Agreement**") is entered into as of _____, 2017, by and between the CITY OF MODESTO ("**City**") and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ("**Operator**"), under the following terms and conditions:

1. Background.

a. City is the lessee of that certain parcel of real property located generally at 1000 L Street, Modesto, California (APN 105-048-011), which is currently improved with that portion of the Community Center Project known and referred to as the Modesto Centre Plaza (the "**Plaza**" or "**Building**").

b. Operator desires to use a portion of the space located on the lower level of the Plaza, consisting of approximately 1,600 square feet of improved space, referred to as the Ash/Magnolia rooms (the "**Designated Area**"), as shown on the diagram attached hereto as **Exhibit A** and incorporated herein by reference.

c. City desires to grant to Operator the right to use the Designated Area pursuant to the terms and conditions set forth in this Agreement.

2. City hereby grants to Operator the right to use the Designated Area, for the Activities described in Section 7, below, subject to all of the terms and conditions set forth in this Agreement.

3. Term, Occupancy, and Renewal.

a. Term. The term (the "**Term**") of this Agreement shall commence on the date this Agreement is signed by both parties (the "**Commencement Date**"), and shall continue in effect through June 30, 2019 (the "**Initial Term**").

b. Extensions. Operator shall have three (3) options(s) (each, an "Extension Option") to extend the Term beyond the initial term for consecutive periods of one (1) year each (each an "Extended Term"). Each Extension Option must be exercised, if at all, no later than three (3) months prior to the last day of the then current Term (or Extended Term) by written notice to City. All terms and conditions of this Agreement shall remain in full force during the Extended Terms(s). If such notice is not given, then this Agreement shall expire upon the expiration of the Initial Term or then current Extension Term, as the case may be.

4. Use Fee.

a. During the Term of this Agreement, Operator shall pay an annual fee of One Dollar ($1.00) (the "**Use Fee**") for the use of the Designated Area. All monetary obligations of

Operator to City under the terms of this Agreement, including but not limited to Operator's pro rata share of the Operating Expenses provided for under Section 11, below, shall be deemed to be a part of the Use Fee, and shall be paid in addition to the Use Fee amount set forth above.

b. Late Charge. Operator acknowledges that late payment by Operator to City of the Use Fee will cause City to incur costs not contemplated by this Agreement. If any installment of Use Fee due from Operator is not received by City within five (5) days after it becomes due, Operator shall pay to City an additional sum of 6% of the overdue Use Fee as a late charge.

c. Interest on Unpaid Use Fee. The Use Fee or other charges under this Agreement not paid within five (5) days of the date due shall, in addition to any late charges under Section 4.b, above, bear interest at the lesser of the maximum legal rate or 10% per annum from the date due until paid.

d. Place of Payment of Use Fee. The Use Fee and all other sums which shall become due under this Agreement, including but not limited to late charges and Operating Expenses, shall be payable by hand delivery or mail at the office of the City located at 1010 10th Street (P. O. Box 3441), Modesto, CA 95354, or at such other place as City may designate from time to time in writing. Mailed payments must be received (not postmarked) by City by the date due.

5. Parking. Operator acknowledges that there is no parking in the Building. City shall provide Operator, at no cost, two (2) parking spaces in the Tenth Street public parking garage, located in the proximity of the Plaza, for twelve (12) months from the effective date of this Agreement. Thereafter, Operator shall have the option of obtaining permits for two (2) parking spaces in the Tenth Street public parking garage, located in the proximity of the Plaza, at the prevailing cost of a Monthly Pass, currently Eighty Dollars ($80.00) per space per month. Parking passes to be purchased from the City Finance Department, Customer Service Division, 1010 10th Street, Second Floor. Any additional parking required shall be arranged by Operator through Parking Services Division of Public Works Department.

6. Condition of, and Improvements to, Designated Area.

a. Improvements. Except for the normal maintenance obligations set forth in Section 13.b., City shall have no obligation or responsibility, actual or implied, to install, construct, accommodate, or make any improvements to the Designated Area prior to, or as a condition of, Operator's use and occupancy of the Designated Area. Operator shall be responsible, at its sole cost and expense, for all work related to construction and build-out of the Venture Lab within the Designated Area, pursuant to plans approved by City. Operator shall also be permitted to install a key card system at the lower level exterior door, in accordance with plans approved by City, and if so installed, Operator shall be responsible for all repairs and maintenance of such key card system. Operator shall also be permitted to install security cameras, with the approval of the City, as well as white boards and removable decals inside the Designated Area. Any improvements affixed to the Designated Area, except furnishings, equipment and trade fixtures, shall, at City's option, become part of the real property and belong to City on expiration or termination of the Term or any Extended Term of this Agreement.

Operator shall keep the Designated Area and the Plaza free and clear of any liens or encumbrances which may arise from any such work. At City's option, Operator shall, at its sole cost and expense, remove all such improvements from the Designated Area at the end of the Term and repair any damage to the Designated Area occasioned by such removal. If Operator shall fail to complete such removal and repair such damage within ten (10) days after termination of this Agreement, City may do so and Operator shall pay the reasonable cost thereof as an additional User Fee within ten (10) days after City shall render to Operator a written statement therefor.

b. Operator shall cause all work performed in connection with the construction of the Venture Lab, defined in Section 7, below, and any other improvements to the Designated Area to be performed in compliance with all applicable laws, ordinances, rules and regulations of federal, state, county and municipal governments or agencies now in force or that may be enacted hereafter.

c. Prevailing Wages. Operator shall and shall cause its contractor and subcontractors to comply with all applicable provisions of California Labor Code Section 1720 *et seq.*, 1770 *et seq.*, 1777.5 *et seq.*, and implementing regulations of the California Department of Industrial Relations ("**DIR**"), and keep and retain such records as are necessary to determine if such prevailing wages have been paid as required pursuant to California Labor Code Section 1720 *et seq.*, and apprentices have been employed as required by California Labor Code Section 1777.5 *et seq.* Operator shall indemnify, hold harmless and defend (with counsel reasonably acceptable to the City) the City against any claim for damages, compensation, fines, penalties or other amounts arising out of the failure or alleged failure of any person or entity (including Operator, its contractor and subcontractors) to pay prevailing wages as determined pursuant to California Labor Code Section 1720 *et seq.*, to employ apprentices pursuant to California Labor Code Section 1777.5 *et seq.*, and implementing regulations of the DIR or to comply with the other applicable provisions of California Labor Code Sections 1720 *et seq.*, 1770 *et seq.*, 1777.5 *et seq.*, and the implementing regulations of the DIR in connection with the construction of the improvements to the Designated Area or any other work undertaken or in connection with the Designated Area. The requirements in this Subsection shall survive any termination of this Agreement.

d. As-Is Condition. Operator warrants and agrees that Operator has inspected the Designated Area. Operator agrees to take possession of the Designated Area in an AS-IS condition (which exists on the date this Agreement is signed) provided:

All doors and windows and glazing, interior and exterior, are repaired and in good working order at the occupancy date

The "premises" currently complies with all applicable codes and laws, including without limitation, the law commonly known as the Americans With Disabilities Act and California Code of Regulations Title 8, Sections 3281 through 3299 (collectively, "Laws") prior to Operator occupying.

The collapsible wall is in good working order and repair upon occupancy.

All Building Systems including, but not limited to, electrical, lighting, roof, ceiling and HVAC, are in good working order and repair at the occupancy date.

Operator further agrees that City shall have no responsibility for any repairs or improvements to the Designated Area, prior to, or as a condition of, Operator's occupation of the Designated Area. City makes no representations regarding the condition, status, compliance with laws or suitability for a particular purpose for Operator's use.

e. Condition Upon Surrender. Upon termination of this Agreement, Operator shall surrender the Designated Area to City in as good condition as when received, ordinary wear and tear and damage by fire, earthquake, or act of God excepted, and including any repairs or improvements made by Operator. If Operator fails to maintain the Designated Area in good order and repair, after thirty (30) days' prior written notice, City may, at its option, make such repairs, and Operator shall pay the reasonable cost thereof as additional Use Fee hereunder within ten (10) days after receipt of a written statement therefor. In the event the giving of thirty (30) days' prior notice may result in additional damage to the Designated Area, City may make such repairs, at Operator's expense, without thirty (30) days' prior written notice.

7. Use. The Designated Area shall be used only for the construction and operation of a Venture Lab ("**Venture Lab**") associated with UC Merced, to serve as an incubator for business entrepreneurs and small start-up businesses, as well as providing instruction via in-person or virtual classrooms. Operator shall not use any portion of the Designated Area for purposes other than those specified without first obtaining the written consent of City. Operator shall not do, bring, allow or keep anything in, on, or about the Designated Area which will in any way increase the premium rate or cause the cancellation of any fire or other insurance upon the Designated Area, the building in which the Designated Area is located, or any of its contents.

8. Common Areas. The term "**Common Areas**" is defined as all areas and facilities outside the Designated Area and within the exterior boundary line of the Plaza that are provided and designated by City from time-to-time for the general nonexclusive use of City, Operator and tenants and other occupants of the Plaza and their respective agents, employees, customers, contractors, licensees, invitees and other visitors, including entryways, hallways, restrooms, elevators, loading and unloading areas, trash areas, sidewalks, walkways, parkways, driveways and landscaped areas. Operator acknowledges that the City is not obligated to make any improvements either to the Designated Area or the Common Areas, in its sole and absolute discretion, determine to do so. City hereby grants to Operator, for the benefit of Operator and its directors, agents, employees, students, contractors, licensees, invitees and other visitors, during the Term of this Agreement, the nonexclusive right to use, in common with others entitled to such use, the Common Areas as they exist and ingress and egress to the Designated Area, subject to any rights, powers and privileges reserved by City under the terms hereof or under the terms of any rules and regulations or restrictions governing the use of the Building or the Designated Area. Under no circumstances shall the right herein granted to use the Common Areas be deemed to include the right to store any property, temporarily or permanently, in the Common Areas. Any such storage shall be permitted only by the prior written consent of City or City's designated agent, which consent may be revoked at any time. In the event that any unauthorized storage shall occur then City shall have the right, without notice, in addition to any other rights

and remedies that it may have, to remove the property and charge the cost to Operator, which cost shall be payable as additional Use Fee immediately upon demand by City.

9. Compliance with Laws/Hazardous Materials.

a. Operator, at Operator's expense, shall comply with and cause all of Operator's directors, employees, agents, students and others to comply with all applicable laws, ordinances, rules and regulations of governmental authorities applicable to the Designated Area or the use or occupancy thereof, including, without limitation, the law commonly known as the Americans With Disabilities Act and California Code of Regulations Title 8, Sections 3281 through 3299 (collectively, "**Laws**").

b. Operator shall not cause or permit any Hazardous Materials, as defined below, to be brought upon, kept, used, discharged, deposited or leaked in or about the Designated Area or the Plaza by Operator or any of Operator's directors, employees, licensees, students, invitees, agents, or contractors, or by anyone else in the Designated Area (other than City or its agents, employees or contractors), and shall indemnify City against the same.

10. Waste; Nuisance; Quiet Enjoyment. Operator shall not suffer or commit any waste or nuisance in the Designated Area, nor shall Operator interfere with or obstruct the rights of or disturb the quiet enjoyment of any other occupant of the Building or injure or annoy them. Operator shall not use or allow the Designated Area to be used for any improper, immoral, or objectionable purposes, to be determined in City's sole and absolute judgment.

11. Utilities; Operating Expenses. Operator shall pay Operator's pro rata share of the actual costs incurred by or on behalf of City for the operation of the Plaza (all, collectively, the "**Operating Expenses**"), including (a) insurance premiums (currently estimated to be $1.07 per square foot, or approximately $1,712 per year for the 1,600 square feet of space in the Designated Area), (b) maintenance costs (currently estimated to be $5.18 per square foot, or approximately $8,288 per year for the 1,600 square feet of space in the Designated Area), (c) real estate taxes, if applicable, and (d) all utilities and services furnished to or used by Operator upon the Designated Area or the Common Areas, including electricity, water, sewer, natural gas, and HVAC (currently estimated to be $8.36 per square foot, or approximately $13,376 per year for the 1,600 square feet of space in the Designated Area). Notwithstanding anything to the contrary herein, the pro rata share of maintenance costs to be paid by Operator, as set forth in subsection (b), above, shall not increase more than five percent (5%) per year. Operator's pro rata share of the Operating Expenses shall be paid in addition to the Use Fee amount set forth in Section 4, above, and shall be considered a part of the Use Fee for purposes of this Agreement. (See Attached **Exhibit B, Schedule of User Fee and Operating and Utility Expenses**, attached hereto).

Operator shall contract directly with the following utilities/service providers and pay for such services directly: cable service, telephone services, and all applicable connection charges.

City shall not be responsible for any interruptions or disturbance of service regardless of whether Operator is paying directly for such services or if such services are being contracted for by City, nor shall there be any abatement of the Use Fee resulting from any cessation or

interruption of utility service or other service contemplated by this section. Operator shall deposit all trash only in designated areas. Operator hereby waives the provisions of California Civil Code Section 1932(1) or any other applicable existing or future law, ordinance or governmental regulation permitting the termination of this Agreement due to the interruption or failure of any services to be provided under this Agreement.

12. Signs. Operator shall be permitted to install signage over the glass doors to the lower level of the Building, as well as a sign visible to the street at the top of the stairs, at an available location approved by City. All costs associated with such signage, including permits, design, furnishing, installation, repairs, maintenance and removal thereof, and including any restoration of the Building to its original condition prior to the installation of any such signage, shall be borne by Operator. All such signage shall meet all requirements of and be in accordance with the City's sign ordinance, and shall be subject to City's approval. The Building signage provisions are personal to Operator and may not be transferred or in any way utilized by a subtenant or assignee.

13. Maintenance, Repairs, Alterations and Liens.

a. Operator shall not make or cause to be made any alterations, additions, or improvements to or of the Designated Area or any part thereof without the prior written consent of City. If City authorizes any alterations, additions or improvements to or of the Designated Area or any part thereof, Operator shall keep the Designated Area and the Plaza free and clear of any liens or encumbrances which may arise from any such work.

b. City's Obligations. City shall keep in good order, condition and repair (a) the foundations, exterior walls, structural condition of interior bearing walls and structural roof of the Building; (b) the walkways, driveways, landscaping, fences, signs, the Common Areas, and all parts thereof; (c) all plumbing, heating, ventilating and air conditioning systems, electrical and lighting facilities and equipment within the Plaza, including those that serve the Designated Area; and (d) fixtures, interior walls and interior surfaces of exterior walls, ceilings, windows, and doors of the Building, the cost of which shall all be considered Operating Expenses subject to reimbursement under Section 11, above. City shall not, however, be obligated to paint the exterior or interior surface of exterior walls, paint the interior of the Designated Area or clean the carpets. City shall have no obligation to make repairs under this Section 13.b until a reasonable time after receipt of written notice from City of the need for such repairs.

c. Operator's Obligations. Except for those items that are the responsibility of City under Section 13.b., above, Operator shall keep the Designated Area, and all improvements, furnishings and equipment constructed or installed by Operator, in good order, condition and repair in all other respects, including replacement of glass located within the Designated Area. Operator is responsible for all janitorial needs of the Designated Area.

14. Assignment and Sublicense. Operator shall not assign or encumber this Agreement or any interest herein or sublet or license the Designated Area or any portion thereof either voluntarily or by operation of law without the prior written consent of City, which consent shall not be unreasonably withheld.

15. Entry by City. City and its agents shall have the right to enter the Designated Area at reasonable times to inspect and examine the same and to make such repairs to the Designated Area as the City shall deem advisable, and to show the Designated Area to prospective tenants, buyers or lenders.

16. Indemnification.

a. Waiver of Claims. To the extent permitted by law, Operator waives all claims against City for damage to person or property arising for any reason. Operator assumes all such risks for Operator and any directors, employees, licensees, students, invitees, agents, or contractors.

b. General Indemnity.

City's obligation. City shall indemnify, defend, hold harmless Operator, its officers, agents, and employees from and against any claims, damages, costs, expenses, or liabilities (collectively "Claims") arising out of or in any way connected with this Agreement including, without limitation, Claims for loss or damage to any property, or for death or injury to any person or persons, but only in proportion to and to the extent that such Claims arise from the negligent or wrongful acts or omissions of the City, its officers, partners, agents, or employees.

Operator's Obligation. Operator shall indemnify, defend and hold harmless City, its officers, partners, agents, and employees from and against any Claims arising out of or in any way connected with this Agreement including, without limitation, Claims for loss or damage to any property or for death or injury to any person or persons, but only in proportion to and to the extent that such Claims arise from the negligent or wrongful acts or omissions of Operator, its officers, agents, or employees.

17. Insurance.

Operator shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the Operator's operation and use of the leased premises. The cost of such insurance shall be borne by the Operator.

MINIMUM SCOPE AND LIMIT OF INSURANCE

Coverage shall be at least as broad as:

a. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than $1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

b. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than $1,000,000 per accident for bodily injury or disease (for lessees with employees).

c. Property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

If the Operator maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or higher limits maintained. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

Application of Excess Liability Coverage: Operators may use a combination of primary, and excess insurance policies which provide coverage as broad as ("follow form" over) the underlying primary policies, to satisfy the Required Insurance provisions.

d. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

(1) Additional Insured Status

The City of Modesto, its officers, officials, employees, agents and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Operator including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Operator's insurance at least as broad as ISO Form CG 20 10.

(2) Primary Coverage

For any claims related to this contract, the Operator's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the City, its officers, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, agents or volunteers shall be excess of the Operator's insurance and shall not contribute with it.

(3) Reporting

Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City or its officers, officials, employees, agents or volunteers.

(4) Notice of Cancellation

Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the City.

(5) Waiver of Subrogation

Operator hereby grants to City a waiver of any right to subrogation which any insurer of said Operator may acquire against the City by virtue of the payment of any loss under such insurance. Operator agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

(6) Self-Insured Retentions

Self-insured retentions must be declared to and approved by the City. At the option of the City, either: the Operator shall obtain coverage to reduce or eliminate such self-insured retentions as respects the City, its officers, officials, employees, agents and volunteers; or the Operator shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

(7) Acceptability of Insurers

Insurance is to be placed with California admitted insurers (licensed to do business in California) with a current A.M. Best's rating of no less than A-VII, however, if no California admitted insurance company provides the required insurance, it is acceptable to provide the required insurance through a United States domiciled carrier that meets the required Best's rating and that is listed on the current List of Approved Surplus Line Insurers (LASLI) maintained by the California Department of Insurance.

(8) Verification of Coverage

Operator shall furnish the City with a copy of the policy declaration and endorsement page(s), original certificates and amendatory endorsements or copies of the applicable policy language providing the insurance coverage required above. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Operator's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

(9) Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

(10) Insurance Limits

The limits of insurance described herein shall not limit the liability of the Operator and Operator's officers, employees, agents, representatives or subcontractors. Operators' obligation to defend, indemnify and hold the City, it's officers, officials, employees, agents and volunteers harmless under the provisions of this paragraph is not limited to or restricted by any requirement in the Agreement for Operators to procure and maintain a policy of insurance.

18. Destruction of Designated Area.

a. Destruction Due to Risk Covered by Insurance. If, during the Term of this Agreement, including any Extended Term, the Designated Area or the Building and other improvements in which the Designated Area are located are totally or partially destroyed from a risk covered by insurance carried by either Operator or City, rendering the Designated Area totally or partially inaccessible or unusable, City shall restore the Designated Area or the Building, and other improvements in which the Designated Area are located, to substantially the same condition as they were immediately before destruction if they can be repaired within a reasonable period of time from date of destruction. City can elect to terminate this Agreement by giving notice to Operator within fifteen (15) days after determining that the restoration cost will exceed the insurance proceeds.

b. Destruction Due to Risk Not Covered by Insurance. If, during the Term of this Agreement, including any Extended Term, the Designated Area or the Building and other improvements in which the Designated Area are located are totally or partially destroyed by a risk not covered by the insurance, rendering the Designated Area totally or partially inaccessible or unusable, City can elect to terminate this Agreement by giving notice to Operator within fifteen (15) days after determining the restoration cost and replacement value.

c. Abatement or Reduction of Use Fee. In case of destruction, there shall be an abatement or reduction of Use Fee between the date of destruction and the date of substantial completion of restoration based on the extent to which the destruction interferes with Operator's use of the Designated Area.

d. Waiver of Civil Code Sections. Operator waives the provisions of California Civil Code Section 1932(2) and California Civil Code Section 1933(4) with respect to any destruction of the Designated Area.

19. Default and City's Remedies.

a. Default. The occurrence of any of the following shall constitute a default by Operator:

(1) Operator shall fail to pay when due any Use Fee or any other monetary sum payable under this Agreement.

(2) Operator shall fail to observe, keep or perform any of the other terms, covenants, agreements or conditions contained in this Agreement.

(3) Operator shall become bankrupt or insolvent or make a transfer in fraud of creditors, or make an assignment for the benefit of creditors, or take or have taken against Operator any proceedings of any kind under any provision of the Federal Bankruptcy Act or under any other insolvency, bankruptcy or reorganization act and, in the event any such proceedings are involuntary, Operator is not discharged from the same within thirty (30) days thereafter.

(4) A receiver is appointed for a substantial part of the assets of Operator, and such receivership is not released within thirty (30) days.

(5) The abandonment of the Designated Area by Operator, or the vacation (hereby defined to be thirty (30) or more consecutive days of continual absence from the Designated Area) of the Designated Area by Operator.

(6) This Agreement or any estate of Operator hereunder shall be levied upon by any attachment or execution and such levy is not released within thirty (30) days.

b. City's Remedies. If any default by Operator shall occur, and following notice of default as required by this Agreement (for the period applicable to the default under the applicable provision of this Agreement), City shall have the following remedies in addition to all other rights and remedies provided by law or equity, to which City may resort cumulatively or in the alternative.

(1) City shall have the immediate option to terminate this Agreement and all rights of Operator hereunder by giving written notice of such intention to terminate. In the event that City shall so elect to terminate this Agreement, then City may recover from Operator:

(a) The worth at the time of award of any unpaid Use Fee which had been earned at the time of such termination; plus

(b) The worth at the time of award of the amount by which the unpaid Use Fee which would have been earned after termination until the time of award exceeds the amount of such Use Fee loss Operator proves could have been reasonably avoided; plus

(c) The worth at the time of award of the amount by which the unpaid Use Fee for the balance of the term after the time of award exceeds the amount of such Use Fee loss that Operator proves could be reasonably avoided; plus

(d) Any other amount necessary to compensate City for all the detriment proximately caused by Operator's failure to perform its obligations under this Agreement or which in the ordinary course of things would be likely to result therefrom; and

(e) At City's election, such other amounts in addition to or in lieu of the foregoing as may be permitted from time to time by applicable law.

As used in Subparagraphs (a) and (b) above of this section, the "worth at the time of award" is computed by allowing interest at the maximum rate an individual is permitted by law to charge. As used in subparagraph (c) above, the "worth at the time of award" is computed

by discounting such amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of award plus one percent (1%).

(2) In the event of the vacation or abandonment of the Designated Area by Operator, or in the event that City shall elect to reenter as provided herein or shall take possession of the Designated Area pursuant to legal proceeding or pursuant to any notice provided by law, then City shall have the remedy specified by Civil Code Section 1951.4, in which City may from time to time recover any Use Fee as it becomes due or relet the Designated Area or any part thereof for the account of Operator on such term or terms and at such rental or rentals and upon such other terms and conditions as City in its sole discretion may deem advisable, with the right to make alterations and repairs to the Designated Area.

(3) No reentry or taking possession of the Designated Area by City pursuant to this section shall be construed as an election to terminate this Agreement unless a written notice of such intention be given to Operator or unless the termination thereof be decreed by a court of competent jurisdiction.

20. Broker's Fee. City and Operator each represent and warrant to the other that no broker has represented either of them or is otherwise entitled to a commission or fee in connection with the transaction contemplated in this Agreement. Each party hereby indemnifies, defends and holds the other party harmless from all loss, cost and expense (including reasonable attorneys' fees) arising out of a breach of its representation set forth in this Section 20. The provisions of this Section 20 shall survive the termination of the Agreement.

21. Estoppel Certificate. Operator shall execute and deliver to City within ten (10) days of request a commercially reasonable estoppel statement. City and Operator intend that any estoppel statement delivered pursuant to this Section may be relied upon by any mortgagee, beneficiary, purchaser or prospective purchaser of the Building or any interest therein and failure to execute and return such estoppel shall be a material breach of the Agreement.

22. Attorneys' Fees. If either party commences an action against the other party arising out of or in connection with this Agreement, the prevailing party shall be entitled to have and recover from the losing party reasonable attorney's fees and costs of suit.

23. Notices. Any notice required or permitted to be given hereunder must be given in writing and may be served (a) by personal delivery, (b) by registered or certified mail or United States Postal Service Express Mail, with postage fully prepaid, (c) by recognized overnight courier that guarantees next-day delivery, or (d) by receipt-confirmed facsimile transmission, provided a copy is also delivered by personal delivery, mail or courier. Either party may, by notice to the other, specify a different address for notice purposes.

CITY: City of Modesto
1010 Tenth Street
Modesto, CA 95354
Attention: Laurie A. Smith
(209) 577-5347

UC MERCED:	The Regents of the University of California c/o UC Merced Associate Vice Chancellor, Physical Operations, Planning and Development 5200 North Lake Road Merced, CA 95344 Attention: Associate Vice Chancellor, Physical Operations, Planning & Development
Copy to:	UC Merced, Contracts & Real Estate Manager 5200 North Lake Road Merced, CA 95344

24. Waiver; Accord and Satisfaction. No delay or omission in the exercise of any right or remedy of City on any default by Operator shall impair such right or be construed as a waiver. The receipt and acceptance by City of delinquent Use Fee shall not constitute a waiver of any other default; it shall constitute only a waiver of timely payment for the particular Use Fee payment involved. Time is of the essence of this Agreement as to the performance of all terms, covenants, and conditions stated herein.

25. Successors and Assigns. Except as otherwise provided herein, all of the terms and conditions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. In the event of any transfer, assignment or other conveyance or transfers of any such title or Operator, City (and in case of any subsequent transfers or conveyances, the then grantor) shall be automatically freed and relieved from and after the date of such transfer. City may transfer its interest in the Designated Area without the consent of Operator and such transfer or subsequent transfer shall not be deemed a violation on City's part of any of the terms and conditions of this Agreement.

26. This Agreement contains the entire agreement of the parties and supersedes all prior negotiations, drafts, and other understandings which the parties may have concerning the subject matter hereof. This Agreement may not be modified except by written instrument duly executed by the parties hereto or their successors in interest. This Agreement shall be governed by and construed pursuant to the laws of the State of California.

27. Any provision of this Agreement which shall prove to be invalid, void or illegal in no way affects, impairs or invalidates any other provision hereof, and such other provisions shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. 2017-_____, adopted by the Council of the City of Modesto on the ____ day of _____, 2017, and The Regents of the University of California has caused this agreement to be duly executed in duplicate as of the Effective Date.

CITY OF MODESTO,

By _____
Joseph P. Lopez, Interim City Manager

ATTEST:

By _____
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By _____
ADAM U. LINDGREN, City Attorney

APPROVED AS TO FORM:

By _____
BEVERLY JENSEN, Risk Manager

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

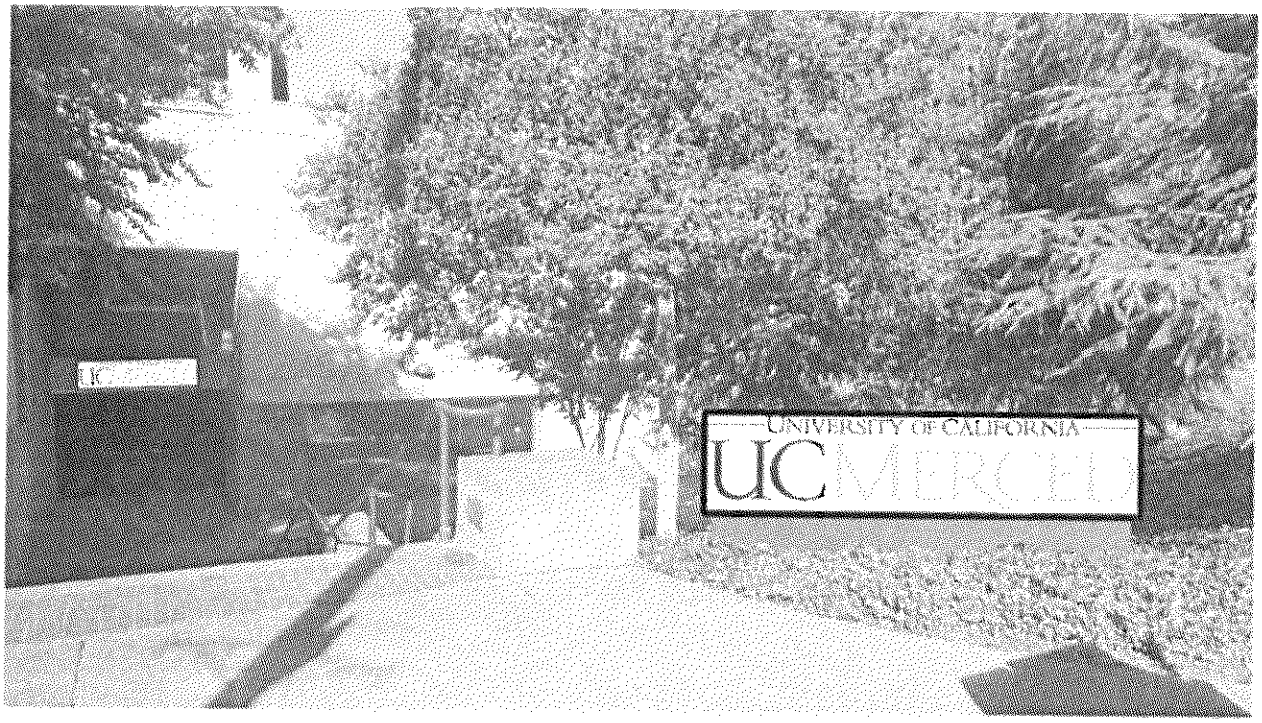
By _____
Name Title

By _____
Name Title

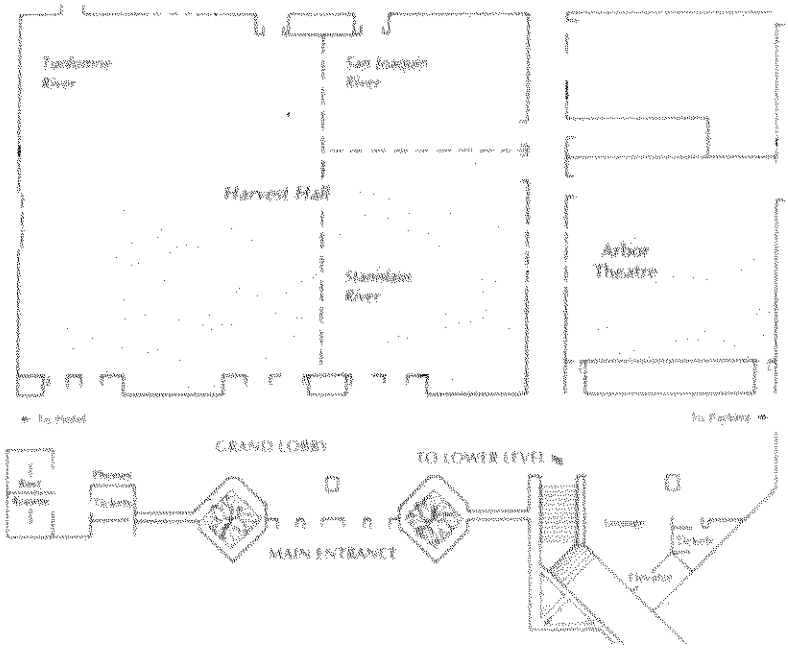
(Seal)

EXHIBIT A

DIAGRAM OF THE DESIGNATED AREA



Modesto Centre Plaza – UPPER LEVEL



Modesto Centre Plaza – LOWER LEVEL

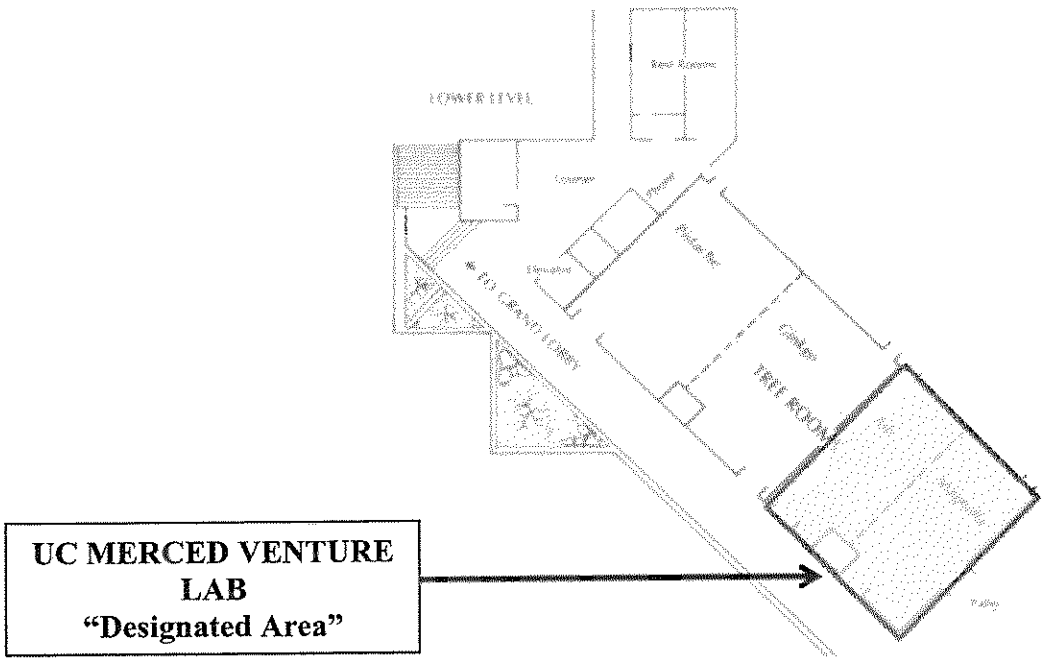


Exhibit "B"

Schedule of User Fee and Operating and Utility Expenses

1. **User Fee**
   a. Operator shall pay an annual fee of One Dollar ($1.00) ("**User Fee**") for the use of the Designated Area. Payment shall be made to:

City of Modesto
1010 10th Street
P.O. Box 3441
Modesto, CA 95354

2. **Operating & Utility Expense**

a. Insurance

Property Insurance:	$20,546
Liability Insurance:	$ 5,240
Total Annual Insurance cost:	$25,786

$25,786/24,000 sf = $1.07/sf
$1.07/sf x 1,600 sf = $1,712/year

$1,712/yr / 12 months = $142.66/month

b. Operating/Maintenance

Annual maintenance expense: $124,396

$124,396/24,000 sf = $5.18/sf
$5.18/sf x 1,600 sf = $8,288/yr

$8,288/yr/12 months = $691/month

c. Utilities

$200,735/24,000 sf = $8.36/sf
$8.36/sf x 1,600 sf = $13,376/yr

$13,376 /12 months = $865/month

Operating & Utility Expense Summary

Expense Type	Annual Amount	Monthly Amount	Per Square Foot
Insurance	$1,712	$143	$1.07
Maintenance	$8,288	$691	$5.18
Utilities	$13,376	$865	$8.36
Total	$23,376	$1,699	$54.61

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-507

RESOLUTION APPROVING THE FINAL MAP OF HILLGLEN ROSELLE SUBDIVISION, AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A SUBDIVISION AGREEMENT WITH MODESTO ROSELLE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER'S OFFICE

WHEREAS, MODESTO ROSELLE, LLC, ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 8.39 acres, known as the HILLGLEN ROSELLE SUBDIVISION ("SUBDIVISION"), in the Precise Plan Number 13 of the Village One Specific Plan, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on February 27, 2006 with conditions of approval as noted in Planning Commission resolution Number 2006-08, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer, as designated by the Public Works Director, have certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the project is currently under construction and the public improvements have not yet been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities are in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said Final Map be approved; that the dedications for public streets and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Manager or his designee be authorized to execute the Subdivision Agreement.

BE IT FURTHER RESOLVED that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Ridenour

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-508

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE COLLEGE AREA NEIGHBORHOOD ALLIANCE, MODESTO NEIGHBORHOODS, INC. AND THE CITY OF MODESTO REGARDING THE DESIGN AND INSTALLATION OF VARIOUS GRACEADA & ENSLEN PARK IMPROVEMENT PROJECTS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, in late 2016, College Area Neighborhood Alliance and Modesto Neighborhoods, Inc. (Organization) approached the City of Modesto (City) to discuss the need to complete various park improvement projects (Project) at Graceada Park and Enslen Park, and

WHEREAS, the Organization will obtain approval from the City for each Project(s) at Graceada Park and Enslen Park prior to beginning work on said Project, and

WHEREAS, the Organization wants to raise funds to complete the design and construction of Project(s) at Graceada Park and Enslen Park on behalf of the City, and

WHEREAS, the Organization wants to donate completed Project(s) at Graceada Park & Enslen Park to the City, and

WHEREAS, the Memorandum of Understanding (MOU) affirms and formalizes the understanding between the Parties related to the Organization's purchase, design, installation, donation and maintenance of the Project without committing the City to any of the Projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the College Area Neighborhood Alliance, Modesto Neighborhoods, Inc. and the City of Modesto

relating to the purchase, design, installation, donation and maintenance of various park improvement projects at Graceada Park and Enslen Park.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the MOU, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-509

RESOLUTION APPROVING A SETTLEMENT AGREEMENT AND RELEASE WITH RONALD DIAS FOR THE PURCHASE AND SALE OF REAL PROPERTY LOCATED AT 2847 RIVER ROAD (APN 039-008-005), IN THE AMOUNT OF $339,000 AND PAYMENT OF ATTORNEYS' FEES AND COSTS IN THE AMOUNT OF $75,000 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL NECESSARY DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto, Stanislaus County and Ronald Dias were parties to a certain action entitled "City of Modesto vs. Dias," Case No. 2013360, and

WHEREAS, as part of the resolution of that case, the City has agreed to purchase and Ronald Dias has agreed to sell property located at 2847 River Road, Modesto California, Assessor's Parcel Number 039-008-005, and

WHEREAS, in addition to the purchase of the property, the City has also agreed to pay attorney fees and costs in the amount of $75,000 for a full and final mutual release of claims, and

WHEREAS, the City and Ronald Dias have agreed to the terms of the Settlement Agreement and Release, which is **attached** hereto as **Exhibit A**, and

WHEREAS, Stanislaus County and Ronald Dias entered into a separate settlement agreement, and

WHEREAS, the property, located on River Road in Modesto is near the Modesto City-County Airport, and

WHEREAS, because of the location of the property in relation to the runways, the property must comply with the Federal Aviation Administration ("FAA") regulations relating to transitional airspace, which might affect whether the FAA allows the airport to function, and

WHEREAS, a clear zone is required by the FAA for the southeast end of the airport, and

WHEREAS, Ronald Dias, the property owner of 2847 River Road (APN 039-008-005), has agreed to execute a Grant Deed to the City as part of the terms of the settlement, to ensure that the City can maintain the property in compliance with FAA regulations relating to transitional airspace.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Settlement Agreement and Release with Ronald Dias of the purchase and sale of real property located at 2847 River Road (APN 039-008-005) in the amount of $339,000 and payment of attorneys' fees and costs in the amount of $75,000.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute the Settlement Agreement and Release, in a form approved by the City Attorney, and all necessary sale documents required for the sale of the real property (APN 039-008-005) and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

SETTLEMENT AGREEMENT AND RELEASE

Case Name: *City of Modesto v. Ronald Edwin Dias*

Case No.: Stanislaus County Superior Court Case No. Case No. 2013360

1. CONSIDERATION

FOR GOOD AND VALUABLE CONSIDERATION, in the amount of $339,000.00 (Three Hundred Thirty-Nine Thousand) Dollars (the "PURCHASE PRICE"), the sufficiency of which is hereby admitted and acknowledged, RONALD EDWIN DIAS, individually and on behalf of his heirs, domestic partners, executors, administrators, and assigns, if any (hereinafter referred to individually and collectively as "RELEASOR"), hereby agrees to sell the property located at 2847 River Road, Modesto California, Assessor's Parcel Number 039-008-005 ("PROPERTY") to the Plaintiff and Cross-Defendant City of Modesto ("CITY") and to fully and forever release and discharge the City of Modesto, together with its council members, their elective and/or appointive boards, agents, servants, employees, consultants, departments, commissioners, and officers, from any and all claims, actions, causes of action, liabilities, damages, demands, attorneys' fees, expenses and costs (including without limitation court costs) of any kind or nature whatsoever, whether known or unknown, suspected or unsuspected, which have existed or may have existed, or which do exist, or which hereafter shall or may exist, and which (1) are alleged or set forth or attempted to be set forth in the pleadings on file in that certain action entitled "*City of Modesto vs. Dias*," being Case No. 2013360 on the records of the Stanislaus County Superior Court (hereinafter referred to as the "ACTION"), or (2) arise out of or are in any way related to any of the transactions, occurrences, acts or omissions set forth or alleged in any of the pleadings in the Action (hereinafter referred to collectively as the "CLAIMS")

For good and valuable consideration, the sufficiency of which is hereby admitted and acknowledged, CITY agrees to fully and forever release and discharge RONALD EDWIN DIAS from any and all claims, actions, causes of action, liabilities, damages, demands, attorneys' fees, expenses and costs (including without limitation court costs) of any kind or nature whatsoever, whether known or unknown, suspected or unsuspected, which have existed or may have existed, or which do exist, or which hereafter shall or may exist, including, but not limited to those which (1) are alleged or set forth or attempted to be set forth in the pleadings on file in the ACTION, or (2) arise out of or are in any way related to any of the transactions, occurrences, acts or omissions set forth or alleged in any of the CLAIMS.

2. EFFECTIVE DATE

The Effective Date of the Agreement, as set forth hereinabove, shall be the date the RELEASOR'S signature is affixed to this Agreement.

3. PURCHASE AND SALE OF REAL PROPERTY

RELEASOR agrees to sell and CITY agrees to purchase the PROPERTY subject to the terms and conditions in this Agreement. CITY shall pay the full $339,000.00, in cash to OWNER by depositing cash or in immediately available funds to Escrow Agent, as defined in Section 4 of this Agreement, on or before the Closing Date as defined in Section 10 of this Agreement.

4. ESCROW AGENT AND INSTRUCTIONS

By this Agreement, CITY and RELEASOR establish an escrow ("Escrow") to consummate the sale of the Property according to the terms of this Agreement, at the office of Chicago Title Company, 1700 Standiford Ave, Suite 110, Modesto, California, 95350, Attention: Jennifer Carothers ("Escrow Agent"), subject to Escrow Agent's standard instructions and the terms of this Agreement. An executed copy of this Agreement shall be delivered as escrow instructions to Escrow Agent. In the event of any conflict between the terms of this Agreement and Escrow Agent's standard escrow instructions, the terms of this Agreement shall control. RELEASOR hereby authorizes CITY to prepare and deliver to Escrow Agent any special escrow instructions in accordance with this Agreement on behalf of both parties.

At least ten (10) days prior to the Closing Date (as defined in Section 10), Escrow Agent shall notify CITY and RELEASOR in writing of the estimated costs to close escrow to include the following:

a. The estimated cost of premium for the CLTA standard coverage title insurance policy in the full amount of the PURCHASE PRICE of the Subject Property;

b. Escrow Agent's escrow fees;

c. An estimate for any governmental fees to be charged; and

d. An estimate of recording fees.

5. CONDITIONAL PURCHASE, CONDITIONS PRECEDENT

RELEASOR understands and agrees that CITY's agreement to purchase the Subject Property is a conditional one and is contingent on multiple conditions, each of which must be satisfied. The Close of Escrow and CITY's obligation to purchase the Subject Property pursuant to this Agreement are contingent on the satisfaction or written waiver by CITY of each of the following conditions which are solely for CITY's benefit unless otherwise indicated. Any of said conditions may be waived by CITY, so long as such waiver is in writing. The City Manager of the City of Modesto is authorized to give any notices under this Agreement on behalf of CITY.

a. Marketable Title. The conveyance to CITY of good and marketable fee simple title to the Property, as evidenced by a CLTA standard coverage title insurance policy issued by North American Title Company in the full amount of the PURCHASE PRICE insuring title to the Property vested in CITY free and clear of all title defects, liens, encumbrances, conditions, covenants, restrictions, and other adverse interests of record or known to RELEASOR, subject only to those exceptions approved by CITY's City Manager in writing and the following: a lien for current real property taxes.

b. Possession. The delivery of possession of the Subject Property to CITY immediately on the Close of Escrow, free and clear of all uses and occupancies except those approved in writing by CITY's City Manager.

c. Approval by City Council. Approval of the Agreement by City Council of City of Modesto as set forth in Section 29.

If any condition set forth herein is not satisfied, or if the CITY notifies RELEASOR in writing before the Closing Date of RELEASOR's breach of any of RELEASOR's warranties set forth in this Agreement, CITY may, in CITY's sole discretion, cancel the escrow and terminate this Agreement by giving written notice to RELEASOR and Escrow Agent before the Closing Date. The exercise of this power shall not waive any other rights CITY may have against RELEASOR for breach of contract. If this Agreement terminates pursuant to this provision, the parties shall be relieved of all further obligations and liabilities to each other under this Agreement and all funds and documents deposited with Escrow Agent shall be promptly returned by Escrow Agent to the depositing party. In the event of such termination of the Agreement, CITY shall bear any costs and expense of escrow.

6. SPECIAL CONDITIONS

a. In addition to the PURCHASE PRICE, CITY shall pay all escrow, recording and title insurance charges incurred at the Close of Escrow for the purchase of the Property.

b. CITY shall have no responsibility or liability for the payment of any real estate commission for the purchase and sale of the Property.

c. If the Property is encumbered by a mortgage(s), deed(s) of trust, or other secured instrument, RELEASOR is responsible for payment of any demand under authority of said mortgage, deed of trust, or security interest and authorizes Escrow Agent to pay such amount out of RELEASOR's proceeds from the sale of the Property. Such amounts may include but not be limited to payments of unpaid principal and interest.

7. RELEASOR'S REPRESENTATIONS RELATING TO PROPERTY

RELEASOR warrants to CITY that as of the Effective Date of this Agreement and as of the Close of Escrow:

a. RELEASOR owns the Property and RELEASOR has no knowledge of any unrecorded or undisclosed legal or equitable interest in the Property owned or claimed by anyone other than RELEASOR.

b. RELEASOR represents that no leases, licenses or other agreements or arrangements allowing any third party rights to use the Subject Property or any portion thereof will be in force as of the Close of Escrow.

c. RELEASOR represents and warrants that he has been offered and is not in need of relocation assistance in the form of either moving expenses or a dislocation allowance for RELEASOR or any tenants that may have resided on the Property prior to Close of Escrow.

d. The Property is free, and to RELEASOR's knowledge has always been free from hazardous substances, hazardous materials or other contaminants; RELEASOR has no knowledge or notice of any buried or partially buried storage tanks located on the Property containing or having contained gasoline, diesel, herbicides, insecticides, or other petrochemicals; RELEASOR has not conducted any activity or allowed others to conduct any activity that has resulted in toxic or hazardous wastes or substances to be deposited on the Property; RELEASOR has

received no notice, warning, notice of violation, administrative complaint, judicial complaint, or other formal or informal notice alleging that conditions on the Property are or have been in violation of any environmental law or informing RELEASOR that the Property is subject to investigation or inquiry regarding hazardous substances or hazardous materials on the Property or the potential violation of any environmental law; RELEASOR has received no notice or has no knowledge that the Property has ever been used as a dump or landfill.

e. Other than the ACTION that is described herein, the RELEASOR is not aware of any other pending, actual or threatened litigation, administrative proceeding or other legal or governmental action with respect to the Property.

8. TITLE

a. Within ten (10) days of the Effective Date of this Agreement, CITY shall cause, at CITY's sole expense, Escrow Agent to issue to CITY (with a copy to RELEASOR) a preliminary report (hereinafter "Preliminary Report") for a CLTA Policy of Title Insurance for the Property, setting forth all liens, encumbrances, easements, restrictions, conditions, covenants, pending litigation, judgments, administrative proceedings and any other matters affecting RELEASOR's title to the Property (hereafter "Exceptions") together with copies of all documents relating to the Exceptions referred to in the Preliminary Report.

b. CITY shall advise RELEASOR in writing within twenty-one (21) days after receipt of the Preliminary Report of CITY's disapproval of any Exception or any other matter that adversely affects title to the Subject Property (hereafter "Disapproved Exception"). CITY's failure to advise RELEASOR within twenty-one (21) days of receipt of the Preliminary Report of any Disapproved Exception disclosed Preliminary Report shall be deemed to be approval of any such exception (hereafter "Approved Exception or approved Exceptions"). CITY's City Manager is authorized to determine the condition of title and to provide the required notices hereunder.

c. As to any Disapproved Exception, RELEASOR shall have the right, but not the obligation, within thirty (30) days, following expiration of the twenty-one (21) day period provided in 8(b) above, to cause each or any Disapproved Exception to be discharged, satisfied, released or terminated as the case may be, of record, and in a form that is reasonably satisfactory to CITY and Escrow Agent, all at RELEASOR's sole cost and expense. RELEASOR authorizes Escrow Agent to disperse from the cash portion of the PURCHASE PRICE and proceeds otherwise disbursable to RELEASOR upon Close of Escrow with sum sufficient to discharge any Disapproved Exception that may be discharged only by the payment of money. If RELEASOR is unable or unwilling to obtain a discharge, satisfaction, above, then this Agreement shall automatically terminate ten (10) business days after expiration of the thirty-day (30) period for curing the Disapproved Exceptions or after RELEASOR advises CITY in writing that RELEASOR is unable or unwilling to cause such discharge, satisfaction, release, or termination, whichever occurs first, unless within such ten-business-day period CITY's City Manager waives in writing such Disapproved Exception, in which event

such Disapproved Exception shall be deemed an Approved Exception under this Exception under this Agreement. If this Agreement terminates pursuant to the foregoing sentence, the parties shall be relieved of all further obligations and liabilities to each other under this Agreement except as otherwise provided herein and all funds and documents deposited with Escrow Agent shall be promptly refunded or returned, as the case may be, by Escrow Agent to the depositing party.

9. CLOSE OF ESCROW

Simultaneously with the Close of Escrow, Escrow Agent shall issue a CLTA policy of Title Insurance insuring CITY in the amount of the PURCHASE PRICE, subject only to the following matters:

a. Approved Exceptions by CITY in accordance with Section 8 (b) of this Agreement.

RELEASOR shall deposit with Escrow Agent on or before the Close Date the following documents/items:

a. A grant deed duly executed and acknowledged by RELEASOR suitable for recordation conveying to CITY good and marketable fee simple title to the Property subject only to Approved Exceptions in accordance with this Agreement;

b. RELEASOR's affidavit of non-foreign status as contemplated by the United States Internal Revenue Code ("FIRPTA Affidavit");

c. RELEASOR's affidavit as contemplated by the California Revenue and Taxation Code ("Withholding Affidavit");

d. All other documents/items reasonably required by Escrow Agent to consummate Close of Escrow.

CITY shall deposit with Escrow Agent on or before the Closing Date the following documents/items:

a. The full PURCHASE PRICE in the form of cash or immediately available funds;

b. The total amount of fees and charges CITY is responsible to pay pursuant to this Agreement, as set forth in Section 15, in the form of cash or in immediately available funds;

c. All other documents/items reasonably required by Escrow Agent to consummate Close of Escrow.

10. CLOSING DATE

CITY and RELEASOR agree the conveyance of the Property by RELEASOR to CITY in the closing of the transaction covered in this Agreement ("Close of Escrow") shall take place on a date mutually agreeable to CITY and RELEASOR that is within ninety (90) days following the satisfaction of the last condition of those conditions set forth in Sections 5, 6 and 29 of this Agreement, but in no event later than one hundred twenty (120) days from the Effective Date of this Agreement (the "Closing Date"). If escrow has not closed by the Closing Date, the parties may extend the Closing Date by mutual agreement in writing.

11. ESCROW AGENT'S DUTIES

On the Closing Date, Escrow Agent shall close escrow as follows:

a. Record the Grant or Quit Claim Deed (marked for return to "CITY") in the Office of the Recorder of the County of Stanislaus (which shall be deemed delivery to CITY);

b. Issue the CLTA Policy of Title Insurance described in this Agreement.

c. Disburse to RELEASOR the PURCHASE PRICE less amounts and charges to be paid on behalf of RELEASOR;

d. Disburse to RELEASOR any fees, costs and expenses owed to RELEASOR pursuant to Section 15;

e. Charge CITY and RELEASOR for those costs and expenses to be paid by them respectively pursuant to this Agreement and disburse any net funds remaining after the preceding disbursement to CITY;

f. Prepare and deliver to both CITY and RELEASOR one signed copy of Escrow Agent's closing statement showing all receipts and disbursements of the Escrow;

g. Deliver to CITY the FIRPTA Affidavit and Withholding Affidavit, if required.

If Escrow Agent is unable to simultaneously perform all of the instructions set forth above, Escrow Agent shall notify CITY and RELEASOR and retain all funds and documents pending receipt of further instructions jointly by CITY and RELEASOR.

12. PRORATIONS AND COSTS

Escrow Agent shall prorate the following costs at the Close of Escrow:

a. CITY shall pay:

   1. Governmental Conveyancing Fees;

   2. The premium for the CLTA Policy Title Insurance;

   3. The escrow fee charged by Escrow Agent;

   4. Recording charges in connection with recordation of the Grant Deed;

b. RELEASOR shall pay:

   1. Any demand for payoff under authority of a mortgage, deed of trust or secured instrument of the Property;

   2. All payments and charges pursuant to real estate taxes, bonds, and assessments owed relating to the Property. Real property taxes shall be prorated at the Close of Escrow based on the most current real property tax bill available, including any additional property taxes that may be assessed after the Close of Escrow, regardless of when notice of those taxes is received or who receives the notice. All installments of any bond or assessment that constitutes a lien on the Property at the Close of Escrow shall be paid by RELEASOR.

13. POSSESSION

Possession of the Subject Property shall be delivered to CITY at the Close of Escrow.

14. RELEASOR'S PRECLOSING COVENANTS

Commencing on the Effective Date of this Agreement and until the Close of Escrow:

a. RELEASOR shall not permit any liens, encumbrances or easements to be placed on the Property, other than the Approved Exceptions, nor shall RELEASOR enter into any Agreement regarding the sale, rental, management, repair, improvement or any other matter affecting the Property that would be binding on CITY or on the Subject Property after the Close of Escrow without the prior written consent of CITY.

b. RELEASOR shall not permit any act of waste or act that would tend to diminish the value of the Property for any reason, except that caused by ordinary wear and tear.

c. RELEASOR shall maintain the Property in its present condition subject to ordinary wear and tear, until the Close of Escrow.

d. If the Property, or any portion of the Subject Property, is encumbered by a deed of trust, mortgage or any other secured instrument, RELEASOR shall pay any demand under authority of said deed of trust, mortgage or secured instrument out of RELEASOR's proceeds of the sale of the Subject Property. Such amounts may include, but not be limited to payments of unpaid principle and interest.

15. LITIGATION FEES/COSTS/EXPENSES

At Close of Escrow the CITY agrees to pay/reimburse to RELEASOR fees, costs and expenses relating to litigation of the ACTION the amount of $75,000.00 (seventy-five thousand dollars and zero cents).

16. DISMISSAL OF ACTION

The CITY will dismiss its complaint in the ACTION, with prejudice at the Close of Escrow and RELEASOR will dismiss his cross-complaint against the CITY and Stanislaus County in the ACTION, with prejudice at the Close of Escrow.

Stanislaus County and RELEASOR shall enter into a separate agreement relating to resolution of the ACTION that is contingent upon the satisfaction of the terms of this Agreement.

17. RELEASOR'S REPRESENTATIONS RELATING TO CLAIMS

RELEASOR represents and warrants that he has not assigned or transferred, or agreed to assign or transfer, or attempted to assign or transfer, to any third party or entity (including without limitation any insurer) any interest in any of the CLAIMS. RELEASOR agrees to defend, indemnify and hold harmless the CITY against any loss, expense or liability, including without limitation reasonable attorneys' fees, arising from any breach of the foregoing. Furthermore, in the event that the CITY learns that RELEASOR has breached this warranty, the CITY may, at its sole option, elect to rescind this Agreement and Release, in which case RELEASOR shall immediately remit to the CITY the PURCHASE PRICE, plus interest accruing thereon at a rate of ten percent per year, compounded monthly, from the date of payment thereof.

18. RELEASOR'S REPRESENTATIONS RELATING TO LIENS

RELEASOR represents and warrants that either (a) there are no liens, including without limitation any medical reimbursement, unemployment or disability compensation liens, in existence which may attach to the PURCHASE PRICE or to any recovery paid to RELEASOR pursuant to the ACTION, or (b) to the extent there are any such liens, RELEASOR will pay and retire all such liens out of the PURCHASE PRICE. RELEASOR agrees to defend, indemnify and hold harmless THE CITY OF MODESTO against any and all claims by any person or entity purporting to hold any lien, interest, or other claim, whether for medical care, unemployment and/or disability compensation, attorneys' fees, or otherwise, involving RELEASOR and arising in connection with any of the CLAIMS.

19. RELEASE AND WAIVER

RELEASOR and the CITY each certify that he/it has read Section 1542 of the California Civil Code, which provides:

> A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

RELEASOR and the CITY hereby waive application of Section 1542 of the Civil Code. RELEASOR and the CITY understand and acknowledge that, as a consequence of this waiver of Section 1542, even if RELEASOR or the CITY should eventually suffer additional or further loss, damages or injury arising out of or in any way related to any of the events which gave rise to the CLAIMS, or any of them, RELEASOR and the CITY will not be permitted to make any further claims against each other to recover for such loss, damages or injury. RELEASOR and the CITY acknowledge that he/it intends these consequences even as to claims for personal injury or property damage that may exist as of the date of this Settlement Agreement and Release but which RELEASOR and the CITY do not know exist, and which, if known, would materially affect RELEASOR's or the CITY's decision to execute this Settlement Agreement and Release, regardless of whether RELEASOR's or the CITY's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause.

The parties hereto acknowledge that, in executing this Settlement Agreement and Release, they are acting on their own, independent judgment informed by their own legal counsel. RELEASOR and CITY acknowledge having read this Settlement Agreement and Release and having been advised by their attorneys as to its meaning and effect. The parties hereto acknowledge and warrant that their execution of this Settlement Agreement and Release is free and voluntary. RELEASOR further represents and warrants that, at the time he executed this Settlement Agreement and Release, he was not in the period of first physical confinement, whether as an inpatient or outpatient, in a clinic or health facility (as defined in Sections 1203 and 1250 of the Health and Safety Code) as a result of the injury alleged to have given rise to any of the CLAIMS, and that as a result

Business and Professions Code section 6152(b) cannot be used to invalidate this Settlement Agreement and Release.

20. ENTIRE AGREEMENT BETWEEN PARTIES

RELEASOR and the CITY acknowledge that this Settlement Agreement and Release contains and constitutes the entire agreement between RELEASOR and the CITY with respect to the CLAIMS. The terms of this Settlement Agreement are contractual and not a mere recital. RELEASOR and the CITY each acknowledge that they have made no representations, express or implied, to induce the other to enter into this Settlement Agreement, other than as expressly set forth herein.

21. NO ADMISSION OF LIABILITY

No aspect of this Settlement Agreement or the settlement which led to it is intended to be nor at any time shall be construed, deemed, or treated in any respect as an admission by RELEASOR or the CITY of liability for any purpose. It is expressly understood by RELEASOR that this Settlement Agreement does not constitute an admission of the truth or accuracy of any of the allegations made in the cross-complaint on file in the ACTION or of liability for any of the CLAIMS, and that the CITY expressly denies the allegations made in the cross-complaint, as more fully set forth in the answer or other responsive pleadings on file in the ACTION.

22. SEVERABILITY

If any of the provisions of this Settlement Agreement and Release or the application thereof is held to be invalid, its invalidity shall not affect any other provision or application of this Settlement Agreement and Release to the extent that such other provision or application can be given effect without the invalid provision or application, and to this end, the provisions of this Settlement Agreement and Release are declared and understood to be severable; provided, however, that should a court of competent jurisdiction hold that RELEASOR is entitled to sue the CITY upon any of the CLAIMS, and should RELEASOR bring or join in such a suit, then RELEASOR shall immediately remit to the CITY the PURCHASE PRICE, plus interest thereon accruing at a rate of ten percent per year, compounded monthly, from the date of payment thereof.

23. LEGAL EXPENSES AND COSTS

RELEASOR understands and acknowledges that both RELEASOR and the CITY shall bear their own legal expenses and costs incurred in connection with prosecuting or defending against the ACTION and any of the CLAIMS, except as specified in paragraph 15 of this agreement.

24. CONSTRUCTION OF AGREEMENT

This Settlement Agreement and the settlement which led to it have been fully negotiated with the assistance of counsel and should not be construed more strictly against one party than another.

25. COUNTERPARTS

This Settlement Agreement and Release may be executed in two or more counterparts, all of which counterparts shall be deemed originals.

26. GOVERNING LAW/VENUE

This Agreement shall be governed by the laws of the State of California and venue shall be the Superior Court of California, Stanislaus County.

27. WAIVER

No breach of any provision of this Agreement can be waived unless in writing. Waiver of any one breach of a provision hereof shall not be deemed a waiver of any other breach of the same or any other provision or covenant in this Agreement, including the time for performance of any obligation. An extension of time for performance of any obligation or act shall not be deemed an extension of time for performance of any other obligation or act. The exercise by a party of any remedy provided in this Agreement or at law shall not prevent the exercise by that party of any other remedy provided in this Agreement or at law.

28. SUCCESSORS, BINDING EFFECT

This Agreement shall be binding on and inure to the benefit of the parties to this Agreement and their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Agreement.

29. APPROVAL

RELEASOR acknowledges, understands and agrees that this AGREEMENT is subject to the approval by City Council of the CITY and this Agreement shall have no force or affect unless and until such approval by the City Council of the CITY is obtained.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has authorized the execution of this Agreement by its City Manager and attestation by its City Clerk by Resolution No. 2017-_____adopted by the Council on the _____ day of_____, 2017, and RELEASOR has caused this Agreement to be duly executed.

CITY OF MODESTO, a municipal corporation

By: _____
Joseph P. Lopez
Interim City Manager

RELEASOR

By: Ronald E Dias 11-28-2017
Ronald Edwin Dias
Defendant/Cross-Complainant

By: Michael C. Normoyle as to form.
Michael Normoyle, Attorney for Ronald Dias

ATTEST:

By _____
STEPHANIE LOPEZ, City Clerk

APPROVED AS TO LEGAL FORM:
ADAM U. LINDGREN, City Attorney

By _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-510

RESOLUTION ACCEPTING THE GRANT DEED FROM RONALD EDWIN DIAS AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR PROPERTY LOCATED AT 2847 RIVER ROAD (APN 039-008-005)

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to accept real property totaling approximately 1.41 acres, located at 2847 River Road (APN 039-008-005), to be conveyed to the City of Modesto, and

WHEREAS, the grant deed will allow the City to maintain an area for the Modesto City-County Airport clear zone, and

WHEREAS, a grant deed is required for transfer of the real property to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Grant Deed from Ronald Dias for property located at 2847 River Road (APN 039-008-005) is hereby accepted.

BE IT FURTHER RESOLVED, the Interim City Manager, or his designee, is hereby authorized to execute the Certificate of Acceptance for the Grant Deed for the acquisition of real property located at 2847 River Road (APN 039-008-005) to be conveyed to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-511

RESOLUTION AUTHORIZING THE CREATION OF CAPITAL IMPROVEMENT PROJECT #101062 AND AMENDING THE FISCAL YEAR 2017-2018 CAPITAL IMPROVEMENT BUDGET IN THE AMOUNT OF $414,000 TO PURCHASE REAL PROPERTY LOCATED AT 2847 RIVER ROAD (APN 039-008-005) IN THE AMOUNT OF $339,000 WITH ADDITIONAL ATTORNEYS' FEES AND COSTS OF $75,000 TO BE FUNDED BY THE COUNTY AIRCRAFT TAX (FUND 4330)

WHEREAS, a new capital improvement project is needed to purchase real property located at 2847 River Road in the amount of $339,000 with additional attorneys' fees and costs of $75,000, for total cost of $414,000, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Budget will be amended in the amount of $414,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Budget by $414,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-512

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TERTIARY BYPASS LINE IMPROVEMENTS PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH MYERS-RADOS, A JOINT VENTURE OF SANTA ANA, CA, IN THE AMOUNT OF $205,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Tertiary Bypass Line Improvements Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tertiary Bypass Line Improvements Project were opened at 11:00 a.m. on November 7, 2017 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $205,000 received from Myers-Rados, a Joint Venture, be accepted as the lowest responsible and responsive bid and the contract be awarded to Myers-Rados, a Joint Venture.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for Tertiary Bypass Line Improvements Project, accepts the bid of $205,000 and awards Myers-Rados, a Joint Venture, of Santa Ana, CA the contract for the Tertiary Bypass Line Improvements Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-513

RESOLUTION AMENDING THE FISCAL YEAR 2017-18 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $117,348 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE TERTIARY BYPASS LINE IMPROVEMENTS PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of **$117,348**, in order to fund construction, contingency, construction administration, and design support during construction plus City staff support for the Tertiary Bypass Line Improvements Project, and

WHEREAS, the Fiscal Year 2017-2018 Capital Improvement Program Budget must be amended as shown in **Exhibit A**, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2017-2018 Capital Improvement Program Budget as shown in **Exhibit A**, **attached** hereto.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CIP 100929
Tertiary Bypass Line

	Budget	Actual	Commitment	Available	Request	Need
CA	$ 15,000.00	$ -	$ 32.71	$ 14,967.29	$ 24,600.00	$ 9,632.71
CON	$ 110,000.00	$ -	$ -	$ 110,000.00	$ 205,000.00	$ 95,000.00
CTGY	$ 15,000.00	$ -	$ -	$ 15,000.00	$ 20,500.00	$ 5,500.00
EDA	$ 60,000.00	$ 47,336.01	$ 9,629.00	$ 3,034.99	$ 10,250.00	$ 7,215.01
	$ 200,000.00	**$ 47,336.01**	**$ 9,661.71**	**$ 143,002.28**	**$ 260,350.00**	**$ 117,347.72**

	Revised Budget	Actual	Commitment	Available
CA	$ 24,632.71	$ -	$ 32.71	$ 24,600.00
CON	$ 205,000.00	$ -	$ -	$ 205,000.00
CTGY	$ 20,500.00	$ -	$ -	$ 20,500.00
EDA	$ 67,215.01	$ 47,336.01	$ 9,629.00	$ 10,250.00
	$ 317,347.72	**$ 47,336.01**	**$ 9,661.71**	**$ 260,350.00**

Budget + Need

Report Date: November 16, 2017

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-514

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE TANK 6 RECOAT & REPAIRS PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH WEST COAT INDUSTRIAL COATINGS, INC., OF HEMET CA, IN THE AMOUNT OF $823,933, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Tank 6 Recoat & Repairs Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Tank 6 Recoat & Repairs Project were opened at 11:00 a.m. on November 7, 2017 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $823,933 received from West Coat Industrial Coatings, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to West Coat Industrial Coatings, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for Tank 6 Recoat & Repairs Project, accepts the bid of $823,933 and awards West Coat Industrial Coatings, Inc., of Hemet, CA the contract for the Tank 6 Recoat & Repairs Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-515

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE TANK 6 RECOAT & REPAIRS PROJECT FROM 10 PERCENT ($82,393) TO 20 PERCENT ($164,787) OF THE CONSTRUCTION CONTRACT AMOUNT

WHEREAS, on December 12, 2017, the City Council is concurrently awarding a $823,933 contract to West Coast Industrial Coatings, Inc., of Hemet, CA for the construction of the Tank 6 Recoat & Repairs Project, and

WHEREAS, the City periodically inspects water storage tanks and schedules recoating as part of routine maintenance of the distribution system as required by the State Board, Division of Drinking Water, and

WHEREAS, the "Tank 6 Recoat & Repairs" Project was part of the Fiscal Year 2016-2017 annual Capital Improvement Program budget approval process, and as approved by Council, the scope of CIP 100977 includes modifications, structural repairs, and the preparation and recoating of the interior and exterior of Tank 6, and

WHEREAS, given the nature of structural repairs and recoating projects, additional work may be needed to address unexpected conditions that require changes in project scope that may exceed the Director's change order authority of 10%, as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $82,393,

WHEREAS, staff recommends that the Director's change order authority be increased to 20%,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Tank 6 Recoat & Repairs Project from 10 percent ($82,393) to 20 percent ($164,787) of the construction contract price of $823,933 with West Coast Industrial Coatings, Inc. of Hemet, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-516

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE NEW DEL RIO WELL 68 PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH ROADRUNNER DRILLING AND PUMP COMPANY, INC., OF WOODLAND, CA IN THE AMOUNT OF $430,980 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the New Del Rio Well 68 Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the New Del Rio Well 68 Project were opened at 11:00 a.m. on November 7, 2017 for the consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $430,980 received from Roadrunner Drilling & Pump Company, Inc., be accepted as the lowest responsible and responsive bid and the contract be awarded to Roadrunner Drilling & Pump Company, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for New Del Rio Well 68 Project, accepts the bid of $430,980 and awards Roadrunner Drilling & Pump Company, Inc., of Woodland, CA the contract for the New Del Rio Well 68 Project.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-517

RESOLUTION APPROVING AN AGREEMENT WITH KENNEDY/JENKS CONSULTANTS, INC., FOR HYDROGEOLOGICAL AND ENGINEERING SERVICES FOR THE NEW DEL RIO WELL 68 PROJECT IN AN AMOUNT NOT TO EXCEED $120,410 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $12,041 FOR ADDITIONAL SERVICES (IF NEEDED), UP TO A TOTAL AMOUNT OF $132,451, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECURTE THE AGREEMENT

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, per the City's 2010 Water System Engineer's Report, a hydraulic assessment of the system was performed to evaluate the system's ability to meet the community's current and build-out demands, and

WHEREAS, this assessment identified the need to construct a new 1,000-gallon per minute domestic well, 250,000-gallon storage tank, and 1 million-gallon per day booster pump station to correct existing supply and pressure deficiencies, and

WHEREAS, in 2017, per Resolution 2017-231, Council approved a prequalified list of consultants to provide hydrogeological services and for on-call hydrogeological services. The list consisting of three firms included Jacobson James & Associates, TODD Groundwater and Kennedy/Jenks Consultants, Inc., and

WHEREAS, in 2011, URS Corporation was selected to provide hydrogeological services for the New Del Rio Well 68. Eddy Teasdale, formerly of URS Corporation and now with Kennedy/Jenks, is the lead hydro-geologist for the Del Rio Water System Improvements projects Environmental Impact Report (EIR), and

WHEREAS, while working at URS and contracted with the City, Mr. Teasdale was responsible for review and analysis of previously collected soil and water samples

taken during the replacement test well drilling. Following that analysis, Mr. Teasdale was responsible for preparing construction documents for the design of a new test well and production well, as well as monitoring the construction of the test well, and

WHEREAS, given the unique and specialized expertise required for design of municipal wells, and consideration of the amount of work that was previously completed satisfactorily, the Utilities Director determined to have final subsurface design services provided by Kennedy/Jenks, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and therefore, exempt from the bid requirement, and

WHEREAS, staff recommends approval of the agreement with Kennedy/Jenks Consultants, Inc. for application services for the new Del Rio Well 68 project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Kennedy/Jenks Consultants, Inc., for hydrogeological and engineering services for the new Del Rio Well 68 project, in an amount not to exceed $120,410 for the identified scope of services, plus $12,041 for additional services, if needed, for a maximum total amount of $132,451.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-518

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE NEW DEL RIO WELL 68 PROJECT FROM 10 PERCENT ($43,098) TO 40 PERCENT ($172,392) OF THE CONSTRUCTION CONTRACT AMOUNT

WHEREAS, on December 12, 2017, the City Council is concurrently awarding a $430,980 contract to Roadrunner Drilling & Pump Company, Inc., of Woodland, CA for the construction of the New Del Rio Well 68 Project, and

WHEREAS, the City owns and operates the outlying water system in the community of Del Rio, located in Stanislaus County, and

WHEREAS, per the City of Modesto's 2010 Water System Engineer's Report a hydraulic assessment of the system was performed to evaluate the system's ability to meet the community's current and build-out demands, and

WHEREAS, this assessment identified the need to correct existing supply and pressure deficiencies by constructing a new 1,000 gallon-per-minute domestic well, 250,000 gallon storage tank, 1 million-gallon-per-day booster pump station, and

WHEREAS, in consideration of the Settlement Agreement with the Del Rio Community Association, and the City's obligation to complete the recommended improvements to meet the existing Del Rio water system needs, the Utilities Department Director informed staff to move forward with final design of the New Del Rio Well in the summer of 2017, and

WHEREAS, given the nature of well drilling and well construction, additional work may be needed to address unexpected conditions that require changes in project

scope that may exceed the Director's change order authority of 10%, as established by the Council's Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $43,098,

WHEREAS, staff recommends that the Director's change order authority be increased to 40%,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the New Del Rio Well 68 Project from 10 percent ($43,098) to 40 percent ($172,392) of the construction contract price of $430,980 with Roadrunner Drilling & Pump Company, Inc., of Woodland, CA

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-519

RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR'S AUTHORITY RELATED TO THE EXPAND ATMS AND CCTV ALONG BRIGGSMORE AVENUE PROJECT, FROM 10% TO 16% OF THE ORIGINAL CONSTRUCTION CONTRACT PRICE OF $280,350 WITH CARL JOSEPH BARTALDO CONSTRUCTION, OF PALO CEDRO, CA, AND INCREASE IN CONSTRUCTION ADMINISTRATION COSTS FROM $28,597 TO $37,150

WHEREAS, the City Council, on March 22, 2016, by Resolution No. 2016-113, awarded a $280,530 contract to Carl Joseph Bartaldo Construction, for the construction of the Expand ATMS And CCTV Along Briggsmore Avenue project, and

WHEREAS, the originally authorized construction administration budget was 10 percent ($28,035), and

WHEREAS, additional change order work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the administrative and field inspection costs associated with ensuring the additional change order work conforms to the City's standards of construction and quality,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an increase in Director's Authority to issue change orders for the Expand ATMS and CCTV along Briggsmore Avenue from Oakdale Road to Claus Road project from 10 percent ($28,035) to approximately 16 percent ($44,856), and increase in Construction Administration Costs from $25,597 to $37,150.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-520

RESOLUTION APPROVING THE PROCUREMENT OF CONCRETE BOXES, COVERS, VALVES, HYDRANTS AND FITTINGS TO FERGUSON WATERWORKS, MODESTO, CA, FOR A TWO-YEAR PURCHASING AGREEMENT WITH THREE ONE-YEAR EXTENSION OPTIONS, FOR AN ANNUAL COST NOT TO EXCEED $900,000 AND AN AMOUNT NOT TO EXCEED $4,500,000 OVER FIVE YEARS, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASING AGREEMENT

WHEREAS, the Interim City Manager authorizes the Purchasing Manager to issue formal Request for Bids (RFB) for purchase of concrete boxes, covers, valves, hydrants and fittings, and

WHEREAS, on June 14, 2017, the Purchasing Division issued RFB No. 1617-33 for the purchase of concrete boxes, covers, valves, hydrants and fittings on the City's website and three companies chose to download the RFB document, and

WHEREAS, on July 17, 2017, bids were formally opened in the City Clerk's Office. Three companies chose to respond and all companies provided responsive and responsible bids, and only one local vendor responded, and

WHEREAS, based on providing lowest responsive and responsible bids, City staff recommends the award of bids for the purchase of concrete boxes, covers, valves, hydrants and fittings to Ferguson Waterworks, Modesto, CA, for a two-year purchasing agreement with three one-year extension options, for an annual cost not to exceed $900,000, and an amount not to exceed $4,500,000 over five years, and

WHEREAS, as shown in the **attached** cost abstract, certain items were bid at a lower cost by the non-awarded bidders. Based on City's projected future usage of these items, staff believes any cost savings that could result from award to bid to these bidders

would be eliminated through increased staff and system costs to maintain agreement with multiple vendors. In addition, Ferguson Waterworks has agreed to match low bid on 18 of the items that complies with Modesto Municipal Code 8-3.206 Support of Local Vendors, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bids for the purchase of concrete boxes, covers, valves, hydrants and fittings to Ferguson Waterworks, Modesto, CA, conforms to the Modesto Municipal Code, based on providing the overall lowest cost, while providing greater efficiency in placing orders and in managing the agreement, and

WHEREAS, expenditures for the prior 5-year agreement totaled $3,182,955. With current pricing per RFB No. 1617-33 and accounting for potential CPI increases over the next five years, staff estimates an annual cost not to exceed $900,000 and up to $4,500,000 over five years. Funds are budgeted in Water Fund 4100-45020-53150, 4100-45040-53150, 4100-45050-53150, and CIP 4180-100575, 100576, 100577, 101013; and Wastewater Fund 4210-44211-53150.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of concrete boxes, covers, valves, hydrants and fittings to Ferguson Waterworks, Modesto, CA, for a two year purchasing agreement with three one-year extension options, for an annual cost not to exceed $900,000 and an amount not to exceed $4,500,000 over five years, and

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to issue a purchasing agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

CITY OF MODESTO

RFB NO. 1617-33 WATER VALVES, FIRE HYDRANTS, CONCRETE BOXES, COVERS, CI/DI FITTINGS, COVERS, AND FRAMES

ITEM #	STOCK #	ITEM/DESCRIPTION	QTY	UNIT OF ISSUE	Modesto, CA Ferguson Waterworks		Stockton, CA Pace Supply Corp		Manteca, CA R&B Co	
					UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE
1	100000	BOX, FIBRELYTE FL8 BOX	300	Each	$19.43	$5,829.00	$19.84	$5,952.00	$19.84	$5,952.00
2	100010	BOX, CONCRETE F08, 8 1/2" ROUND	5	Each	$10.69	$54.45	$11.75	$58.75	$11.12	$55.60
3	100020	BOX, CONCRETE UTILITY B9 BOX	5	Each	$10.48	$52.40	$19.93	$99.65	$18.31	$91.55
4	100040	BOX, CONCRETE UTILITY B12 BOX	75	Each	$19.08	$1,431.00	$19.49	$1,461.75	$19.48	$1,461.00
5	100050	BOX, FIBERLYTE FL 12 BOX	2000	Each	$51.76	$103,520.00	$52.85	$105,700.00	$52.85	$105,700.00
6	100060	BOX, FIBRELYTE 12" FL30 BOX 12	15	Each	$54.44	$816.60	$55.59	$833.85	$55.59	$833.85
7	100080	BOX, CONCRETE ELECTRICAL N30 BOX	40	Each	$26.51	$1,060.40	$27.36	$1,094.40	$27.00	$1,080.00
8	100100	BOX, FIBRELYTE 12" FL36 BOX 12	100	Each	$84.26	$8,426.00	$86.95	$8,695.00	$86.00	$8,600.00
9	100120	BOX, CONCRETE UTILITY B36 BOX	10	Each	$35.68	$356.80	$36.82	$368.20	$36.40	$364.00
10	100180	BOX, CONCRETE VALVE TRAFFIC G5 BOX	485	Each	$24.70	$11,979.50	$26.62	$12,910.70	$25.00	$12,125.00
11	101000	COVER, CAST IRON MARKED WATER F8C	295	Each	$14.30	$4,218.50	$14.77	$4,357.15	$14.60	$4,307.00
12	101010	COVER, CONCRETE F08C MARKED SEWER	5	Each	$14.30	$71.50	$9.94	$49.70	$14.60	$73.00
13	101020	COVER, CAST IRON MARKED WATER B9C	10	Each	$31.11	$311.10	$33.53	$335.30	$31.75	$317.50
14	101021	COVER, FIBERLYTE W/CI READ LID MARKED WATER FL9D	25	Each	$20.93	$523.25	$21.38	$534.50	$21.38	$534.50
15	101040	COVER, CAST IRON MARKED WATER B12C	200	Each	$57.93	$11,586.00	$59.16	$11,832.00	$59.00	$11,800.00
16	101041	COVER, FIBERLYTE W/CI READ LID MARKED WATER FL12D	2000	Each	$28.81	$57,620.00	$29.42	$58,840.00	$29.25	$58,500.00
17	101080	COVER, FIBRELYTE, MARKED ELEC., TRAFFIC SIGNAL, ST. LIGHT, WATER FL30D & 101084	20	Each	$51.76	$1,035.20	$55.79	$1,115.80	$52.85	$1,057.00
18	101081	COVER, CONCRETE MARKED ELECTRIC, TRAFFIC SIGNAL, OR STREET LIGHT N30D	60	Each	$24.71	$1,482.60	$25.23	$1,513.80	$25.22	$1,513.20
19	101082	COVER, CONCRETE W/CI READ LID MARKED WATER B30G	10	Each	$34.50	$345.00	$37.19	$371.90	$35.23	$352.30
20	101120	COVER, CONCRETE MARKED TRAFFIC SIGNAL B36D	5	Each	$35.07	$175.35	$37.80	$189.00	$35.81	$179.05
21	101121	COVER, CONCRETE W/CI READ LID MARKED WATER B36G	35	Each	$42.97	$1,503.95	$43.88	$1,535.80	$43.88	$1,535.80
22	101123	COVER, FIBRELYTE MARKED TRAFFIC SIGNAL OR WATER FL36D & 101124	70	Each	$81.91	$5,733.70	$83.64	$5,854.80	$83.64	$5,854.80
23	101180	COVER, CAST IRON TRAFFIC MARKED WATER OR MONUMENT G5C	600	Each	$17.16	$10,296.00	$15.00	$9,000.00	$17.50	$10,500.00
24	103181	RING, GRADE CI (RISER) G5 1" W/BOLTS INSTALLED G5GR10	25	Each	$24.22	$605.50	$27.65	$691.25	$24.74	$618.50
25	103182	RING, GRADE CI (RISER) G5 1 1/2" W/BOLTS INSTALLED G5GR15	25	Each	$27.85	$696.25	$31.79	$794.75	$28.44	$711.00
26	103183	RING, GRADE CI (RISER) G5 2" W/BOLTS INSTALLED G5GR20	15	Each	$34.97	$524.55	$39.91	$598.65	$35.71	$535.65
27	101200	COVER, FIBERLYTE W/CI READ LID MARKED WATER FL16D	15	Each	$36.69	$550.35	$37.46	$561.90	$37.46	$561.90
28	101083	COVER, CHECKER, PLATE WITH READ LID, CHRISTY B30-61G	10	Each	$124.40	$1,244.00	$131.16	$1,311.60	$127.00	$1,270.00
29	101122	COVER, CHECKER, PLATE WITH READ LID, CHRISTY B36-61G	10	Each	$151.94	$1,519.40	$160.20	$1,602.00	$155.00	$1,550.00
30	101220	COVER, CAST IRON MARKED WATER BES G5C BES ONLY **NO SUB**	1	Each	$24.70	$24.70	$17.16	$17.16	$24.00	$24.00
31	101370	COVER, PLASTIC, GREEN MARKED "WATER" 15 1/2" X 10 3/16" NDS D1200SGWTRL	100	Each	$41.00	$4,100.00	$100.00	$10,000.00	$41.00	$4,100.00
32	101375	COVER, PLASTIC, GRN MKD "WTR MTR" CVR:19.75" X 13.25" LID: 7.5" X 4.5" CARSON 1220-5	100	Each	$56.90	$5,690.00	$77.00	$7,700.00	$26.00	$2,600.00
33	105000	GRATE ONLY, CAST IRON A109/C-2818-01	50	Each	$145.00	$7,250.00	NO BID	$0.00	NO BID	$0.00
34	105100	COVER, CI MANHOLE, W/ONE VENT HOLE TO BE MKD CITY OF MODESTO SEWER OR STORM	2	Each	$320.00	$640.00	NO BID	$0.00	$156.00	$312.00
35	107100	ASSEMBLY, CI MANHOLE COVER TO BE MARKED: "CITY OF MODESTO" "SEWER" OR "STORM"	10	Each	$345.00	$3,450.00	NO BID	$0.00	$318.00	$3,180.00
36	New Item	BOX, CI, ROUND, 10", WITHOUT FLANGE, BINGHAM & TAYLOR MARK V, CUL10RHVY, **NO SUB**	10	Each	$52.63	$526.30	$65.00	$650.00	NO BID	$0.00
37	New Item	BOX, CI, ROUND, 10", WITH FLANGE, BINGHAM & TAYLOR MARK V, CUL10RHVYF, **NO SUB**	10	Each	$74.73	$747.30	$92.32	$923.20	NO BID	$0.00
38	New Item	COVER, CI, ROUND, 10", STANDARD WATER, BINGHAM & TAYLOR MARK V, CUL10LHVYW	20	Each	$29.47	$589.40	$36.41	$728.20	NO BID	$0.00
39	128100	KIT GRIP RING ACCESSORY 4" C900 ROMAC ONLY NO SUB	175	Each	$38.80	$6,790.00	$38.06	$6,660.50	$36.50	$6,387.50
40	128110	KIT GRIP RING ACCESSORY 6" C900 ROMAC ONLY NO SUB	375	Each	$45.00	$16,875.00	$44.24	$16,590.00	$42.00	$15,750.00
41	128120	KIT GRIP RING ACCESSORY 8" C900 ROMAC ONLY NO SUB	260	Each	$64.15	$16,679.00	$63.07	$16,398.20	$60.00	$15,600.00
42	128130	KIT GRIP RING ACCESSORY 10" C900 ROMAC ONLY NO SUB	95	Each	$86.50	$8,217.50	$90.36	$8,584.20	$86.50	$8,217.50
43	128140	KIT GRIP RING ACCESSORY 12" C900 ROMAC ONLY NO SUB	160	Each	$125.50	$20,080.00	$123.44	$19,750.40	$118.50	$18,960.00
44	128200	GRIP RING 4" SDR	6	Each	$51.60	$309.60	$43.06	$258.36	$40.00	$240.00
45	128210	GRIP RING 6" SDR	6	Each	$59.50	$357.00	$52.27	$313.62	$47.00	$282.00
46	128220	GRIP RING 8" SDR	6	Each	$69.00	$414.00	$73.33	$439.98	$69.00	$414.00
47	128230	GRIP RING 10" SDR	6	Each	$121.60	$729.60	$127.31	$763.86	$90.00	$540.00
48	128240	ACCESSORY PACK GRIP RING 12" SDR	6	Each	$157.00	$942.00	$135.04	$810.24	$127.00	$762.00
49	128300	MEGA LUG C900 16"	3	Each	$415.25	$1,245.75	$146.30	$438.90	$200.00	$600.00
50	128310	MEGA LUG DUCTILE 16"	3	Each	$325.18	$975.54	$122.46	$367.38	$200.00	$600.00
51	128500	ADAPTER DI MJ X F 4" X 4" 6" LONG	5	Each	$21.35	$106.75	$27.30	$136.50	$24.00	$120.00
52	128510	ADAPTER DI MJ X F 6" X 6" 6" LONG	5	Each	$29.59	$147.95	$37.83	$189.15	$32.00	$160.00
53	128520	ADAPTER DI MJ X F 8" X 8" 6" LONG	10	Each	$44.84	$448.40	$57.33	$573.30	$49.00	$490.00

CITY OF MODESTO

RFB NO. 1617-33 WATER VALVES, FIRE HYDRANTS, CONCRETE BOXES, COVERS, CI/DI FITTINGS, COVERS, AND FRAMES

ITEM #	STOCK #	ITEM/DESCRIPTION	QTY	UNIT OF ISSUE	Modesto, CA Ferguson Waterworks		Stockton, CA Pace Supply Corp		Manteca, CA R&B Co	
					UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE
54	128530	ADAPTER DI MJ X F 10" X 10" 6" LONG	10	Each	$78.08	$780.80	$99.84	$998.40	$85.00	$850.00
55	128540	ADAPTER DI MJ X F 12" X 12" 6" LONG	5	Each	$100.04	$500.20	$127.92	$639.60	$109.00	$545.00
56	129220	BEND OFFSET DI MJ 4" X 12"	10	Each	$45.57	$455.70	NO BID	$0.00	$124.00	$1,240.00
57	129240	BEND OFFSET DI MJ 4" X 18"	10	Each	$61.36	$613.60	$76.13	$761.30	$154.00	$1,540.00
58	129260	BEND OFFSET DI MJ 4" X 24"	10	Each	$70.89	$708.90	$87.95	$879.50	$185.00	$1,850.00
59	129320	BEND OFFSET DI MJ 6" X 12"	10	Each	$78.34	$783.40	$102.57	$1,026.70	$109.00	$1,090.00
60	129340	BEND OFFSET DI MJ 6" X 18"	10	Each	$95.91	$959.10	$125.58	$1,255.80	$228.00	$2,280.00
61	129360	BEND OFFSET DI MJ 6" X 24"	10	Each	$121.23	$1,212.30	$150.41	$1,504.10	$270.00	$2,700.00
62	129520	BEND OFFSET DI MJ 8" X 12"	10	Each	$111.70	$1,117.00	$146.25	$1,462.50	$276.00	$2,760.00
63	129540	BEND OFFSET DI MJ 8" X 18"	10	Each	$139.40	$1,394.00	$182.52	$1,825.20	$165.00	$1,650.00
64	129560	BEND OFFSET DI MJ 8" X 24"	10	Each	$198.00	$1,980.00	$259.35	$2,593.50	$449.00	$4,490.00
65	129620	BEND OFFSET DI MJ 10" X 12"	10	Each	$163.23	$1,632.30	$202.51	$2,025.10	$800.00	$8,000.00
66	129640	BEND OFFSET DI MJ 10" X 18"	10	Each	$194.80	$1,948.00	$241.68	$2,416.80	$1,200.00	$12,000.00
67	129660	BEND OFFSET DI MJ 10" X 24"	10	Each	$381.57	$3,815.70	$473.17	$4,731.70	$1,400.00	$14,000.00
68	129720	BEND OFFSET DI MJ 12" X 12"	10	Each	$195.40	$1,954.00	$242.42	$2,424.20	$600.00	$6,000.00
69	129740	BEND OFFSET DI MJ 12" X 18"	10	Each	$236.21	$2,362.10	$293.05	$2,930.50	$800.00	$8,000.00
70	129760	BEND OFFSET DI MJ 12" X 24"	10	Each	$334.00	$3,340.00	$414.26	$4,142.60	$1,000.00	$10,000.00
71	130010	CROSS FIG 4"	2	Each	$80.22	$160.44	$102.57	$205.14	$127.00	$254.00
72	130020	CROSS FIG 6"	4	Each	$130.24	$520.96	$166.53	$666.12	$143.00	$572.00
73	130030	CROSS FIG 8"	2	Each	$194.90	$389.80	$249.21	$498.42	$198.00	$396.00
74	130040	CROSS FIG 10"	2	Each	$384.91	$769.82	$492.18	$984.36	$392.00	$784.00
75	130050	CROSS FIG 12"	2	Each	$436.15	$872.30	$557.70	$1,115.40	$476.00	$952.00
76	130090	CROSS DI FLG 10" X 8"	4	Each	$309.27	$1,237.08	$395.46	$1,581.84	$315.00	$1,260.00
77	New Item	CROSS DI FLG 12" X 8"	2	Each	$402.60	$805.20	$514.18	$1,028.36	$440.00	$880.00
78	New Item	CROSS DI FLG 12" X 10"	2	Each	$484.04	$968.08	$556.25	$1,112.50	$564.00	$1,128.00
79	New Item	CROSS DI FLG 16" X 16" X 12" X 12"	2	Each	$705.77	$1,411.54	$902.46	$1,804.92	$1,402.00	$2,804.00
80	130300	BEND CI FLANGE X FLANGE 4" X 90°	45	Each	$41.29	$1,858.05	$53.43	$2,404.35	$45.00	$2,025.00
81	130310	BEND CI FLANGE X FLANGE 6" X 90°	30	Each	$64.66	$1,939.80	$82.68	$2,480.40	$67.00	$2,010.00
82	130320	BEND CI FLANGE X FLANGE 8" X 90°	25	Each	$106.45	$2,661.25	$136.11	$3,402.75	$113.00	$2,825.00
83	130330	BEND CI FLANGE X FLANGE 10" X 90°	2	Each	$168.97	$337.94	$216.06	$432.12	$172.00	$344.00
84	130340	BEND CI FLANGE X FLANGE 12" X 90°	2	Each	$220.21	$440.42	$281.58	$563.16	$240.00	$480.00
85	130400	BEND DI MJ 11.25 4"	4	Each	$16.78	$67.12	$21.45	$85.80	$20.00	$80.00
86	130410	BEND DI MJ 11.25 6"	6	Each	$28.37	$170.22	$36.27	$217.62	$34.00	$204.00
87	130420	BEND DI MJ 11.25 8"	6	Each	$38.74	$232.44	$49.53	$297.18	$51.00	$306.00
88	130430	BEND DI MJ 11.25 10"	4	Each	$62.83	$251.32	$80.34	$321.36	$72.00	$288.00
89	130440	BEND DI MJ 11.25 12"	4	Each	$78.08	$312.32	$99.84	$399.36	$85.00	$340.00
90	130450	BEND DI MJ 22.50 4"	4	Each	$17.69	$70.76	$22.62	$90.48	$20.00	$80.00
91	130460	BEND DI MJ 22.50 6"	6	Each	$27.45	$164.70	$35.10	$210.60	$34.00	$204.00
92	130470	BEND DI MJ 22.50 8"	6	Each	$42.70	$256.20	$54.60	$327.60	$51.00	$306.00
93	130480	BEND DI MJ 22.50 10"	4	Each	$63.44	$253.76	$81.12	$324.48	$72.00	$288.00
94	130490	BEND DI MJ 22.50 12"	4	Each	$83.27	$333.08	$106.47	$425.88	$85.00	$340.00
95	130500	BEND DI MJ 4" X 45°	10	Each	$20.61	$206.10	$23.79	$237.90	$21.00	$210.00
96	130510	BEND DI MJ 6" X 45°	10	Each	$29.89	$298.90	$36.22	$362.20	$35.00	$350.00
97	130520	BEND DI MJ 8" X 45°	10	Each	$43.62	$436.20	$55.77	$557.70	$52.00	$520.00
98	130530	BEND DI MJ 10" X 45°	10	Each	$63.75	$637.50	$81.51	$815.10	$74.00	$740.00
99	130540	BEND DI MJ 12" X 45°	10	Each	$95.16	$951.60	$121.68	$1,216.80	$87.00	$870.00
100	130700	BEND DI MJ X FLANGE 4" X 45°	6	Each	$28.08	$168.48	$35.88	$215.28	$52.00	$312.00
101	130710	BEND DI MJ X FLANGE 6" X 45°	6	Each	$41.18	$247.08	$52.65	$315.90	$45.00	$270.00
102	130720	BEND DI MJ X FLANGE 8" X 45°	6	Each	$79.30	$475.80	$101.40	$608.40	$81.00	$486.00
103	130730	BEND DI MJ X FLANGE 10" X 45°	4	Each	$116.51	$466.04	$148.98	$595.92	$144.00	$576.00
104	130740	BEND DI MJ X FLANGE 12" X 45°	4	Each	$173.85	$695.40	$222.30	$889.20	$224.00	$896.00
105	131500	BEND DI MJ 4" X 90°	15	Each	$22.57	$338.55	$28.86	$432.90	$23.50	$352.50
106	131510	BEND DI MJ 6" X 90°	15	Each	$36.91	$553.65	$47.19	$707.85	$38.00	$570.00

CITY OF MODESTO

RFB NO. 1617-33 WATER VALVES, FIRE HYDRANTS, CONCRETE BOXES, COVERS, CI/DI FITTINGS, COVERS, AND FRAMES

ITEM #	STOCK #	ITEM/DESCRIPTION	QTY	UNIT OF ISSUE	Modesto, CA Ferguson Waterworks		Stockton, CA Pace Supply Corp		Manteca, CA R&B Co	
					UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE
107	131520	BEND DI MJ 6" X 90°	15	Each	$53.68	$805.20	$68.64	$1,029.60	$56.00	$840.00
108	131530	BEND DI MJ 10" X 90°	10	Each	$85.40	$854.00	$109.20	$1,092.00	$89.00	$890.00
109	131540	BEND DI MJ 12" X 90°	10	Each	$114.99	$1,149.90	$147.03	$1,470.30	$122.00	$1,220.00
110	131700	BEND DI MJ X F 4" X 90°	15	Each	$25.62	$384.30	$32.76	$491.40	$26.00	$390.00
111	131710	BEND DI MJ X F 6 X 90°	15	Each	$45.75	$686.25	$58.50	$877.50	$47.00	$705.00
112	131720	BEND DI MJ X F 8" X 90°	15	Each	$79.81	$1,194.15	$101.79	$1,526.85	$82.00	$1,230.00
113	131730	BEND DI MJ X F 10" X 90°	5	Each	$130.24	$651.20	$166.53	$832.65	$133.00	$665.00
114	131740	BEND DI MJ X F 12 X 90°	10	Each	$187.27	$1,872.70	$239.46	$2,394.60	$218.00	$2,180.00
115	132100	CAP DI MJ 4" WITH 2" FIPT OUTLET	4	Each	$17.39	$69.56	$22.23	$88.92	$18.00	$72.00
116	132120	CAP DI MJ 6" WITH 2" FIPT OUTLET	4	Each	$23.79	$95.16	$30.42	$121.68	$26.00	$104.00
117	132140	CAP DI MJ 8" WITH 2" FIPT OUTLET	4	Each	$33.25	$133.00	$42.51	$170.04	$34.00	$136.00
118	132160	CAP DI MJ 10" WITH 2" FIPT OUTLET	3	Each	$39.65	$118.95	$50.70	$152.10	$40.00	$120.00
119	132180	CAP DI MJ 12" WITH 2" FIPT OUTLET	3	Each	$55.21	$165.63	$70.59	$211.77	$65.00	$195.00
120	New Item	CAP DI MJ 8" WITH 4" FIPT OUTLET	3	Each	$152.32	$456.96	$106.08	$318.24	$129.00	$387.00
121	132203	CAP DI MJ 16" WITH 4" FIPT OUTLET	4	Each	$227.92	$911.68	$140.40	$561.60	$279.00	$1,116.00
122	132210	MJ PLUG / 2" FIPT OUTLET 4"	6	Each	$34.72	$208.32	$24.18	$145.08	$22.00	$132.00
123	New Item	MJ PLUG / 2" FIPT OUTLET 6"	2	Each	$18.19	$36.38	$36.27	$72.54	$34.00	$68.00
124	132215	MJ PLUG / 4" FIPT OUTLET 6"	3	Each	$134.91	$404.73	NO BID	$0.00	$100.00	$300.00
125	132219	MJ PLUG / 2" FIPT OUTLET 8"	2	Each	$38.13	$76.26	$48.75	$97.50	$150.00	$300.00
126	132220	MJ PLUG / 4" FIPT OUTLET 8"	3	Each	$127.50	$382.50	NO BID	$0.00	$150.00	$450.00
127	132225	MJ PLUG / 4" FIPT OUTLET 10"	4	Each	$133.56	$534.24	NO BID	$0.00	$200.00	$800.00
128	132230	MJ PLUG / 4" FIPT OUTLET 12"	3	Each	$176.97	$536.91	NO BID	$0.00	$217.00	$651.00
129	132300	REDUCER DI MJ 6" X 4"	10	Each	$21.35	$213.50	$26.13	$261.30	$28.00	$280.00
130	132310	REDUCER, SMALL END BELL 6" X 4"	15	Each	$21.44	$321.60	$26.91	$403.65	$30.00	$450.00
131	132400	REDUCER DI MJ 8" X 6"	5	Each	$31.11	$155.55	$39.78	$198.90	$33.00	$165.00
132	132480	REDUCER DI MJ 12" X 8"	3	Each	$54.60	$163.80	$66.30	$198.90	$72.00	$216.00
133	132500	REDUCER DI MJ 12" X 10"	3	Each	$60.39	$181.17	$73.71	$221.13	$78.00	$234.00
134	132610	REDUCER MJ SMALL END BELL 8" X 6"	2	Each	$31.42	$62.84	$40.95	$81.90	$42.00	$84.00
135	132620	REDUCER MJ SMALL END BELL 10" X 8"	3	Each	$65.82	$197.46	$67.86	$203.58	$75.00	$225.00
136	132630	REDUCER, LARGE END BELL 6" X 4"	12	Each	$32.26	$387.12	$40.95	$491.40	$28.00	$336.00
137	132650	REDUCER, LARGE END BELL 8" X 6"	12	Each	$30.08	$360.96	$39.39	$472.68	$41.00	$492.00
138	132680	REDUCER, LARGE END BELL 10" X 8"	10	Each	$55.40	$554.00	$69.03	$690.30	$141.00	$1,410.00
139	132720	REDUCER, LARGE END BELL 12" X 10"	6	Each	$72.08	$432.48	$89.70	$538.20	$135.00	$810.00
140	133800	SLEEVE DI MJ X MJ 4" X 12"	10	Each	$19.83	$198.30	$25.35	$253.50	$61.00	$610.00
141	133810	SLEEVE DI MJ X MJ 6" X 12"	12	Each	$33.25	$399.00	$42.51	$510.12	$62.00	$744.00
142	133820	SLEEVE DI MJ X MJ 8" X 12"	10	Each	$54.60	$546.00	$69.81	$698.10	$102.00	$1,020.00
143	133830	SLEEVE DI MJ X MJ 10" X 12"	4	Each	$64.97	$259.88	$83.07	$332.28	$121.00	$484.00
144	133840	SLEEVE DI MJ X MJ 12" X 12"	3	Each	$87.84	$263.52	$112.32	$336.96	$164.00	$492.00
145	133860	SLEEVE DI MJ X MJ 16" X 12"	2	Each	$168.06	$336.12	$224.30	$448.60	$315.00	$630.00
146	134140	SPOOL DI FLANGE X FLANGE 4" X 12"	5	Each	$85.90	$429.50	$105.65	$528.25	$108.00	$540.00
147	134160	SPOOL DI FLANGE X FLANGE 6" X 12"	5	Each	$101.07	$505.35	$134.34	$671.70	$126.00	$630.00
148	134180	SPOOL DI FLANGE X FLANGE 8" X 12"	15	Each	$133.42	$2,001.30	$197.82	$2,967.30	$155.00	$2,325.00
149	134340	SPOOL DI FLANGE X FLANGE 4" X 18"	10	Each	$97.03	$970.30	$116.95	$1,169.50	$113.00	$1,130.00
150	134360	SPOOL DI FLANGE X FLANGE 6" X 18"	5	Each	$115.22	$576.10	$148.25	$741.25	$140.00	$700.00
151	134380	SPOOL DI FLANGE X FLANGE 8" X 18"	5	Each	$143.36	$716.80	$216.95	$1,084.75	$223.00	$1,115.00
152	134740	SPOOL DI FLANGE X FLANGE 4" X 36"	5	Each	$132.51	$662.55	$146.10	$730.50	$155.00	$775.00
153	134760	SPOOL DI FLANGE X FLANGE 6" X 36"	5	Each	$155.65	$778.25	$183.99	$919.95	$181.00	$905.00
154	134780	SPOOL DI FLANGE X FLANGE 8" X 36"	5	Each	$205.18	$1,025.90	$274.33	$1,371.65	$260.00	$1,300.00
155	134790	SPOOL DI FLANGE X FLANGE 4" X 48"	5	Each	$154.64	$773.20	$173.47	$867.35	$178.00	$890.00
156	134795	SPOOL DI FLANGE X FLANGE 6" X 48"	5	Each	$181.93	$909.65	$210.94	$1,054.70	$223.00	$1,115.00
157	134800	SPOOL DI FLANGE X FLANGE 8" X 48"	5	Each	$241.57	$1,207.85	$312.59	$1,562.95	$296.00	$1,480.00
158	New Item	SPOOL DI FLANGE X FLANGE 10" X 48"	5	Each	$323.44	$1,617.20	$414.22	$2,071.10	$376.00	$1,880.00
159	134805	SPOOL DI FLANGE X FLANGE 12" X 48"	5	Each	$413.39	$2,066.95	$542.22	$2,711.10	$481.00	$2,405.00

CITY OF MODESTO

RFB NO. 1617-33 WATER VALVES, FIRE HYDRANTS, CONCRETE BOXES, COVERS, CI/DI FITTINGS, COVERS, AND FRAMES

ITEM #	STOCK #	ITEM/DESCRIPTION	QTY	UNIT OF ISSUE	Modesto, CA Ferguson Waterworks		Stockton, CA Pace Supply Corp		Manteca, CA R&B Co	
					UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE
160	134820	SPOOL DI FLANGE X FLANGE 4" X 60"	20	Each	$177.89	$3,557.80	$189.99	$3,799.80	$201.00	$4,020.00
161	134825	SPOOL DI FLANGE X FLANGE 6" X 60"	15	Each	$208.21	$3,123.15	$237.89	$3,568.35	$242.00	$3,630.00
162	134830	SPOOL DI FLANGE X FLANGE 8" X 60"	15	Each	$278.96	$4,184.40	$339.78	$5,096.70	$331.00	$4,965.00
163	New Item	SPOOL DI FLANGE X FLANGE 10" X 60"	5	Each	$369.93	$1,849.65	$406.66	$2,033.30	$430.00	$2,150.00
164	134840	SPOOL DI FLANGE X FLANGE 4" X 72"	10	Each	$195.07	$1,950.70	$211.78	$2,117.80	$227.00	$2,270.00
165	134860	SPOOL DI FLANGE X FLANGE 6" X 72"	10	Each	$230.46	$2,304.50	$264.83	$2,648.30	$268.00	$2,680.00
166	New Item	SPOOL DI FLANGE X FLANGE 10" X 72"	5	Each	$407.33	$2,036.65	$547.73	$2,738.65	$474.00	$2,370.00
167	135100	TEE CI FLG X FLG 4"	10	Each	$76.25	$762.50	$97.50	$975.00	$88.00	$880.00
168	135110	TEE CI FLG X FLG 6"	12	Each	$95.16	$1,141.92	$121.68	$1,460.16	$102.00	$1,224.00
169	135120	TEE CI FLG X FLG 8"	12	Each	$158.91	$1,906.92	$203.19	$2,438.28	$162.00	$1,944.00
170	135130	TEE CI FLG X FLG 10"	4	Each	$241.56	$966.24	$308.88	$1,235.52	$246.00	$984.00
171	135140	TEE CI FLG X FLG 12"	3	Each	$351.36	$1,054.08	$449.28	$1,347.84	$358.00	$1,074.00
172	135200	TEE FIG SMALL END BELL 10" X 6"	5	Each	$287.00	$1,435.00	$253.11	$1,265.55	NO BID	$0.00
173	135300	TEE CI FLG X FLG 8" X 6"	4	Each	$137.25	$549.00	$175.50	$702.00	$142.00	$568.00
174	135310	TEE FIG SMALL END BELL 10" X 8"	3	Each	$295.00	$885.00	$265.59	$796.77	NO BID	$0.00
175	135400	TEE CI FLG X FLG 12" X 6"	3	Each	$276.94	$830.82	$354.12	$1,062.36	$282.00	$846.00
176	135410	TEE CI FLG X FLG 12" X 8"	3	Each	$291.89	$875.67	$373.23	$1,119.69	$330.00	$990.00
177	135495	TEE FLG 16" X 12"	2	Each	$544.43	$1,088.86	$696.15	$1,392.30	$634.00	$1,268.00
178	136500	TEE DI MJ X MJ X FLANGE 4"	4	Each	$38.74	$154.96	$49.53	$198.12	$39.00	$156.00
179	135510	TEE DI MJ X MJ X FLANGE 6"	4	Each	$61.61	$246.44	$78.78	$315.12	$78.00	$312.00
180	135520	TEE DI MJ X MJ X FLANGE 8"	4	Each	$95.16	$380.64	$121.68	$486.72	$99.00	$396.00
181	135525	TEE MJ X FLG DI 10"	2	Each	$174.46	$348.92	$223.08	$446.16	$237.00	$474.00
182	135600	TEE DI MJ X MJ X FLANGE 8" X 6"	6	Each	$74.42	$446.52	$95.16	$570.96	$80.00	$480.00
183	135650	TEE MJ X FIG 10" X 6"	2	Each	$126.88	$253.76	$162.24	$324.48	$129.00	$258.00
184	135700	TEE DI MJ X MJ X FLANGE 12" X 6"	3	Each	$143.05	$429.15	$182.91	$548.73	$157.00	$471.00
185	135710	TEE DI MJ X MJ X FLANGE 12" X 8"	3	Each	$158.91	$476.73	$203.19	$609.57	$200.00	$600.00
186	136090	BURY HYDRANT MJ X F 6" X 6" X 24"	6	Each	$145.26	$871.56	$159.77	$958.62	$156.00	$936.00
187	136095	BURY HYDRANT MJ X F 6" X 6" X 30"	6	Each	$149.47	$896.82	$164.12	$984.72	$156.00	$936.00
188	136100	BURY HYDRANT DI MJ X F 6" X 6" X 36"	20	Each	$158.42	$3,168.40	$197.84	$3,956.80	$172.00	$3,440.00
189	136150	BURY HYDRANT DI MJ X F 6" X 6" X 42"	95	Each	$182.97	$17,382.15	$193.68	$18,399.60	$191.00	$18,145.00
190	136170	FLANGE BLIND CI OR STEEL 6 HOLE 6" CLASS D	5	Each	$44.14	$220.70	$48.82	$244.10	$48.00	$240.00
191	136200	FLANGE BLIND CI/DI 125LB 4"	5	Each	$19.22	$96.10	$24.57	$122.85	$23.00	$115.00
192	136210	FLANGE BLIND CI/DI 125LB 6"	6	Each	$29.28	$175.68	$37.44	$224.64	$30.00	$180.00
193	136220	FLANGE BLIND CI/DI 125LB 8"	5	Each	$49.11	$245.55	$62.79	$313.95	$54.00	$270.00
194	136230	FLANGE BLIND CI/DI 125LB 10"	3	Each	$73.81	$221.43	$94.38	$283.14	$97.00	$291.00
195	136240	FLANGE BLIND CI/DI 125LB 12"	3	Each	$99.43	$298.29	$127.14	$381.42	$110.00	$330.00
196	136310	RISER HYDRANT CI BREAK OFF FLANGE X FLANGE 6" X 6"	40	Each	$49.47	$1,978.80	$53.33	$2,133.20	$63.00	$2,520.00
197	136320	RISER HYDRANT CI BREAK OFF FLANGE X FLANGE 6" X 8"	60	Each	$54.25	$3,255.00	$58.89	$3,533.40	$67.00	$4,020.00
198	136330	RISER HYDRANT CI BREAK OFF FLANGE X FLANGE 6" X 10"	35	Each	$63.83	$2,234.05	$67.78	$2,372.30	$75.00	$2,625.00
199	136340	RISER HYDRANT CI BREAK OFF FLANGE X FLANGE 6" X 12"	50	Each	$68.08	$3,404.00	$73.33	$3,666.50	$77.00	$3,850.00
200	212100	BOLT, BREAK-OFF W/NUTS, 5/8" X 3"	6	Each	NO BID	$0.00	$5.00	$30.00	$1.50	$9.00
201	212200	BOLT NUT & GASKET KIT 16"	1	Each	NO BID	$0.00	$8.00	$8.00	$32.00	$32.00
202	212290	BOLT TEE, SQUARE SHOULDER, 3/4" X 3 1/2"	25	Each	NO BID	$0.00	NO BID	$0.00	$4.00	$100.00
203	212400	BOLT TEE, SQUARE SHOULDER, 3/4" X 4"	25	Each	NO BID	$0.00	NO BID	$0.00	$4.50	$112.50
204	136000	HYDRANT, FIRE WET BARREL, CI BODY, EPOXY COATED, (1) 2 1/2" AND (1) 4 1/2" OUTLET	140	Each	$752.14	$105,299.60	$811.00	$113,540.00	$1,038.00	$145,320.00
205	136020	HYDRANT, FIRE WET BARREL, CI BODY, EPOXY COATED, (2) 2 1/2" AND (1) 4 1/2" OUTLET	10	Each	$1,237.11	$12,371.10	$1,333.32	$13,333.20	$1,465.00	$14,650.00
206	136900	CAP, HYDRANT, CAST IRON, VENTED WITH CHAIN RING, CHAINS, AND GASKET.	30	Each	$39.29	$1,178.70	$44.84	$1,345.20	$53.00	$1,590.00
207	136910	CAP, HYDRANT, CAST IRON, VENTED WITH CHAIN RINGS, CHAIN AND GASKET.	20	Each	$104.78	$2,095.60	$119.57	$2,391.40	$119.00	$2,380.00
208	144630	VALVE, CHECK, FLANGE 8"	1	Each	$801.02	$801.02	$1,234.17	$1,234.17	$1,005.00	$1,005.00
209	New Item	VALVE, CHECK, FLANGE 10"	1	Each	$1,944.89	$1,944.89	$1,762.87	$1,762.87	$1,784.00	$1,784.00
210	New Item	VALVE, CHECK, FLANGE 12"	1	Each	$2,796.93	$2,796.93	$1,882.24	$1,882.24	$2,791.00	$2,791.00
211	144710	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM, F X F 4"	5	Each	$290.00	$1,450.00	$308.56	$1,542.80	$290.00	$1,450.00
212	144720	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM, F X F 6"	5	Each	$388.00	$1,940.00	$412.30	$2,061.50	$388.00	$1,940.00

CITY OF MODESTO

RFB NO. 1617-33 WATER VALVES, FIRE HYDRANTS, CONCRETE BOXES, COVERS, CI/DI FITTINGS, COVERS, AND FRAMES

ITEM #	STOCK #	ITEM/DESCRIPTION	QTY	UNIT OF ISSUE	Modesto, CA Ferguson Waterworks		Stockton, CA Pace Supply Corp		Manteca, CA R&B Co	
					UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE	UNIT PRICE	EXT PRICE
213	144730	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. F X F 8"	5	Each	$620.00	$3,100.00	$644.52	$3,222.60	$620.00	$3,100.00
214	144740	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. F X F 10"	5	Each	$973.00	$4,865.00	$1,024.10	$5,120.50	$973.00	$4,865.00
215	144750	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. F X F 12"	5	Each	$1,174.00	$5,870.00	$1,236.63	$6,183.15	$1,174.00	$5,870.00
216	New Item	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. F X F 16"	1	Each	$4,053.60	$4,053.60	$4,368.85	$4,368.85	$4,517.00	$4,517.00
217	144810	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X F 4"	10	Each	$279.00	$2,790.00	$297.12	$2,971.20	$279.00	$2,790.00
218	144820	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X F 6"	100	Each	$374.00	$37,400.00	$397.14	$39,714.00	$374.00	$37,400.00
219	144830	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X F 8"	55	Each	$583.00	$32,065.00	$620.58	$34,131.90	$583.00	$32,065.00
220	144840	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X F 10"	10	Each	$927.00	$9,270.00	$986.33	$9,863.30	$927.00	$9,270.00
221	144850	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X F 12"	10	Each	$1,119.00	$11,190.00	$1,190.88	$11,908.80	$1,119.00	$11,190.00
222	New Item	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X F 16"	1	Each	$4,273.91	$4,273.91	$4,368.85	$4,368.85	$4,517.00	$4,517.00
223	144860	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X MJ 4"	5	Each	$292.00	$1,460.00	$311.22	$1,556.10	$292.00	$1,460.00
224	144870	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X MJ 6"	1	Each	$369.00	$369.00	$397.14	$397.14	$369.00	$369.00
225	144880	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X MJ 8"	1	Each	$594.00	$594.00	$632.55	$632.55	$594.00	$594.00
226	144890	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X MJ 10"	1	Each	$927.00	$927.00	$986.33	$986.33	$927.00	$927.00
227	New Item	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X MJ 12"	1	Each	$1,173.00	$1,173.00	$1,248.07	$1,248.07	$1,173.00	$1,173.00
228	New Item	VALVE, GATE, RESILIENT SEAT, WITH OPERATING NUT AND NON RISING STEM. MJ X MJ 16"	1	Each	$4,053.60	$4,053.60	$4,138.82	$4,138.82	$4,517.00	$4,517.00
229	New Item	VALVE, GATE, OS&Y, FL X FL 4"	4	Each	$393.29	$1,573.16	$401.57	$1,606.28	$533.00	$2,132.00
230	New Item	VALVE, GATE, OS&Y, FL X FL 6"	4	Each	$510.82	$2,043.28	$521.56	$2,086.24	$650.00	$2,600.00
231	New Item	VALVE, GATE, OS&Y, FL X FL 8"	4	Each	$780.41	$3,121.64	$796.82	$3,187.28	$810.00	$3,240.00
232	144910	VALVE, BUTTERFLY, FLANGE 4"	1	Each	$498.94	$498.94	$452.25	$452.25	$503.00	$503.00
233	144970	VALVE, BUTTERFLY, FLANGE 6"	1	Each	$531.57	$531.57	$465.88	$465.88	$518.00	$518.00
234	144980	VALVE, BUTTERFLY, FLANGE 8"	1	Each	$656.00	$656.00	$596.56	$596.56	$664.00	$664.00
235	144985	VALVE, BUTTERFLY, FLANGE 10"	1	Each	$822.00	$822.00	$822.68	$822.68	$915.00	$915.00
236	144990	VALVE, BUTTERFLY, FLANGE 12"	1	Each	$985.00	$985.00	$985.17	$985.17	$1,096.00	$1,096.00
237	144995	VALVE, BUTTERFLY, FLANGE 16"	1	Each	$1,918.00	$1,918.00	$1,985.76	$1,985.76	$2,007.00	$2,007.00
238	New Item	VALVE, BUTTERFLY (UNDERGROUND) RUBBER SEATED. MJ X F 4"	1	Each	$453.00	$453.00	$153.38	$153.38	NO BID	
239	144920	VALVE, BUTTERFLY (UNDERGROUND) RUBBER SEATED. MJ X F 6"	5	Each	$488.00	$2,440.00	$488.61	$2,443.05	NO BID	
240	144930	VALVE, BUTTERFLY (UNDERGROUND) RUBBER SEATED. MJ X F 8"	1	Each	$626.00	$626.00	$626.10	$626.10	NO BID	
241	144940	VALVE, BUTTERFLY (UNDERGROUND) RUBBER SEATED. MJ X F 10"	10	Each	$863.00	$8,630.00	$863.59	$8,635.90	NO BID	
242	144950	VALVE, BUTTERFLY (UNDERGROUND) RUBBER SEATED. MJ X F 12"	5	Each	$1,035.00	$5,175.00	$1,035.17	$5,175.85	NO BID	
243	144960	VALVE, BUTTERFLY (UNDERGROUND) RUBBER SEATED. MJ X F 16"	1	Each	$1,693.00	$1,693.00	$1,752.84	$1,752.84	NO BID	
		SUB-TOTAL:				$665,087.88		$18,126.48		$66,473.00
		SALES TAX 7.875%:				$52,375.67		$1,427.46		$5,234.75
		TOTAL:				$717,463.55		$19,553.94		$71,707.75

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-521

RESOLUTION ACCEPTING THE DOWNSTREAM WATER SYSTEM IMPROVEMENTS PRESSURE REGULATING VALVES PROJECT AS COMPLETE, AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, RECEIVING CREDITS, AND RELEASE PAYMENTS TOTALING $2,303,583 TO HOBBS CONSTRUCTION, INC., OF FRESNO, CA

WHEREAS, the Downstream Water System Improvements Pressure Regulating Valves project has been completed by Hobbs Construction, Inc., of Fresno, CA in accordance with the contract agreement dated October 28, 2014,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Downstream Water System Improvements Pressure Regulating Valves Project is hereby accepted as complete from said contractor, Hobbs Construction, Inc., of Fresno, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,303,583, as is authorized and provided in the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-522

RESOLUTION APPROVING THE ANNUAL WATER RATE REVIEW AND ADOPTING 9% WATER RATE INCREASES TO BE EFFECTIVE APRIL 1, 2018 FOR FISCAL YEAR 2017/18

WHEREAS, the City of Modesto provides water service to over 73,000 accounts consisting of residential, multi-family, commercial, and industrial customers located within the City of Modesto, as well as the communities of Salida, Empire, Grayson, Del Rio and portions of Ceres, Turlock and unincorporated Stanislaus County, and

WHEREAS, the City of Modesto's water sources are groundwater and treated surface water purchased from the Modesto Irrigation District; and

WHEREAS, the City's water utility is a self-supporting utility enterprise funded by customer revenues; and

WHEREAS, Modesto Municipal Code Section 11-6.05 authorizes Council, by resolution, to establish charges for metered water services, and Section 11-6.06 authorizes the Council, by resolution, to establish charges for unmetered water services; and

WHEREAS, Proposition 218 amended the California Constitution to establish a process that public agencies must follow when imposing new or increasing "property related fees" (Cal. Const. Article XIID); and

WHEREAS, water service fees are property-related fees and thus subject to Proposition 218's procedural and substantive requirements; and

WHEREAS, the City engaged Bartle Wells Associates ("BWA") in July 2015 to conduct a comprehensive review of the City's water rates and charges in accordance with Proposition 218; and

WHEREAS, BWA prepared a report dated May 2016 entitled "City of Modesto Water Rate and Fee Study" ("Report"), containing analyses and recommendations for adjusting the City's water rates and charges; and

WHEREAS, the Report analyzes the number of water customers, projections for customer growth, water revenues, water capital improvement programs, operations and maintenance needs, customer services costs, and volumetric use; and

WHEREAS, the Report concludes that the revenues generated under existing water rates are insufficient to meet water utility's revenue requirements for fiscal year 2016-17 and subsequent years, given changes and new developments in the City's water system, including new capital improvement projects identified in the soon to be completed Water Master Plan; and

WHEREAS, the Report recommends increasing the City's existing water rates and charges, and makes certain recommendations for the City's water services rates for the period beginning fiscal year 2016-17; and

WHEREAS, the Report demonstrates that the recommended rates do not exceed the reasonable cost of providing such service or regulatory activity and, as such, the proposed rates are not levied for general revenue purposes; and

WHEREAS, the Report also demonstrates that the recommended rates result in charges to property owners or ratepayers that do not exceed the proportionate cost of providing water services attributable to the parcel or persons; and

WHEREAS, the City mailed a notice of the public hearing, and notice of oral and written protest procedures against the proposed rate increases to all affected property owners and ratepayers in compliance with California Constitution Article XIII D, Section

6; at least forty-five days in advance of the public hearing at which this Resolution was considered; and

WHEREAS, on August 9, 2016, the City Council duly held the public hearing , and at its conclusion the City Clerk tabulated the number of written and oral protests received, if any, and reported that there was not a majority protest of the proposed rates by owners or authorized representatives of identified property owners or ratepayers receiving water services; and

WHEREAS, the City Council subsequently approved a new water rate structure in accordance with Proposition 218 by Resolution No. 2016-343 and adopted a five-year schedule of new maximum water service rates beginning in Fiscal Year 2016-17 and increasing those rates by up to 25.04% in Fiscal Year 2016-17; 11.08% in Fiscal Year 2017-18; 9.00% in Fiscal Years 2018-19 through 2020-21; and

WHEREAS, City staff has recently conducted an annual review of the water rates as required by Resolution 2016-343 to ensure that the approved 11.08% increase for Fiscal Year 2017-18 meets the enterprise's revenue needs based on anticipated expenses and the City's policies; and

WHEREAS, upon review of the FY2017-18 proposed Water Fund proforma, the City's Budget Division agrees that lowering the increase from 11.08% per the approved rate schedule to 9.00% in annual rate would allow the fund to maintain a minimum 1.5 debt service coverage ratio required by Council policy, and maintain a 2.0 debt coverage ratio in future years as recommended in the recent Fitch Rating review; and

WHEREAS, the Budget Division also recommends a 9.00% increase in water rates for FY 2017-18 based on the anticipated revenues and proposed operating and capital expenses for the upcoming fiscal years; and

WHEREAS, pursuant to amended Resolution 2004-627, the approved increase in water rates for Fiscal Year 2017-18 will become effective 90 days after completion of the annual review, unless the City Council directs otherwise, and Staff recommends the FY 2017-18 rate increase become effective on April 1, 2018.

NOW, THEREFORE, BE IT RESOLVED, by Council of the City of Modesto as follows:

1. WATER RATE SCHEDULE- METERED WATER RATES.

Metered ratepayers shall pay a water (volume) rate for water as follows, and the drought water rates shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

Meter Size	Current	FY2017/18	FY2018/19	FY2019/20	FY2020/21
Fixed Meter Charges ($/month)					
5/8 inch	$20.79	$21.47	$23.34	$25.42	$27.73
3/4 inch	$20.79	$21.47	$23.34	$25.42	$27.73
1 inch	$29.30	$30.39	$33.48	$36.90	$40.72
1.5 inch	$50.58	$52.71	$58.83	$65.62	$73.19
2 inch	$76.11	$79.49	$89.25	$100.08	$112.16
3 inch	$156.98	$164.30	$185.59	$209.19	$235.57
4 inch	$276.14	$289.28	$327.55	$370.00	$417.42
6 inch	$561.28	$588.33	$667.24	$754.78	$852.58
8 inch	$1,029.42	$1,079.32	$1,224.95	$1,386.51	$1,567.01
10 inch	$1,625.23	$1,704.21	$1,934.76	$2,190.53	$2,476.29
12 inch	$2,135.93	$2,239.84	$2,543.16	$2,879.69	$3,255.67
Water Rate ($/ccf)					
Drought	$1.97	$1.98	$2.07	$2.17	$2.27
Non-drought	$1.79	$1.82	$1.93	$2.05	$2.17

2. **WATER RATE SCHEDULE- UNMETERED WATER RATES.** The following contains the maximum water (volume) rate service charges for unmetered ratepayers. The drought water (volume) rate shall be imposed when the State Water Resources Control Board imposes a mandatory conservation target that exceeds the City's self-imposed conservation target.

DROUGHT Unmetered Fixed Charge ($/month)					
Rate Code	**Current**	**FY2017/18**	**FY2018/19**	**FY2019/20**	**FY2020/21**
PRO1 - 0 to 5,000 sq ft	$49.20	$50.39	$54.39	$58.82	$63.65
PRO2 - 5,001 to 7,000 sq ft	$57.27	$58.51	$62.87	$67.71	$72.95
PRO3 - 7001 to 11,000 sq ft	$73.23	$74.54	$79.64	$85.29	$91.34
PRO4 - 11,001 to 17,000 sq ft	$97.07	$98.50	$104.69	$111.55	$118.81
PRO5 - Over 17,000 sq ft	$109.09	$110.58	$117.32	$124.79	$132.66

NON-DROUGHT Unmetered Fixed Charge ($/month)					
Rate Code	**Current**	**FY2017/18**	**FY2018/19**	**FY2019/20**	**FY2020/21**
PRO1 - 0 to 5,000 sq ft	$47.38	$48.77	$52.97	$57.61	$62.64
PRO2 - 5,001 to 7,000 sq ft	$54.72	$56.23	$60.89	$66.01	$71.53
PRO3 - 7001 to 11,000 sq ft	$69.22	$70.98	$76.52	$82.62	$89.11
PRO4 - 11,001 to 17,000 sq ft	$90.88	$93.00	$99.87	$107.42	$115.37
PRO5 - Over 17,000 sq ft	$101.80	$104.10	$111.65	$119.93	$128.61
TUR - Turlock Fire Charge	$4.19	$4.19	$4.19	$4.19	$4.19

3. **EFFECTIVE DATE.** This Resolution shall go into effect and be in full force and operation on or after April 1, 2018.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

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MODESTO CITY COUNCIL
RESOLUTION NO. 2017-523

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(604)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Meridian Property Ventures LLC on May 23, 2017, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(604) to allow for a 11,500 square foot office building and on-site parking, for property located at 1328 Coffee Road, described as follows:

R-1 to P-D(604)

All that portion of Lot 12 of Broughton Colony, shown on that certain map filed in the office of the Recorder of Stanislaus County, State of California, on March 17, 1904 in Volume 1 Page 78 of Maps, lying within a portion of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Commencing at the Northwest corner of Lot 12 of Broughton Colony, said point being at the intersection of the center line of Coffee Road and Orangeburg Avenue; thence South 0° 30' East 259.20 feet to the True Point of Beginning of this description; thence North 89° 52' East 436.00 feet; thence South 0° 30' East 100.00 feet; thence North 89° 52' West 436.00 feet; thence North 0° 30' West 100.00 feet to the True Point of Beginning.

Less a 25.00 foot strip along West side for Co. Road Right-of-way.

Excepting therefrom that portion conveyed to City of Modesto, a municipal corporation, described in Grant Deed, recorded September 17, 1974, Document No. 113265, Book 2654, Page 504 of Official Records.

Including also the easterly half of 90-foot wide Coffee Road, all being immediately adjacent to the above-described property.

APN No. 032-009-007

WHEREAS, after a public hearing held on October 16, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and

determined by the Planning Commission, by its Resolution No. 2017-24, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the proposed rezone to Planned Development to allow for a new office building will provide professional services to the City's residents, including dialysis treatment services as the sole allowed medical use of the site, the requested zone change will result in an orderly planned use of land because the conditions of approval will ensure that the proposed project is compatible with the adjacent professional office and residential land uses, and will provide for off-street parking at a sufficient level to support professional office uses as well as medical dialysis treatment as the sole allowed medical office use, and the requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the proposed change to Planned Development allowing for professional office uses is consistent with the Modesto Urban General Plan, which designates this property as Mixed Use (MU), which allows for professional and medical office uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Meridian Property Ventures LLC for a Planned Development Zone will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto

Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2017-24 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3682-C.S. on the 12th day of December 2017, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(604),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(604), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the Development Plan titled "Modesto Medical Office Building" as amended in red and stamped approved by the City Council on December 12, 2017

2. Prior to the issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development or designee.

3. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment or Building permit.

4. The improvement plans shall include all landscaping, parking, and any and all easements required for the establishment of new utilities and the preservation of existing utilities.

5. Prior to issuance of a Certificate of Occupancy, the developer shall execute a Reciprocal Access Agreement with the City to provide a reciprocal access along the northern property line, as shown in red on the site plan, located adjacent to the existing reciprocal access on the adjacent property to the north as referenced in Document No. 2001-0083737-00, Stanislaus County Records, for the purpose of a shared driveway between

the two properties. Said reciprocal access agreement shall also include provisions for the shared maintenance of the driveway.

6. Prior to occupancy of any structure, fences and/or walls shall be constructed as follows, to the satisfaction to the Director of Community and Economic Development:

    a. Seven-foot high decorative masonry wall with cap treatment along the east property line.

    b. A seven-foot high wrought-iron fence with decorative masonry pilasters and a cap treatment at 16 feet on center along the south property line.

7. Prior to certificate of occupancy, the masonry wall at the east property line shall be treated with a graffiti-proof coating to the satisfaction of the Director of Community and Economic Development or Designee. Construction drawings shall note the type of graffiti treatment used.

8. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used for the office building, as approved by the Community and Economic Development Director.

9. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting fixtures for review and approval by the Director of Community and Economic Development. Said plans shall include specifications of the proposed lighting fixtures and demonstrate the adequate shielding of lighting fixtures to minimize glare or light spillage upon neighboring residents east of the project site. The height of the lighting shall not exceed 15 feet above grade.

10. Along pedestrian corridors, the use of low mounted bollard light standards, which reinforce pedestrian scale, shall be used. Steps and ramps should be illuminated wherever possible, with built-in light fixtures to the satisfaction of the Director of Community and Economic Development.

11. All signs shall comply with the sign requirements of the P-O Zone. Wall signs located on the east elevation of the building shall be non-illuminated and less than eight feet in height.

12. Prior to issuance of a sign permit, individual sign plans for the project shall be submitted for separate review and approval prior to installation.

13. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed

underground or adequately screened though the use of landscaping or masonry walls.

14. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

15. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development.

16. Construction drawings shall demonstrate that new ladders for roof access are mounted on the inside of the building to the satisfaction of the Director of Community and Economic Development.

17. Prior to occupancy of any structure, striping of parking stalls, aisles and driveways shall conform to the provisions of MMC Section 10-5.105, Parking Lot Design Standards.

18. Parking lot shade trees shall be provided in all new parking areas to meet current parking lot shading requirements (1 tree per 8 stalls, 50% coverage within 10 years).

19. The applicant shall install screen landscaping along the east property line as approved by the Parks, Recreation and Neighborhoods.

20. The project shall install a street light according to City's Standard Specifications.

21. The existing sidewalk along the property's frontage shall be reconstructed per current City of Modesto standards to remove and replace existing, broken curb, gutter and sidewalk and to remove the old, existing driveway approaches.

22. There is an existing 10–inch water main in Coffee Road that is available for connection and it is adequately sized. For any new water connection or an upgrade to an existing substandard water service size, water connection fees shall be paid and an Encroachment permit issued by the City prior to any new connection being made.

23. There is an existing 10-inch sewer main in Coffee Road that is available for connection and with adequate capacity for the uses expected demand. For any new connection to the sewer main, sewer connection fees shall be paid and an Encroachment permit be issued by the City prior to any new connection being made. Submit estimated sewer demand calculation for review prior to issuance of a building permit.

24. The property shall retain all storm water runoff on-site through low impact development methods to promote ground water recharge. The design shall abide by current City of Modesto storm drainage standards.

25. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

26. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5" of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

27. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5" of stormwater run-off from site.

28. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

29. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

30. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

31. Fire hydrant spacing and distribution for this project is 300-feet O.C. An on-site fire hydrant will be required.

32. Buildings shall be equipped with automatic fire sprinkler systems installed in accordance with NFPA 13.

33. A fire alarm system installed in accordance with NFPA 72 may be required for an ambulatory care facility. Alarm system shall be U. L. Certified.

34. A fire hydrant will be required within 90 feet of the Fire Department Connection (FDC) to fire sprinklers.

35. Applicant shall submit Landscape and Irrigation plans for review and approval by the City's Park Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.

36. Applicant shall provide street trees along Coffee Road thirty five (35') feet on center and located within seven (7') feet of the sidewalk or curb.

37. Applicant shall install a separate landscape water meter.

38. The applicant shall provide a minimum 10-foot landscaped setback from the front property line.

39. The landscape design can include accent landscaping to be installed at the driveway for visual connectivity to employees, visitors, delivery trucks and street traffic.

40. LID control and treatment measures shall be vegetated for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure.

41. Climbing vines shall be included in the landscape surrounding the trash enclosures to discourage tagging.

42. Applicant shall install bicycle parking racks as part of the project development per MMC and Green Building Code.

43. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

44. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department.

45. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.

46. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

47. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

48. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

49. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.

50. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the City of Modesto General Plan Master EIR to be applied to the project:

51. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. [AQ-42]

52. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. [AQ-43]

53. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. [AQ-44]

54. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. [AQ-46]

55. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or

accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) [AQ-47]

56. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. [AQ-48]

57. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. [AQ-49]

58. Any site with 150 or more vehicle trips per day shall prevent carryout and track out. [AQ-50]

59. The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine." [N-1]

60. Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

    a. A hammer, or any other device or implement used to pound or strike an object.

    b. An impact wrench, or other tool or equipment powered by compressed air.

    c. A hand-powered saw.

    d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

    e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

    f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting

equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested. [N-2]

61. The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected. [N-3]

62. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. [SD-9, FWQ-13]

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(604):

The entire construction program be accomplished in one phase, construction to begin on or before December 12, 2019, and completion to be not later than three (3) years from the date of adoption.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(604), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) day approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on December 12, 2017, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By: _____
Community & Economic Development Department
Planning Division

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-524

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE (R-1) ZONE TO PLANNED DEVELOPMENT ZONE P-D(604), TO ALLOW FOR AN 11,500 SQUARE FOOT OFFICE BUILDING AND ON-SITE PARKING, PROPERTY LOCATED AT 1328 COFFEE ROAD

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, Meridian Property Ventures LLC has proposed a rezone of property located at 1328 Coffee Road from Low Density Residential (R-1) Zone to Planned Development Zone P-D(604) to allow a 11,500 square foot office building and on-site parking, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto's Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2017-16 ("Initial Study") which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on November 21, 2017, the City caused to be published a 20-day notice of the City's intent to make a finding that the subsequent project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 12, 2017, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone, a copy of which is **attached** hereto as **Exhibit "A"**, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Grewal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

Initial Study

EA/C&ED 2017-16

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2017-16

For the proposed:

PDZ-17-004
Rezone from Low Density Residential (R-1) Zone to Planned Development Zone for Professional Office (P-O) Uses
New 11,500 Sq. Ft. Professional Office Building
1328 Coffee Road

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

September 14, 2017

Updated: September 2013

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City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed rezone to Planned Development Zone for a new 11,500 Sq. Ft. office building ("Project") is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: PDZ-17-004: Rezone from R-1 to Planned Development Zone for Professional Office Uses and Dialysis Clinic

B. Address or Location: 1328 Coffee Road (APN 032-009-007)

C. Applicant: Meridian Property Ventures (c/o Mike Conn) 2420 Camino Ramon, Suite 215 San Ramon, CA 94583

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

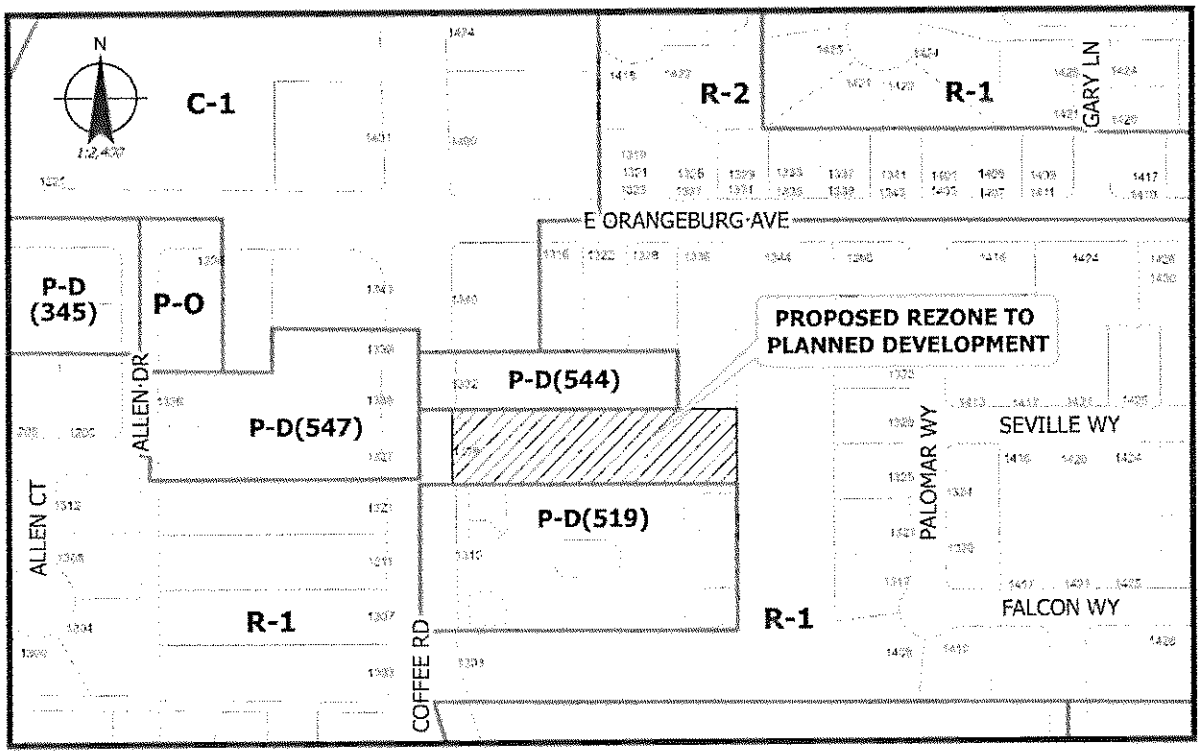
F. Current Zoning Classification(s): Low Density Residential (R-1) Zone

G. Surrounding Land Uses:

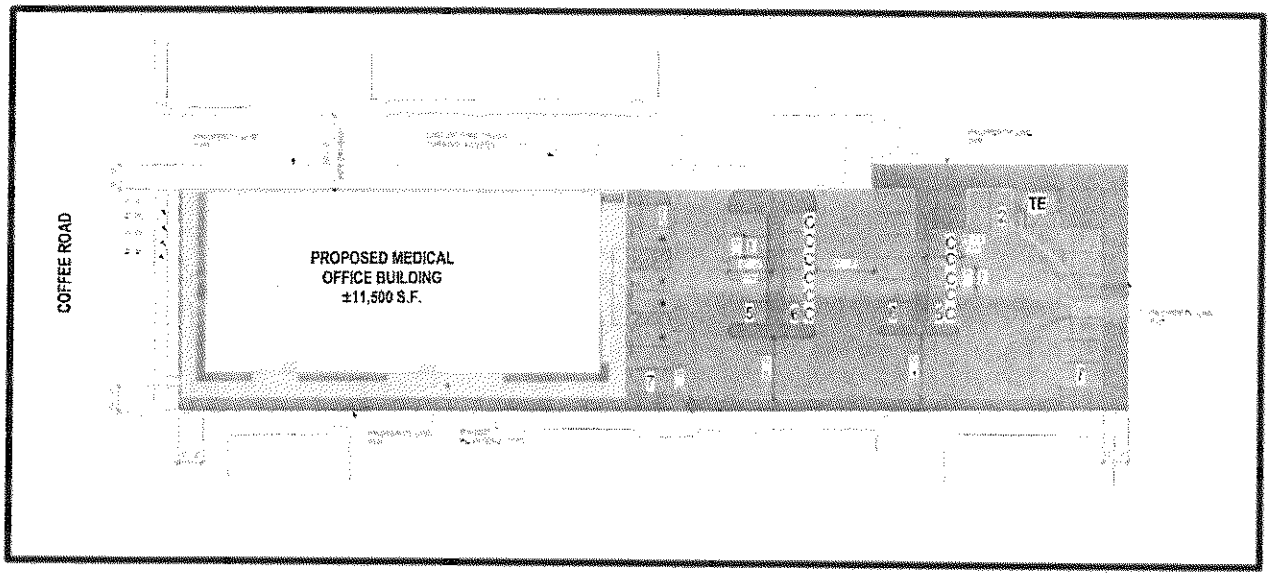
North: Planned Development Zone P-D(544), Professional Office
South: Planned Development Zone P-D(519), Professional Office Complex
East: Low Density Residential (R-1) Zone, single family residential and residential care facility
West: Planned Development Zone P-D(547), Medical Offices, and Low Density Residential (R-1) Zone, single family residential

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

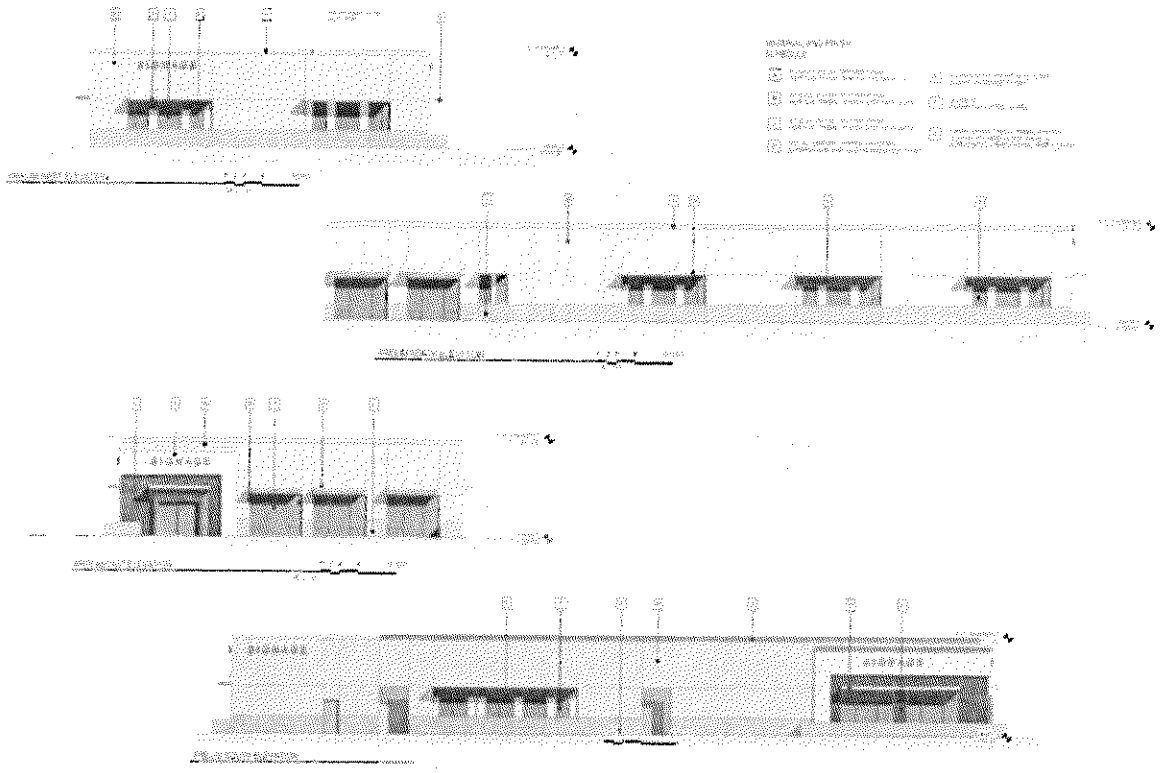
Rezone of a vacant 0.89-acre parcel within the Baseline Developed Area of the City's General Plan from Low Density Residential Zone to Planned Development Zone allowing for Professional Office (P-O) Zone uses with dialysis clinic as the sole allowable medical use, to facilitate development of a new 11,500 square foot office building with 38 spaces of off-street parking.



AREA OF PLANNED DEVELOPMENT ZONE
PDZ-17-004



SITE PLAN OF PROPOSED OFFICE BUILDING
PDZ-17-004



ELEVATIONS OF PROPOSED OFFICE BUILDING
PDZ-17-004

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. _X_ Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

B. No new or additional mitigation measures or alternatives are required.

C. The subsequent project is within the scope of the project covered by the Master EIR.

D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. ____ Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

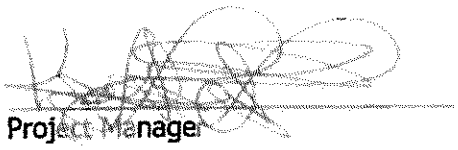
3.____ Focused EIR Required- On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The subsequent project is within the scope of the project covered by the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.



Project Manager | Associate Planner
Title | September 14, 2017
Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

		YES	NO
(1)	The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.	☒	☐
(2)	City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.	☒	☐
(3)	Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).	☒	☐
(4)	No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.	☒	☐
(5)	The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.	☒	☐
(6)	Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.	☒	☐

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

		YES	**NO**
(1)	Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.	☐	☒
(2)	This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:	☒	☐
(a)	No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.	☒	☐
(b)	No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.	☒	☐
(c)	Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.	☒	☐

Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is "within the scope" of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding traffic from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☒	☐
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.				

Discussion:

(1) The project consists of the rezoning of a vacant 0.89 acre parcel from Low Density Residential (R-1) Zone to Planned Development Zone for Professional Office (P-O) Zone uses to facilitate the development of a new 11,500 square foot office building with off-street parking. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with traffic volumes exceeding 100 trips.

(2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant cumulative (long-term) traffic impacts.

(4) Police and Fire Staff have reviewed this proposal and have not indicated that there would be an impact to response times as a result of the project.

(5) The project includes off-street parking at a sufficient level to serve professional office uses. The zoning will allow dialysis clinic uses as the sole allowable medical use as dialysis clinics typically require less parking than general medical office uses, due to the length of dialysis procedure times and utilization of medical transport services by patients.

(6) Traffic and Transit staff have reviewed this proposal and indicated no issues with adopted plans for alternative transportation. A bus stop is located at the northeast corner of Coffee Road and Orangeburg Avenue, approximately 300-feet north of the site.

(7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_X) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-42 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.	☐	☐	☒	☐
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

(1) The project consists of the rezoning of a vacant 0.89 acre parcel from Low Density Residential (R-1) Zone to Planned Development Zone for Professional Office (P-O) Zone uses to facilitate the development of a new 11,500 square foot office building with off-street parking. The subsequent development would not exceed emissions thresholds established by the SJVUAPCD, and is consistent with the development standards for an office use as established by the General Plan.

(2) The project will incorporate best management practices with implementation of the mitigation measures above during the construction process.

(3) The project would comply with the air quality policies in the General Plan, and would not expose sensitive receptors to pollutants or odors in excess of assumptions for residential uses.

(4-5) There may be temporary odors generated through the construction process but with implementation of the mitigation measures outlined above the impacts will be less than significant.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes N-1 through N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
General Plan.				

Discussion:

(1) The project consists of the rezoning of a vacant 0.89 acre parcel from Low Density Residential (R-1) Zone to Planned Development Zone for Professional Office (P-O) Zone uses to facilitate the development of a new 11,500 square foot office building with off-street parking. The subsequent development would be required to adhere to the City's noise ordinance.

(2-4) The development would not be inconsistent the noise policies of the General Plan, nor result in ambient noise levels above those assumed by the General Plan for an office use. Any increase in ambient noise levels would be construction-related and temporary in the process of developing the office building.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures regarding agricultural lands from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

(1) The project site is a vacant infill lot within the Baseline Developed Area not in agricultural production, and is completely surrounded by urbanized area consisting of office and residential uses. The project would therefore not be inconsistent with the General Plan's policies related to agricultural land.

(2-4) The project site is not zoned for agricultural use, and no Williamson Act contract is in place on the property. The site is surrounded by urban area and would not cause the conversion of farmland to a non-agricultural use.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures regarding water supply from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.	☐	☐	☐	☒
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering Staff who indicated no concerns with water supply to the project. The proposed development will not exceed estimates or water supplies needed to serve other entitlements and resources.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson's hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment

Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	☐	☐	☐	☒

Discussion:

(1) The project would be consistent with the General Plan's policies relating to wastewater and conform to applicable City Zoning Codes and Standards.

(2-3) The project would not generate sewage flows greater than estimates for a project of similar office uses. The project was referred to Land Development Engineering, who indicated no concerns with the project.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.	☐	☐	☐	☒
2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.	☐	☐	☐	☒
4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project involves the development of a 11,500 square foot office building on a 0.89-acre parcel of vacant land. The project would not be inconsistent with General Plan policies pertaining to wildlife and plant habitat.

(2-4) The project site is located within the Baseline Developed Area of the City and is completely surrounded by developed urban area consisting of office and residential uses. It is not a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

Effect: The modification or demolition of a structure more than 50 years in age may be significant.

Effect: Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☐	☒
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) The project would adversely affect a Tribal Cultural Resource identified and/or defined consistent with Public Resources Code section 5024.1(c).	☐	☐	☐	☒

Discussion:

(1) The project would not be inconsistent with General Plan policies pertaining to archaeological or historic resources.

(2-4) The project site is vacant infill land surrounded by urban uses. The site is not classified as being of state or federal historic status nor is eligible for listing for such status.

(5) The project does not conflict with local policies affecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.				
3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.	☐	☐	☐	☒

Discussion:

(1) Construction activities will comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity (MIER Policy SD-9). In addition, the City will ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures (MIER Policy SD-11). These policies will be implemented as conditions of project approval.

(2) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

(3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: FWQ-13 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10. FLOODING AND WATER QUALITY				
1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.	☐	☐	☐	☒
3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.	☐	☐	☐	☒
4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.	☐	☐	☐	☒
5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.	☐	☐	☐	☒
6) The proposed project would violate water quality standards or waste discharge requirements.	☐	☐	☐	☒
7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.	☐	☐	☐	☒

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map 06099C0340E dated September 26, 2008.

(4) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project is not located in an area that has a positive storm drainage system. The project will be required to manage storm water impacts on-site as required in accordance to current City Standards and its amendments, as a condition of approval.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project would not eliminate an existing park or designated open space. The project is on a vacant lot within the Baseline Developed Area of the General Plan.

(3) The project would not cause an increase in use of existing local and regional parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools who indicated no concerns with the project.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.
Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) This project was referred to the Solid Waste Division for review, who indicated no concerns over service to the project area.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.	☐	☐	☐	☒
3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) No hazardous materials will be involved with this project.

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would expose people or structures to potential substantial adverse effects including the risk off loss, injury, or death involving fault rupture, strong seismic activity; location on an	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.				

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.

(2) The project would not impact views from riverside areas and parks.

(3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a way not assumed in the Urban Area General Plan.				
3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

(1) The project is designated as Mixed Use (MU) in the General Plan, which allows for professional and medical offic uses. The project is consistent with the current General Plan Land Use Designation, and therefore is consistent with land use and planning policies in the General Plan.

(2) The project would not divide an established community. The surrounding area is developed with residential and office uses. The proposed rezone to facilitate the development of an office building is consistent with the surrounding uses and would not divide existing neighborhood.

(3) The project does not conflict with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☒	☐
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☒	☐

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4

metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project is required to develop in accordance with climate change policies included in the UAGP and the MIER.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO_2 emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO_2 emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the Air Resources Board. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

Generation of Noise:

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

1. A hammer, or any other device or implement used to pound or strike an object.
2. An impact wrench, or other tool or equipment powered by compressed air.
3. A hand-powered saw.
4. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
5. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
6. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), piledriving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
7. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

N/A

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

N/A

Increased Demand for Storm Drainage:

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

Flooding and Water Quality:

FWQ-13: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity.

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A

Increased Demand for Fire Services:

N/A

Generation of Solid Waste:

N/A

Generation of Hazardous Materials:

N/A

Geology, Soils, and Mineral Resources:

N/A

Energy:

N/A

Effects on Visual Resources:

N/A

Land Use and Planning:

N/A

Climate Change:

N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-525

PRINT

RESOLUTION ESTABLISHING A MAXIMUM NUMBER OF PERMITTED RETAIL CANNABIS DISPENSARIES IN THE CITY OF MODESTO

WHEREAS, the City Council has introduced a Commercial Cannabis Ordinance that would establish the City's regulatory framework for commercial cannabis uses, and

WHEREAS, under Section 10-3.704(b) of the Ordinance, the City Council may establish the total number of commercial cannabis permits issued by the City for each state license type, and

WHEREAS, under Section 10-3.704(g), the City Manager may design the application forms and procedures for commercial cannabis permits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes the following:

1) The total number of commercial cannabis permits issued by the City for retail cannabis dispensaries (state license Type 10 or 12) shall not exceed ten (10);
2) The City Council is not under any obligation to issue all ten (10) permits; and
3) The City Manager shall proceed with developing a Request for Proposals process for retail cannabis dispensaries seeking a permit to operate in the City, with input from the City Council Cannabis Ad Hoc Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-526

RESOLUTION ADOPTING APPLICATION AND PERMIT FEES FOR COMMERCIAL CANNABIS PERMITS RELATED TO CANNABIS BUSINESSES

WHEREAS, the City Council has introduced a Commercial Cannabis Ordinance that would establish the regulatory framework for commercial cannabis businesses to operate within the City of Modesto, and

WHEREAS, the City will begin developing application and permit procedures, forms, and administration protocols for commercial cannabis permits in anticipation of the Ordinance becoming effective in early 2018, and

WHEREAS, staff time and City materials have been and will continue to be expended to establish the application process and procedures, and

WHEREAS, the City may collect fees to recover the costs related to these services, and

WHEREAS, a duly noticed City Council meeting was held by Council on December 12, 2017, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which all interested persons were given the opportunity to be heard relative to the proposed fees for specific activities and services related to commercial cannabis permits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the fee schedule related to fees for specific activities and services related to commercial cannabis permits, **attached** hereto as **Exhibit A.**

BE IT FURTHER RESOLVED that this resolution shall go into effect and be in full force and operation immediately, but shall be rescinded in the event the Commercial Cannabis Ordinance is not adopted by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Kenoyer, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmember:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmember:	None
ABSENT:	Councilmember:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT A

CITY OF MODESTO COMMERCIAL CANNABIS PERMIT FEE SCHEDULE

Commercial Cannabis Permit Item	Fee
Optional pre-application screening (background check only)	$1,250
Phase 1 Application Fee (background check, zoning clearance)	$4,750
Phase 2 Application Fee for Full Application (*deposit for time and materials*) ft.)	$10,000 $20,000 (if over 10,000 sq. $20,000 (retail use/RFP)

2898020.3

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-527

RESOLUTION DIRECTING STAFF TO PREPARE A BALLOT MEASURE FOR VOTER APPROVAL THAT WOULD PROPOSE CHARTER AMENDMENTS SUFFICIENT TO (I) CHANGE THE DATE OF THE CITY'S REGULAR MUNICIPAL ELECTION TO THE STATEWIDE GENERAL ELECTION PRIOR TO NOVEMBER 8, 2022, AND (II) PROVIDE A ONE-TIME EXTENSION OF EXISTING FOUR-YEAR COUNCIL TERMS TO FIVE YEARS

WHEREAS, Article III, Section 300 of the Charter of the City of Modesto establishes that the regular municipal election for the election of officers shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, and

WHEREAS, the City's Charter also provides that the Office of Mayor and all members of Council shall hold office for a term of four years (Art. VI, § 600; Art. VII, § 700.), and

WHEREAS, in 2015, the California Legislature adopted and the Governor signed Senate Bill 415, the California Voter Participation Rights Act ("CVPRA"), and

WHEREAS, the CVPRA prohibits a city from holding a regular election other than on a statewide election date, if holding an election on an odd-numbered year has previously resulted in voter turnout being at least twenty-five (25%) less than the average voter turnout for the previous four statewide general elections, and

WHEREAS, the voter turnout in the City's regular municipal elections have been at least twenty-five (25%) less than the average voter turnout in the last four statewide general elections, and

WHEREAS, SB 415 requires cities who have had a voter turnout at least twenty-five (25%) less than the average turnout over the last four statewide general elections to

adopt a plan to consolidate future elections with statewide elections that begins with an election not later than November 8, 2022, and

WHEREAS, the Council desires to comply with state law by proposing a ballot measure that would amend the City's Charter sufficiently to be consistent with SB 415.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs the staff to prepare a proposed ballot measure that would amend the City Charter to change the regular municipal election dates for election of officers to occur during the statewide general elections in even years and provide a one-year extension of existing four-year terms of elected officers to five years, as follows:

Council Term Begins	**Number of Seats**	**Currently Scheduled Next City Election**	**Proposed New City Election Date**	**Term Change**
2015	**Four** (Mayor and Districts 1, 3 and 6)	November 2019	November 2020	+ 1 year to 2020
2017	**Three** (Districts 2, 4 and 5)	November 2021	November 2022	+ 1 year to 2022

BE IT FURTHER RESOLVED that staff shall prepare the necessary ballot measure for the Council's review and consideration to place said measure on the ballot for the statewide general election in November 2018.

BE IT FURTHER RESOLVED that this Resolution constitutes the City's plan to consolidate all future elections with a statewide election as set forth in subdivision (b) of Elections Code section 14052.

BE IT FURTHER RESOLVED that, should SB 415 be deemed inapplicable to charter cities, as so legally adjudged by a court of competent jurisdiction or as so decreed

by any legislative action, the Council reserves its right to reconsider the scope, force, and effect of this Resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Mayor Brandvold
NOES:	Councilmembers:	Zoslocki
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-528

PRINT

RESOLUTION APPROVING AN AGREEMENT FOR FORMS PRINTING AND MAILING SERVICES FOR CITY BILLINGS WITH INFOSEND, INC., ANAHEIM, CA. FOR AN ANNUAL COST NOT TO EXCEED $118,456, FOR TWO YEARS, WITH THREE ONE-YEAR EXTENSION OPTIONS FOR A MAXIMUM TOTAL OF $621,475 FOR FIVE YEARS; THE OPTIONAL PRINTING OF ENVELOPES AND MISCELLANEOUS SERVICES FOR AN ANNUAL COST NOT TO EXCEED $52,050; AND AN ESTIMATED ANNUAL COST FOR POSTAGE OF $432,070 FOR A MAXIMUM TOTAL OF $2,203,992 FOR FIVE YEARS; FOR A GRAND TOTAL OF ALL COMPONENTS OVER FIVE YEARS OF $3,085,717 AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Finance Department, Customer Services and Accounts Receivables Divisions and Information Technology Department manage and facilitate the creation, printing and mailing of the City's bills and miscellaneous customer forms, and

WHEREAS, these forms are created, printed and mailed to both residential and commercial customers, and include, but are not limited to, business license, declarations, notices and utility bills, and

WHEREAS, the City currently outsources the printing, designing and mailing of these forms to an outside vendor providing benefits to the City such as enhanced customer service, utilizing vendors with specialized technology, flexibility in bill print design and messaging, ability to adapt forms to business needs on an ad hoc basis, specialized reporting options, mail tracking and time stamping of bill delivery, and special filtering and sorting capabilities, and

WHEREAS, the majority of these services are utilized for the creation of the City's utility bills with both Finance and IT staff spending a significant amount of resources managing one million plus utility billing statements annually in an ever changing technical environment, and

WHEREAS, the City's strategic commitments include continuous improvement in technology advancements to aid in improving efficiency and service delivery, and

WHEREAS, the Interim City Manager authorized the Purchasing Manager to issue a formal Request for Proposal (RFP) for the Forms Printing and Mailing Services for a two (2) year agreement with three (3) one-year extension options, at the sole discretion of the City, and

WHEREAS, the Purchasing Division issued RFP 1516-36 Forms Printing and Mailing Services under commodity codes for mailing services, processing systems services data, printing and typesetting services, forms printing, and offset printing with prospective proposers noticed online of the proposal opportunity with twenty-two companies downloading the RFP document, and

WHEREAS, proposals were opened in the City Clerk's office with three companies choosing to respond, one of which was a local company, and all three companies providing responsive and responsible proposals, and

WHEREAS, an evaluation committee comprised of five City staff members evaluated the proposals and Councilmember Kenoyer was chosen by the Mayor to observe the RFP process, and

WHEREAS, based on being ranked highest in total evaluation criteria, with Infosend, Inc. having the highest ranking, the evaluation committee recommends the award of proposal for the furnishing of forms printing and mailing services to InfoSend, Inc., and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed $50,000 for material, equipment or contractual services

to be formally bid with the award of the proposal for the furnishing of forms printing and mailing services to Infosend, Inc. conforms to the purchasing requirements of Modesto Municipal Code Section 8-3.203, and

WHEREAS, the annual cost for forms printing and mailing services is $118,456 for a five year estimated cost of $621,475 which includes a 4% CPI increase for years three through five and an annual estimated postage cost of $432,070 for a five year cost of $2,203,992 which includes a 1% per year postage rate increase and optional annual printing costs for envelopes and miscellaneous services of $52,050 over five years of $260,250 **(Exhibit D)** and a five year total cost not to exceed $3,085,717 , and

WHEREAS, a one month postage deposit is placed with the vendor to cover initial costs prior to the first mailing as all postage charges are paid as a reimbursement to the vendor, and

WHEREAS, estimated costs for forms printing and mailing services for the remainder of Fiscal Year 2017-18 are $69,098 with sufficient funds budgeted in General Fund, Water, Wastewater and Storm Drain Funds, and

WHEREAS, estimated costs for reimbursed postage for the remainder of Fiscal Year 2017-18 are $285,291 with sufficient funds budgeted in General Fund, Water, Wastewater and Storm Drain Funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of an agreement for forms printing and mailing services with InfoSend, Inc., Anaheim, CA. for an annual cost not to exceed $118,456, for two years, with three one-year extension options for a maximum total of $62,475 for five years; the optional printing of envelopes and miscellaneous services for an annual

cost not to exceed $52,050; and an estimated annual cost for postage of $432,070 for a maximum total of $2,203,992 for five years for a grand total of all components over five (5) years of $3,085,717.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

EXHIBIT D

InfoSend's Fees – Initial Set-up Costs

Implementation, professional services, and optional services fees.

Professional Services Fees

Please pick from one of the options below:

Option 1 - Express PDF Implementation: $WAIVED
With this option you control the formatting of your documents and do not pay maintenance fees.

Option 2 - Data-Only (e.g. flat files, XML) Implementation: $WAIVED
When this option is selected InfoSend creates, hosts and maintains an application to generate your bills. Your current document design will be matched. Please note that data manipulations are not part of the standard offering.

Document Redesign Service: $WAIVED We will assist you in redesigning the format of your printed documents if needed. We will become responsible for later changing the format of the documents, if needed (Professional Services Fees will apply for future changes.

Please note that Clients must sign off on requirements documents (Statement of Work, project plan, etc.) before programming and system configuration can begin. Client can be charged additional fees and/or have the project go-live date delayed if requirements are changed after they have been finalized and signed off.

Professional Services Fee Per hour and performed only upon request. For customizations made to your data processing application after go-live. Work is only started after receiving your approval of a formal quote.	**Per Hour**	$150.00

InfoSend's Fees – Turnkey Data Processing, Print & Mail Service:

The individual prices shown in the table below apply only to the turnkey Data Processing Print & Mail service for the following document types. Other types of document printing and or mailing can be quoted later, if needed

		Per Item	Options Below:
Primary Services	**Turnkey Data Processing Print & Mail service** Price is per physical page. Includes processing of your unique data, CASS address validation, presorting, printing, and mail insertion. Same business day mailing provided when we receive from the City an electronic data print file in flat format each workday morning by 6:00AM. InfoSend will post a sample approval file for the City to review by 8:00AM. The City must provide approval of the sample file by 10:00 AM for same day production. Finished mail pieces are delivered to the USPS within one (1) business day. File upload deadline for next-day mailing is 3:00PM local time at the production facility designated for your account. If samples are required then they must be approved by 5:30PM for the file to be mailed by the next business day. Excludes materials, sales tax (where applicable), and postage. A postage deposit will be required prior to go live. For the quoted prices to apply InfoSend must have the right to combine data files sent by your organization with other files you have sent, when possible. Higher pricing applies if files must be printed separately. *Pricing assumes the use of materials options listed in the below section.*	**All Documents excluding AR Statements/Notices and Parking Citations**(Per Sheet) Weekly and Quarterly Batches Price includes up to 4 colors (full color) printed on the front of the page and 1 color printed on the back of the page onto a white form with or without a perforation (See forms section on next page)	$0.0523
		AR Statements/Notices and Parking Citations (Per Sheet) Est. 4 Batches/month Price includes up to 4 colors (full color) printed on the front of the page and 1 color printed on the back of the page onto a white form with or without a perforation (See forms section on next page)	$0.0823
		Inline Inserts (Per Sheet) Price for inserts printed on demand as additional pages	TBD
		Multiple Page Mail Piece Surcharge – Handwork This surcharge is assessed per mail piece (not per page). This surcharge only applies to multiple page bills that have too many pages to be inserted into the #10 envelope by machine. This surcharge covers the necessary manual labor required to process these mail pieces.	$0.25
		Postage (for all job types) You will be invoiced for the exact postage used. You must use one of the two USPS approved Move Update methods to get the presort discounts:	Pass Through
		Electronic Address Updates – NCOALink or ACS Per reported update. InfoSend electronically reports the addresses it received in your data that need to be updated because the customer filed a Change of Address Report with the USPS. Cost is per update.	$0.35

Material Component Fees – Data Processing Print & Mail Service

Materials

Statement, Invoice, or Letter Paper Stock

All Documents: white paper stock with or without perforation. Paper is 8.5x11" and 24lb. Price includes all inventory costs. The larger 8.5x14" format is supported at a higher material cost and higher printing cost. All of your content will be digitally printed on the plain white paper in black, black plus one color, or full color per the printing option from the prior table that you select before implementation. Black printing onto custom pre-printed forms is available but not recommended. Dynamically printing content onto white paper gives you more flexibility. Additionally if you utilize plain white paper and standard InfoSend envelopes then all materials will be readily available to print at any one of InfoSend's three production facilities should there be a disaster at one of the facilities. Standard materials keep costs down and ensure proper disaster recovery.	Per Sheet	$0.014

InfoSend Standard Window Envelopes

Standard Window Envelopes These envelopes include security tint printed on the inside of the paper stock and clear film that prevent the contents of the envelope from being viewed. These envelopes also use sustainably logged paper (SFI).	**Per Standard Envelope**	**Options Below:**
	#10 InfoSend Standard Double Window Outgoing Envelope	$0.0152
	#9 InfoSend Standard Single Window Return Envelope	$0.0135

Other Envelopes

Flat Single Window Envelope – only used for multiple page statements that do not fit in the #10 envelope.	Per Flat Envelope	$0.16

InfoSend's Fees – Turnkey Data Processing, Print & Mail Service:

The individual prices shown in the table below apply only to the turnkey Data Processing Print & Mail service for the following document types. Other types of document printing and or mailing can be quoted later, if needed.

		Per Item	Options Below:
Primary Services - Postcards	**Turnkey Data Processing Print & Mail service** Price is per physical postcard. Includes processing of your unique data, CASS address validation, presorting, printing, and mail insertion. Finished mail pieces are delivered to the USPS **within two (2) business days.** If samples (proofs) are requested then the mailing will be completed within one day of sample approval. Excludes materials, sales tax (where applicable), and postage. A postage deposit will be required prior to go live. For the quoted prices to apply InfoSend must have the right to combine data files sent by your organization with other files you have sent, when possible. Higher pricing applies if files must be printed separately. *Pricing requires the use of materials options listed in this table.*	**Postcards** Est. Volume 69,000 documents/month Est. 1 Batch/annual Price includes duplex printing of variable data and static elements on the front and back of the postcard stock. The paper stock price is listed separately below. Small Postcards: 4.25 x 5.5" (Per Postcard) 4/4 Full color on both sides	$0.05
		Postcard Paper Stock InfoSend standard white postcard stock. Exact thickness is subject to change based on compatibility with potential new equipment. Approximate range is 9-10 point.	$0.015 per card
		Optional UV Coating We can UV coat one side of the postcard to protect it during USPS mail processing.	$0.02 per card
		Postage (for all job types) You will be invoiced for the exact postage used. You must use one of the two USPS approved Move Update methods to get the presort discounts:	Pass Through
		Electronic Address Updates – NCOALink or ACS Per reported update. InfoSend electronically reports the addresses it received in your data that need to be updated because the customer filed a Change of Address Report with the USPS. Cost is per update.	$0.35

Optional Services

Drop-Shipped Inserts & Inserting of InfoSend-Printed Inserts Clients can print and fold inserts and ship them to InfoSend to be mailed with the statements. If folding is required add $0.01 to the fee. InfoSend-printed inserts are quoted upon request. No additional service cost to use selective inserting to selectively include inserts with certain bill types as long as at least 3,000 customers are targeted (set-up costs can apply in some situations for advanced selective inserting criteria). Cost includes all inventory costs.	Per Insert	$0.01
Enhanced Transactional Image Quality The baseline print image quality for transactional documents such as statements and invoices is 600 x 600 DPI. Work produced from the Anaheim facility can be printed at an enhanced image quality at an additional cost. This option uses high definition pigment ink & variable drop sizes to achieve a perceived 1200 x 1200 DPI image quality.	Per Sheet	$0.01
Print Messages on the Outside of the Standard Envelope Custom messages and images can be printed onto the standard InfoSend #10 double window envelope. This type of printing is referred to as "sniping" and usually used to print temporary content on a month or two worth of envelope stock. It is more cost effective to digitally inkjet print this content onto pre-manufactured envelopes than to order truly custom stock that was manufactured specifically for you. Price depends on the artwork you'd like to print – number of colors and whether it prints on one or both sides of the envelope. Price is quoted upon request.	Per Envelope	TBD
Print Image Archive Each bill is stored as a PDF and indexed in a database. Search by account number or other key fields. You are charged one up-front fee per document to process it, index it, and store it for a set number of months. The PDFs are accessed using a browser-based application that is accessed by logging in to the InfoSend website. Third party applications can also access the PDFs via a lightweight API with no cost increase to the unit fees. Setup fees may apply depending on your configuration needs. ***This service includes outbound mail tracking at no additional cost.*** You can view USPS-provided mail tracking data from the same interface that you use to view PDFs of the printed bills. *Only available with mail sent using 1st Class Postage, and not available in some cases with postcard mailings.*	Per PDF (No Set-up Fee)	$0.01 - For 12 Months of Retention $0.017 - For 18 Months of Retention $0.022 - For 24 Months of Retention $0.027 - For 36 Months of Retention
Electronic Inserts PDF copies of your physical inserts can be included in the Print Image Archive at an additional cost. This will let your team see exactly which inserts were delivered with each mail piece. This will also allow you to include the inserts in the eBill PDFs that are presented and/or emailed to customers if you use an InfoSend eBusiness service that delivers eBills to your customers or if you use a third party application that pulls the PDFs from InfoSend's Print Image Archive API to present to your customers.	Per Insert (No Set-up Fee)	$0.005
FinalDoc CD This CD archiving service is a simple and cost effective way for you to retain document images long-term. You can search by account number or name. The documents are stored on the CD in PDF format. FinalDoc CD is used by your staff to look up individual documents.	Per CD	$95.00 + Shipping & Handling

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-529

PRINT

RESOLUTION APPROVING AN AMENDMENT INCREASING THE CONTRACT AMOUNT WITH ARAMARK UNIFORM SERVICES, MODESTO, CA, FOR THE FURNISHING OF UNIFORM AND LAUNDRY SERVICES BY $350,000 TO REFLECT OVERSPENDING, PLUS AN ADDITIONAL $100,000 (TO COVER EXPENSES THROUGH JANUARY, 2018); AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AMENDMENT TO THE AGREEMENT

WHEREAS, Article 22 of the Memorandum of Understanding (MOU) with the Modesto City Employees Association (MCEA) requires the City to provide uniform and laundry services for Non-Sworn City employees, and

WHEREAS, in addition to the above article, the City is required to provide coveralls, pants, and rain gear for employees, dependent upon classification, and

WHEREAS, on August 14, 2012 by Resolution 2012-321, Council approved an agreement with Aramark Uniform Services, Modesto, CA for the furnishing of uniform and laundry services for a 2 year agreement with 3 one-year extension options at the sole discretion of the City for an estimated annual cost of $100,000 and a total cost of $500,000 for the five year term of the agreement, and

WHEREAS, the contract with Aramark Uniform Services expired on August 7, 2017 and was increased without Council approval from the agreement amount of $500,000 to $800,000 by the Purchasing Division on in December 2015, and

WHEREAS, once the $800,000 limit was reached an additional $50,000 expenditure was authorized to ensure that the uniform and laundry services continued as required by Article 22 of the MOU with MCEA, and

WHEREAS, due to the urgency of the need for these services to continue, the City is requesting we increase this agreement an additional $100,000 to all the Purchasing

Division to issue a new RFP and to establish a recommendation to Council no later than January of 2018.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment increasing the contract amount with Aramark Uniform Services, Modesto, CA, for the furnishing of uniform and laundry services by $450,000 from $500,000 to $950,000, and extending the term of the agreement from August 7, 2017, to January 31, 2018.

BE IT FURTHER RESOLVED, that the Interim City Manager, or his designee, is authorized to execute an amendment to this agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ridenour, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	Ah You
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-530

PRINT

RESOLUTION APPROVING AN ANNUAL RETAIL ADVERTISING CONTRACT WITH THE MODESTO BEE IN THE AMOUNT OF $100,000 (MCCLATCHY NEWSPAPER GROUP); AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City of Modesto is currently using the Modesto Bee (McClatchy Newspaper Group) as its primary advertising source for its advertising requirements, and

WHEREAS, the advertising services are required for classified and legal advertisements as required by law, and for retail advertisements for public information purposes, and

WHEREAS, the City's Purchasing Manager will review the retail rate pricing annually with the Modesto Bee and based on advertising volume commitments over the prior year identifies retail contract options which would best meet the City's retail advertising needs, and

WHEREAS, the current retail contract has expired, and

WHEREAS, the City's Division met with the Modesto Bee to discuss what contract renewal options would be available to the City, and

WHEREAS, the Modesto Bee has agreed to renew the retail advertising contract for another year, and

WHEREAS, the "non-profit no-commitment" will be at a contract rate of $31.00 per column inch (pci) and additional color charges, if needed through October 31, 2018 , and

WHEREAS, the $31.00 per column inch rate will continue through October 31, 2018 and multiple insertions of the same ad within a seven-day period will result in

additional discounts to the $31.00 pci rate; Any digital targeted audience rate will range from $10.00 to $15.00 cost per mile (cpm), and

WHEREAS, per MMC Section 8-3.204(b) All Purchases in excess of fifty thousand dollars ($50,000), or when directed by the City Manager for any purchase of fifty thousand dollars or less, shall follow formal bid procedures, except for the following, which shall be exempt from the bid requirement: Where the Purchasing Agency's requirements can be met solely by a single article or process"

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an annual retail advertising contract with the Modesto Bee (McClatchy Newspaper Group), consisting of one contract for a retail "no-commitment" non-profit rate of $31.00 per column inch, and

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the contract, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Grewal, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Madrigal

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

PRINT

MODESTO CITY COUNCIL
RESOLUTION NO. 2017-531

RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT WITH JOCELYN E. ROLAND, PH.D.,ABPP, TO PROVIDE COUNSELING/THERAPY FOR THE MODESTO POLICE DEPARTMENT, FOR AN ANNUAL COST NOT TO EXCEED $58,000, AND PRE-EMPLOYMENT PSYCHOLOGICAL SCREENINGS FOR ALL REGULAR AND RESERVE PEACE OFFICER APPLICANTS, AS WELL AS ANIMAL CONTROL OFFICER APPLICANTS, AT A RATE OF $450 PER SCREENING, FOR AN ANNUAL COST NOT TO EXCEED $24,750 FROM JULY, 2016 TO PRESENT, FOR A TOTAL EIGHT YEAR CONTRACT AMOUNT NOT TO EXCEED $662,000, AND AUTHORIZING THE INTERIM CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, the City of Modesto entered into a contract with Dr. Jocelyn E. Roland, Ph.D., ABPP, by Resolution No. 2015-178 for counseling/therapy services for the Modesto Police Department for an annual cost of $58,000, and pre-employment psychological screenings for all regular and reserve Peace Officer applicants, as well as Animal Control Officer applicants, at a rate of $425 per screening, for an annual cost of $10,000, for a total contract amount not to exceed $544,000 over an eight year period, and

WHEREAS, the contract allows for a price escalation to be negotiated on or about January 15th of each year, allowing Dr. Roland to increase her counseling/therapy services should the number of covered employees increase or decrease by ten and the cost of performing pre-employment screening increases, and

WHEREAS, this contract will expire on June 30, 2023, and

WHEREAS, since 2014, the City has continued to see an increased need for pre-employment psychological screenings related to the recruitment process in order to find viable sworn Peace Officer and Animal Control Officer candidates, and

WHEREAS, this demand significantly exceeded staff estimates in 2015 when the original contract was approved and has resulted in the need to increase the amount of the annual contract with Dr. Jocelyn E. Roland, Ph.D., ABPP, and

WHEREAS, in July, 2016, Dr. Roland reviewed the cost of performing the pre-employment screenings and increased the cost per screening to $450, however the total annual contract amount for these screenings did not increase from $10,000,and

WHEREAS, the Modesto Police Department requested 46 candidate screenings in fiscal year 2015-2016, which resulted in a $19,550 annual cost, $9,550 over the Council approved amount in the accounting system, and 44 candidates in fiscal year 2016-2017, which resulted in a $19,800 annual cost, $9,800 over the Council approved amount in the accounting system, and

WHEREAS, staff anticipates requesting no more than 55 pre-employment psychological screenings annually in order to continue the recruitment process to fill the growing vacancies in the Police Department, resulting in an annual amount not to exceed $24,750, or $198,000 for the eight year contract term and

WHEREAS, staff is seeking Council authority to retroactively increase the funds available for pre-employment psychological screenings only under the contract with the Dr. Jocelyn E. Roland, Ph.D., by $118,000 to $198,000 from $80,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the contract amendment with Dr. Jocelyn E. Roland, Ph.D., ABPP, for a term of 8 years ending June 30, 2023, increasing only the pre-employment psychological screenings to $450 per screening from July, 2016 to present, for $24,750 annually, for an amount not to exceed $198,000, over 8 years, and retaining the current

counseling/therapy services cost of $58,000 annually, for an amount not to exceed $464,000 over eight years, for a total eight year contract amount not to exceed $662,000.

BE IT FURTHER RESOLVED that the Interim City Manager, or his designee, is hereby authorized to execute the Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2017, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney